

Approved November 10, 2015

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, OCTOBER 20, 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; Russ Fox, Assistant City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; Bryan Roberts, Police Chief; and Hazel Dunsmore, Human Resource Director

Dinner

Study Meeting

[6:00:45 PM](#)

1.0 Discussion: Recreation Center

[6:00:52 PM](#)

1.1 David Dobbins, City Manager, indicated the City Council has the approval of the Recreation Center proposal on their formal agenda this evening. This discussion is an opportunity for the Council to make sure the proposal is what they want presented to Salt Lake County. The applications are due on December 1, 2015.

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1.2 Holli Adams, Consultant, reviewed the proposal for those present. Ms. Adams indicated the operations and maintenance costs should be included in the proposal.

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1.3 Mr. Dobbins indicated he met with the Canyons School District and asked them to contribute \$1,200,000 for the competition pool and seating. The Superintendent said this is something he could recommend to the Board for their approval. Mr. Dobbins asked the Superintendent to make sure that is done prior to the application being submitted to the County. The City is anticipating contributing \$1 million for the project.

Councilmember Colbert asked whether the City should match the District's portion. Mr. Dobbins stated they could.

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1.4 Ms. Adams continued reviewing the proposal. She noted that the proposal as it stands would be about thirty percent self-sufficient. The County has a mandate that all of their facilities should be at least seventy percent self-sufficient, and the closer they can get to one hundred percent the better it is. The City needs to make sure the proposal gives the

County enough leeway to get more revenue. The Sorensen Center runs at about ninety percent.

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- 1.5 Russ Fox, Assistant City Manager, noted the City contribution and District contribution would bring it up to about \$15 million. He recommended they add more multi-purpose rooms so the County can add more programming.

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- 1.6 The Council and staff then discussed where the \$1.2 million would come from and how that would affect the other projects.

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- 1.7 Mr. Dobbins asked whether the City Council wanted to go with the enhanced version of the proposal if they have enough funds or whether they wanted to add more rooms that could be turned into cardio and weight rooms. He indicated he is going to meet with Salt Lake County's staff tomorrow to talk about the proposal.

The Council agreed to go with the County's recommendation.

The group then discussed design options.

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2.0 Council / Manager Reports

[6:34:37 PM](#)

- 2.1 Councilmember Colbert noted there is a drainage problem next to Food for Thought, and it floods the property when there is a lot of rain. He asked staff to check on it.

He then advised there are some multi-family developments going in on Kimballs Lane. He suggested the City survey the neighbors from 300 East to 700 East to see how they feel about having no parking along the street. He also asked staff to look into the feasibility of adding bike lanes to the area.

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- 2.2 Councilmember Summerhays asked whether the City has a bushwhacker they can use on the trails that intersect with the subdivisions. Some of them are so overgrown that nothing can get through, and they are useless.

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- 2.3 Councilmember Rappleye said he is in favor of cleaning up the Brickerhaven trail.

Rhett Ogden, Parks and Recreation Director, indicated he and Greg Hilbig will make contact with the residents who have encroached on the trail in order to get the access back. Staff will then work on the maintenance so the residents can use it.

Councilmember Summerhays stated several residents have mentioned the Porter Rockwell Trail and the noxious weeds growing there.

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2.4 Councilmember Stenquist stated Cameron Diehl from Utah League of Cities and Towns has indicated a hot topic at the Legislature this year will be the body cameras for officers. Draper has had a good experience with the cameras.

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2.5 Councilmember Vawdrey asked where the City is with the Draper Community Foundation agreement. Mr. Dobbins explained he has told them they need to get the current insurance coverage to the City prior to them receiving any funds.

Councilmember Vawdrey then indicated she has received a lot of complaints about the big bike race that was just held. One of the concerns was the lack of medical personnel on scene. A nurse said she had to administer an IV because no one else was available.

Councilmember Stenquist said there were a lot of medical personnel at the event, and it was very well organized. It was a very hot and dry day, and kids forgot to drink a lot of fluids.

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2.6 Glade Robbins, Public Works Director, stated he has received a request for a stop sign at 1300 East and 13800 South. A stop sign will not help with the traffic; however, installing signage prohibiting the blocking of the intersection might. They will go that route to see if that helps.

Business Meeting

[7:01:42 PM](#)

1.0 Call to Order: Mayor Troy K. Walker

[7:01:47 PM](#)

2.0 Thought/Prayer and Pledge of Allegiance

[7:02:02 PM](#)

2.1 The prayer was offered by Spencer Holliday.

[7:02:21 PM](#)

2.2 The flag ceremony was presented by Scout Troop #1016 and was led by Randen Grimshaw.

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3.0 Presentation: September 2015 Financial Statement

[7:04:20 PM](#)

- 3.1 Bob Wylie, Finance Director, reviewed the current finance statement for the Council. The General Fund revenues are at twelve percent, but many of the numbers have not come in. The fiscal year is twenty-five percent gone, and all of the funds are within the twenty-five percent. The total General Fund expenditures are at twenty percent. He indicated the Enterprise Funds are also within the budgeted amounts that were approved for this fiscal year.

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4.0 Public Comments

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

- 4.1 No one came forward to speak.

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5.0 Consent Items

- a. **Approval of October 6, 2015, City Council Minutes**
- b. **Approval of the Cove at Kimballs Lane Final Plat**, for a 59-unit subdivision on 7.5 acres in the RM2 zone, located at 537 East and 633 East Kimballs Lane. Staff: Keith Morey
- c. **Approval of an Interlocal Agreement with Orem City for Software Program**, Staff: Rachelle Conner
- d. **Approval of Resolution #15-53**, Recertification of the Draper City Justice Court. Staff: Mike Barker
- e. **Approval of Agreement #15-181**, Construction Agreement with Staker Parsons Co. for the Draper Parkway Detention Basin Project. Staff: Glade Robbins
- f. **Approval of Agreement #15-188**, Property Use Agreement with the NPL Construction Co. for temporary use of public right-of-way for a construction staging area. Staff: Glade Robbins

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- 5.1 **Councilmember Rappleye moved to approve the consent items. Councilmember Colbert seconded the motion.**

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- 5.2 **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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- 6.0 Public Hearing: Elgin Place Plat Amendment, Request for Approval to Amend Lots 7 and 8 and a Portion of Lots 1 and 2, Block 34 of the Draperville Plat in Order to Create a 30-Unit Townhome Development. The Lots are Located at 11970 South 700 East in the RM2 Zoning District**

[7:10:16 PM](#)

6.1 Keith Morey, Community Development Director, displayed an aerial map of the subject property. The development agreement for this project was approved by the City Council in July of this year. He reviewed the details of the development. The Planning Commission and staff recommend approval of this item.

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6.2 Mayor Walker opened the public hearing.

[7:13:35 PM](#)

6.3 Michael Brodsky, applicant, commented that all of the conditions for the recommended approval have been satisfied.

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6.4 Mayor Walker closed the public hearing.

[7:15:01 PM](#)

6.5 Councilmember Rappleye moved to approve the Elgin Place plat amendment. Councilmember Summerhays seconded the motion.

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6.6 Councilmember Summerhays stated this is in the old Draperville area, and it is similar to what was there in the beginning. This also fits in with what the Council has been doing near the Trax stations.

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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.

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7.0 Public Hearing: Townhomes at Draper Landing Preliminary Plat, Request for Approval of a Preliminary Plat for a 48-Unit Townhome Development on 8.76 Acres in the RM2 Zone, Located Generally at 145 E. Steep Mountain Drive

[7:17:09 PM](#)

7.1 Mr. Morey displayed an aerial map of the area. The preliminary plat approval is the first step in this process. There have been some concerns expressed about the stability of the hillside. Staff is in the middle of their process of reviewing the original analysis that the applicant's geologist submitted to them. Staff has identified some issues where they needed more clarification, so the City has requested more information from the applicant. For example, the soils tests were done with dry soils, and the City requires they be done with wet soils. They have had to go back and redo those. Mr. Morey clarified that whether or not the City Council approves the preliminary plat today, it does not give them the go ahead to move forward with the development. They still have the final plat approval process to make sure all of the issues are addressed before work can begin. Draper has one of the strongest geologic hazards ordinances in the state. Many other

Cities have utilized this ordinance as a model. The City is very careful about how they approach these things. Staff will work with the applicant to mitigate all of the concerns. They are also looking at the thirty percent slope requirement.

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7.2 Councilmember Colbert asked Mr. Morey to give the history of this development.

Mr. Morey noted part of this project was approved in 2003. The application being presented today is slightly different because they have tried to incorporate some of the conditions that have been recognized in that area in reference to access and other things.

Councilmember Colbert noted he was confused that this has a Steep Mountain Drive address. This development would have no access to Steep Mountain Drive, so he is not sure why they used that versus Dearbourne. Mr. Morey clarified that there is one access from Steep Mountain. All of the homes in this development will have to have a fire sprinkler system due to there only being one access in and out.

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7.3 Councilmember Stenquist stated this development was approved in 2003, which was before the City adopted the geological hazard ordinance. He questioned whether they would have to comply with the requirements of the ordinance. Mr. Morey stated they will because they still have to go through final site plan approval.

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7.4 Councilmember Summerhays asked whether there is an overlay of the development to show where the fissures are located. Mr. Morey stated he does not have that. However, the City's geologists have said that before any encroachment into the toe of the slope occurs, they will have to provide information on how they will shore that area up.

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7.5 Reid Dickson, applicant, explained they have done the civil engineering, the geotechnical engineering, and the geologic hazards review. He advised this project was approved with a development agreement that would be built in two phases. The first phase has been built. The second phase will be built on the northwesterly half of the property. It will not disturb the slopes with the gulleys. They are as interested as everyone else in making sure this project is built correctly and safely. They have done a thorough slope stability analysis. They have also done a review for debris flow for each of the nine gulleys. The largest debris that would come from any of the gulleys is approximately 2,000 cubic feet. That is about the size of a Suburban or truck.

Mayor Walker asked the applicant to show which direction the flow would go. Mr. Dickson showed on the map that it flows northwest.

He then explained where the connections to Phase 1 would take place. They are planning to build a tot lot and open space park near the first phase. Their analysis shows that the retaining features they are placing on the uphill side will more than compensate for the

natural condition, so they will end up with a stronger and more stable condition after development than is there right now.

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7.6 Councilmember Colbert asked whether these will be owner occupied. Mr. Dickson advised they are intended to be townhomes for sale. They are high-end, but he is not sure what the price point will be. Most of them will have views over the existing units.

Councilmember Colbert then questioned whether these units will affect the views of any of the existing developments. Mr. Dickson explained that they will not because the existing homes are much higher.

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7.7 Mayor Walker wondered whether they were planning to top off any of the gulleys. Mr. Dickson indicated no because it would be too cost prohibitive. They have designed this project so the uphill units would be somewhat inserted into the hill and would act as their own retention. The buildings have been designed to fit the topography.

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7.8 Mayor Walker opened the public hearing.

[7:36:32 PM](#)

7.9 Julia Lee Senkovich, resident, stated the residents have traffic concerns due to the new developments in the area, such as:

- Proposed 48 new Townhomes at Draper Landing
 - Could add four cars per unit
- New office complex near this location
 - Multiple office buildings in same development
- Crosspoint offices plan to be built across from the Chevron station on Traverse Ridge
- Triton Apartments on Bangerter Parkway
 - There are six buildings containing many apartments.
- There are ten new townhomes next to Triton on Vestry Road
- Rosegate on Bangerter Parkway
 - Only some units partially occupied
- Three new office buildings next to Rosegate that are unoccupied to date
- New baseball park next to Rosegate that will open in 2016
- New office buildings across from Rosegate, which is not fully occupied

They are concerned because there are only one-lane roads in both directions throughout this area. She asked what the plan for road expansion and traffic lights are due to the potential increase in traffic.

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7.10 Guy Wasescha, resident, displayed photos of the area that showed why he is concerned about the soil instability in the area. There are a lot of active moving soils on the property.

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7.11 Catherine Niederhauser, resident, stated several years ago they had a neighbor with a sprinkler valve break, and it caused the neighbor to lose half their yard down the hill. She expressed her opinion that this will not be safe for the people on the hill at all. She questioned whether the City is willing to be sued for allowing this to happen.

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7.12 Chris Santacroce, resident, stated he has a townhome in this area and has lived here since 1991. He suggested that the City inviting this growth into the area might not be the best thing. It is okay to slow down the growth in the city. He said he knows the engineering has been done on this development, but many cities have suffered from homes sliding down hills. He encouraged the Council to vote no on this item.

[7:45:44 PM](#)

7.13 Jason Porter Rickenbaugh, resident, stated he does not have any problem with the land being used down below; however, he hopes the City Council makes sure this area is safe for development. He asked the City Council to consider the safety and natural effects this new development would have in the area. The west side of the hill is being mined away. He asked the City Council to require the use of 3D models and Google earth to help people realize the 3D nature of this wonderful place in Draper.

[7:47:57 PM](#)

7.14 Chris Hunlow, resident, expressed concern with the slope angle. He stated he is fine with them building on the flat area, but the slope is a concern to him.

[7:49:00 PM](#)

7.15 Mayor Walker closed the public hearing.

[7:49:06 PM](#)

7.16 Councilmember Summerhays said the applicant indicated that they have submitted the information about the soils study. He noted he relies on the staff's opinion. He would like to see this information fully reviewed by staff before he makes a decision. Mr. Morey stated that is how the process should be. The staff recommendation to the Council has several requirements listed prior to any issuance of a building permit, and they may want to amend that to include the requirements prior to any plat amendment as well. The staff is not to the point yet that they are comfortable with the issues. Staff is comfortable with the process moving forward to a point, but he does not want the Council or community to think that they are being negligent or rushing through it. Some of these things allow the applicant to continue to collect information while they are going through the steps of the approval process. Staff is comfortable letting this happen because there is a check further down the road that would allow the City to stop things if they do not have what is needed. That point is the final plat approval.

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7.17 Councilmember Stenquist noted it sounds like they are entitled to build a certain number of units due to the approval in 2003; however, they need to determine that this can be done safely after the engineer reviews are completed. The safety includes the residents on top as well.

[7:52:47 PM](#)

7.18 Councilmember Colbert asked for a map of the parcel with an overlay of the thirty percent slope as well as the locations where they did the soil samples.

[7:53:13 PM](#)

7.19 Councilmember Rappleye recommended the Council take a site visit. He was not aware that there was so much active soil on that site. He thanked Mr. Wasescha for taking the time to provide the photos.

[7:54:19 PM](#)

7.20 Mr. Dickson indicated they have submitted the slope analysis, and none of the development is within any thirty percent slope areas. He stated he has involved the City's geologists in this process, and they have been very thorough. He noted that some of the photos shown are evidence of the material that they disturbed during their soils tests. He encouraged the Council to do a site visit and reiterated that the developers are as interested as everyone else in the room in having a safe and stable project. No corners will be cut from the developers, nor would the City allow that to happen.

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7.21 Mayor Walker indicated that due to there not being a motion, this item will be continued until November 10, 2015.

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8.0 Public Hearing: Park Place Bungalows Preliminary Plat, Request for Approval of a Preliminary Plat for a 20-Unit Single Family Subdivision on 5.88 Acres in the R4 Zone with a Development Agreement. The Property is Located Generally at 1230 East 13200 South

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8.1 Mr. Morey stated the City Council approved the development agreement some time ago. The agreement was intended to allow the developer and City to agree to create a unique development environment that had a higher end product with a zero lot line type of area that was maintained by a homeowner's association (HOA).

[8:00:38 PM](#)

8.2 Jeff Mansell, applicant, said he is just here to answer any questions from the City Council.

Councilmember Summerhays asked about the zero lot line. Mr. Morey clarified that the homeowner owns the home, and the yard would be maintained by the HOA.

[8:01:51 PM](#)

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

[8:02:09 PM](#)

8.4 Councilmember Stenquist moved to approve the Park Place Bungalows preliminary plat with a development agreement. Councilmember Vawdrey seconded the motion.

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

[8:03:04 PM](#)

9.0 **Public Hearing: Pledging Certain Sales Tax Revenue for Tax Increment Bond, Public Hearing Regarding the Pledging Certain Sales Tax Revenues Under an Interlocal Sales Tax Pledge and Loan Agreement Toward the Payment of the Redevelopment Agency of Draper City (RDA), Utah's Tax Increment And Sales Tax Revenue Bonds, Series 2015 To Be Issued in the Aggregate Principal Amount of Not to Exceed \$7,000,000; and Related Matters**

[8:03:48 PM](#)

9.1 Bob Wylie, Finance Director, said this item relates to the proposed RDA tax increments. This item was presented to both the City Council and RDA Board at previous meetings. The bonds will save the City over \$1 million over the life of the bonds.

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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.

[8:04:45 PM](#)

9.3 Councilmember Rappleye moved to approve this item. Councilmember Colbert seconded the motion.

[8:05:32 PM](#)

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

[8:05:54 PM](#)

10.0 **Action Item: Resolution #15-56, for Approval of a Zoo, Arts, and Parks (ZAP) Application Proposal for a Recreation Facility**

[8:06:11 PM](#)

10.1 Russ Fox, Assistant City Manager, noted this resolution supports the City's intent to apply for ZAP funds for a recreation facility. He noted this proposal is for Option 2 that has been previously been presented to the Council.

[8:07:21 PM](#)

10.2 Councilmember Colbert indicated he would like the City to match what the School District is contributing.

[8:07:56 PM](#)

10.3 Mr. Dobbins stated the City has asked the School District to contribute funds for the facility. The Superintendent has agreed to present that to the Board for their approval; however, the funds have not been guaranteed at this time.

[8:08:38 PM](#)

10.4 Councilmember Colbert moved to approve Resolution #15-56 with the addition that the City will contribute \$1.2 million towards the facility. Councilmember Summerhays seconded the motion.

[8:09:09 PM](#)

10.5 Councilmember Colbert said he would like to match what the District would be contributing; however if the District decides not to participate in the funding, some of their needs will not be met in moving forward.

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10.6 Councilmember Rappleye stated the public comments during this process have been very valuable. They have helped to determine the needs of the community. The aquatics uses were the highest requests.

[8:11:07 PM](#)

10.7 Mayor Walker commented that as the County was waiting for the approval of the ZAP tax renewal, Draper knew they were in line for funding. This is a competitive process, and there is no guarantee the County will build something in Draper. This is an exciting opportunity.

[8:12:14 PM](#)

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

[8:12:25 PM](#)

11.0 Action Item: Memorandum of Understanding Regarding the Alteration of Storm Water Drainage Improvements, Road Alignment and Related Issues

[8:12:47 PM](#)

11.1 Scott Cooley, City Engineer, indicated the City is currently under contract with S&L to construct a regional detention basin off of SunCrest Drive. DJ Investment Group recently sold a piece of their property in Hidden Canyon Estates to Edge Homes. Edge Homes has determined that the storm drain alignment does not line up with their road or lot lines. They have approached the City to see if the City would be willing to modify the alignment of the storm drain. The staff feels it is best to change the alignment, and the developer is willing to pay the costs involved with the changes.

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11.2 Councilmember Colbert asked whether they have already started the work on this. Mr. Cooley advised they have started, but not in this area. There is a critical time element with this, because the contractor needs to order the supplies.

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11.3 Mr. Dobbins indicated the City has given the developer three days from the execution of this agreement to provide the funds for the additional costs and to provide the signed easement. Otherwise, the City will move ahead with the original alignment.

[8:18:27 PM](#)

11.4 Mayor Walker clarified that it is staff's opinion that this is in the best interest of the City. Mr. Cooley advised it is as long as the developer moves in a timely manner.

[8:18:53 PM](#)

11.5 Councilmember Vawdrey moved to approve a memorandum of understanding. Councilmember Rappleye seconded the motion.

[8:19:13 PM](#)

11.6 Councilmember Colbert stated he is not sure whether Edge homes has submitted their plat yet to the Planning Commission. Mr. Dobbins noted they have made a formal application but it has not gone to the Planning Commission yet.

[8:19:46 PM](#)

11.7 Councilmember Summerhays disclosed that he received a contribution from the seller of this property after it was sold. He wanted that information put on the record.

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

[8:21:02 PM](#)

12.0 Council/Manager Reports

12.1 These were taken care of in the study meeting.

[8:21:13 PM](#)

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

[8:21:21 PM](#)

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

[8:21:31 PM](#)

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

13.3 The meeting adjourned at 8:21 p.m.