

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JUNE 21, 2016, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

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

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

Dinner

Study Meeting

[6:05:52 PM](#)

1.0 Discussion: Fiscal Year 2016-17 Budget

[6:06:07 PM](#)

1.1 Bob Wylie, Finance Director, reviewed the proposed changes from the tentative budget that the City Council can consider adding to the final budget for adoption.

[6:34:27 PM](#)

2.0 Appeal: Cubes Self Storage Site Plan & Deviation

[6:35:35 PM](#)

2.1 Dan Boles, City Planner, reviewed the history of this application for the City Council. On November 19, 2015, the Planning Commission forwarded a positive recommendation to the City Council for a rezone on this property. On December 2015, the City Council approved the rezone from CC and RA2 to the CS zone. At the time of the rezone, the applicant indicated it was their intent to ask for a deviation for additional height if the rezone was approved. The CS zone requires a conditional use permit for warehouse self-storage. On April 28, 2016, the Planning Commission heard a request for a conditional use permit, a deviation for height, a deviation for primary materials, and a site plan. The site is 1.51 acres in size. The conditional use permit and deviation request for materials were both approved. The deviation request for building height would have allowed the building to be just less than forty feet at the peak of the tower. The bulk of the building would be approximately thirty-two feet high. The Planning Commission initially moved to approve the deviation for height; however, the vote failed on a 3 to 2 vote. A motion was then made to deny the deviation, which passed by a 3 to 2 vote. The reason given for the denial was that a building of that size would stick out and not blend in with the surrounding neighborhood. There are single-family homes to the south of this parcel. It was pointed out that the neighbors to the south could build a home that was thirty-five feet tall, and that with the previous zone a forty-five foot building could have been built

on that property. Staff was supportive of the conditional use permit, the deviations, and the site plan.

[6:40:55 PM](#)

2.2 Justin Baer, attorney for applicant, indicated there were two deviations requested with the site plan. The first deviation was for the primary materials, which the Planning Commission approved. The second was a height deviation. He indicated he believes the Planning Commission was confused about the height of the building, and that is why they denied this deviation. He displayed photos of similar buildings for the City Council, of which one of them was a four-story building. He stated that during the discussion, the Planning Commission frequently referenced the taller building. The proposed building for Draper is a three-story building. The only finding made for the denial was that the height of the building was taller than what is allowed in the zone. This building is not out of compliance or out of design with the nature of what was allowed in the previous zone. This property was previously zoned CC and RA2, which would allow heights up to forty-five feet. There are not many areas in Draper that have the CS zone, so allowing a height deviation would not set precedence that would cause a problem for the City in the future. The Planning Commission did not discuss any of the benefits that the plan would present. The only discussion was in regards to the height. There are significant benefits that this site brings that might not be present in other plans. There are design standard deviations allowed by City Code. Section 9-11-70 specifically allows for increased height in commercial zones. There was evidence submitted that this site plan provided significant benefits to the area, which included removing the windows from the southwest side to avoid overlooking the residences, the entire building was moved to the north to give greater setback from the residences to the south, the tower is far enough to the east that it will not interfere with the views of the neighbors, the lighting will not cause light pollution for the area, and the traffic flow was designed to go through the building and away from the neighbors. The landscape plan exceeds the City requirements by twenty-three percent and provides an additional buffer between the building and the neighbors to the south and west. The storage is internal in the building, so there is a greater ability to provide security. The architecture of the building is consistent with other buildings in Draper, and the roofline gives the building a distinctive form or skyline, which is one of the elements discussed for a height deviation. The staff report demonstrated the positive effects of this project. The neighbors were in favor of it, there was no opposition by the public, the evidence submitted in the application showed the benefits of the projects, and the various City departments recommended approval of the application. Mr. Baer expressed his belief that the Planning Commission's decision was arbitrary and capricious and was not supported by evidence because the Planning Commission did not give any consideration to the other elements. It appears that the Planning Commission made their decision based on a misunderstanding of the size of the building. Mr. Baer stated that one of the Planning Commissioners had stated that there were no other buildings in the area that were that height. Mr. Baer displayed a map that showed various buildings in the area that are between thirty-five and forty-five feet in height. He requested the City Council overturn the decision of the Planning Commission and approve the site plan.

[6:50:57 PM](#)

2.3 Councilmember Rappleye asked whether the Planning Commission approved the change of materials. Mr. Boles explained they approved the conditional use permit and the deviation of the materials. The only thing they did not approve was the deviation of height and site plan.

Councilmember Rappleye then requested clarification that a residential home could reach thirty-five feet. Mr. Boles stated that is correct, and it is measured from the average finished grade to the midpoint of the roof, so it could actually be a little higher.

[6:52:50 PM](#)

2.4 Mr. Barker explained the City Council can make a motion and proceed with a discussion or they could meet and deliberate.

[6:53:12 PM](#)

2.5 Councilmember Stenquist moved to grant the appeal to Cubes Self Storage and override the Planning Commission's decision on the site plan deviation. Councilmember Rappleye seconded the motion.

[6:53:51 PM](#)

2.6 Councilmember Stenquist stated the City Council recently rezoned this from a zone that would have allowed a much higher building, and that is a significant point they should keep in mind. He said he is comfortable with the fact that building heights in excess of twenty-five feet are allowed on adjacent properties. This application meets the standards from deviations in the other respects with regards to architecture and use of materials. That justifies the deviation on the height.

[6:54:44 PM](#)

2.7 Mr. Barker questioned whether the motion includes approval of the site plan with the deviation. Councilmember Stenquist stated it does. Councilmember Rappleye advised his second stands.

[6:55:00 PM](#)

2.8 Councilmember Rappleye agreed that there might have been some confusion about the building height, which may have caused the Planning Commission to vote no.

[6:55:50 PM](#)

2.9 Councilmember Vawdrey stated when the zone change came before the City Council they were very aware that the applicant would be asking for a height deviation. That was made clear from the very beginning.

[6:56:05 PM](#)

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

[6:56:37 PM](#)

2.11 Councilmember Summerhays indicated the City Council was aware of this, and he was surprised to learn how the height is measured and that the building could go higher than that.

[6:57:11 PM](#)

2.12 Mr. Barker indicated he would prepare findings for the Mayor's signature.

Business Meeting

[7:03:30 PM](#)

1.0 Call to Order: Mayor Troy K. Walker

[7:03:46 PM](#)

2.0 Thought/Prayer and Pledge of Allegiance

[7:04:01 PM](#)

2.1 Sylvia Andersen offered the prayer.

[7:05:26 PM](#)

2.2 Chad Johnson, Unified Fire Authority, led the Pledge of Allegiance.

[7:05:59 PM](#)

3.0 Proclamation: Supporting Local First - Utah's Independents Week

3.1 Mayor Walker read a proclamation to support Local First. He proclaimed July 1-7, 2016, as Utah's Independents Week.

[7:07:40 PM](#)

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.

[7:09:12 PM](#)

4.1 Sylvia Andersen, realtor, indicated she represents two property owners in the area of Lone Peak Parkway just north of Ikea. The City plans to extend Lone Peak Parkway, which will adversely affect the two properties in question. These properties are both fully improved. She is no longer able to market the properties. She asked the City to acquire them because they are as good as condemned due to the plan for the road extension.

[7:11:59 PM](#)

4.2 Jared Harper, resident, addressed the maintenance of the shrubs and trees in Draper. He lives in an area where the City's trees are overgrown. He contacted the department that handles this a few weeks ago, and he was told that the staff does not have time for that right now and the earliest it would be done is this winter. He cannot use his recreation vehicles without them getting scraped up by the branches, and he finds this unacceptable. A fire truck would not even be able to drive down his street without getting scraped up. He expressed his opinion that this is a safety issue. He can see new trees being planted all the time, but he does not think it is right to do that if the City cannot maintain what they already have.

[7:14:23 PM](#)

5.0 Consent Items

- a. **Approval of June 7, 2016, City Council Minutes**
- b. **Approval of Resolution #16-35, Request for Approval of a Text Amendment to Section 7030 of the Draper City Personnel Policy Manual Clarifying Guidelines for "Comp" Time. Staff: Hazel Dunsmore**

[7:14:48 PM](#)

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

[7:15:10 PM](#)

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

[7:15:21 PM](#)

6.0 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 Located at 145 East Steep Mountain Drive

[7:15:38 PM](#)

6.1 Keith Morey, Community Development Director, displayed an aerial map of the proposed development. This property has a fairly large slope, and one of the concerns was that the slope would not be safe to build on. The City has been working with a geologist to make sure the area is safe to build on. The developer is proposing to build fewer units than is allowed in the zone and is less than had been previously approved for development. The site plan will comply with all of the requirements in the Code, which means there will be thirty percent open space, landscaping, at least twelve visitor parking stalls, outdoor amenities, sidewalk on one side of the street, twenty-foot driveways, and high architectural standards. The Planning Commission voted 5-0 to forward a positive recommendation for this application. There is only one way in and one way out, so all units are required to be fire sprinkled. The City's geologist, Alan Taylor, is in attendance to answer any questions about the slope the City Council may have. The developer has tried very hard to make sure what they are proposing creates a safe environment. He displayed a letter from geologist Dave Simmons that lists his concerns and how they have

been addressed. The most critical evidence is Mr. Simon's stamp of approval that states what the developer has done meets his concerns, and he thinks it is a project that can safely be built without compromising the safety of the hill or the homes above it. The plan will actually stabilize the hill.

[7:19:07 PM](#)

6.2 Councilmember Summerhays asked whether any of the thirty percent slope would be touched. Mr. Morey noted there are a few areas that touch it, but the developer has mitigated the concerns with that.

[7:20:16 PM](#)

6.3 Councilmember Stenquist clarified that the zoning is already in place, and this is just the preliminary plat.

[7:20:28 PM](#)

6.4 Councilmember Weeks asked whether this was going to be open space at some point. Mr. Morey explained the map showed that area as open space at one time; however, he might be mistaken. It was rezoned to RM2.

[7:21:31 PM](#)

6.5 Danny Newell, applicant, indicated this property was previously zoned for 100 units. This proposal is different than Dearbourne Estates original proposal. This application has driveways, landscaping, and amenities. Last year they went through the geological review as an extra measure to make sure the project could be built safely. They have done everything they have been asked to do. There is no one below that is worried about this development. They have built in Park City on the slopes for many years, and they are all still standing. The last thing they would want to do is build or develop something that will not stand the test of time.

[7:24:04 PM](#)

6.6 Councilmember Rappleye said he remembers when the City Council first saw this there was evidence of erosion coming down the ravine. He asked what is being done on the engineering side to mitigate those concerns. Mr. Newell indicated they have gone above and beyond to get to the final plat approval. They have created basins and have done much more than they were asked to do just to make sure they will not have problems.

Councilmember Rappleye indicated there are homes that are embedded into that thirty percent slope. He asked whether the foundations are engineered. Mr. Newell stated the foundations will actually make it more stable than it is right now.

[7:26:28 PM](#)

6.7 Mayor Walker opened the public hearing.

[7:26:49 PM](#)

6.8 Michael Niederhauser, resident, pointed out his home on the aerial photo. He said he does not want his house to fall into this neighborhood. He noted there is a gravel pit down the

road, which is basically the same material that is here. He expressed concern that if they undercut the area, the houses above will come down.

[7:27:55 PM](#)

6.9 Scott Romer, resident, expressed concern that this hillside is very deep, and the ground is unstable. When Geneva blasts, the walls in his house shake. He has cracks in his walls. He asked what will happen to the stability of his home when the developer cuts into the hillside. The developer is proposing forty-eight units. He questioned who will patrol these units and questioned whether the City plans to hire more police officers. He said he likes the open space. He has had a fire in his backyard from the condominiums below shooting fireworks. He does not want to see this development go in. It will hurt the property value of everyone in the area. He wants to keep his children safe, and he enjoys living in Draper.

[7:30:19 PM](#)

6.10 Julia Senkovich, resident, stated the neighbors are able to feel the movement when the pylons were placed on the freeway during the construction project. That hillside moves. The neighbors can feel the work being done by Geneva. She said she saw the geologist report and asked whether they have had soil engineers take a look at this and how many geologic companies have reviewed and approved the report.

[7:31:47 PM](#)

6.11 Mikayla Cottrell, resident, said her backyard faces this hill, and the area is very steep. She is extremely worried about it. She is part of the homeowners association that the developer said unanimously approved it. The only reason they approved it was because the developer told them everything was finalized with it. The homeowners are very nervous about this going in. It is a very beautiful area of the city. The hang gliders land in this field, so that might be affected by this development. There are still some unanswered questions, and she feels the soil is not stable enough for building. She stated she hopes there is more going into this than what is being told. The developer told the homeowners association that the road would have to go through their area rather than around it if this was not approved.

[7:34:33 PM](#)

6.12 Natalie Rudel, resident, noted there has been a landslide in this area, and it just takes someone's sprinkler to cause this. The land is that unstable. Geneva's blasting has caused her house to shake and shift. She stated this is a sandy hill that needs to be supported appropriately. The environment is not being looked at nor is the quality of life. The residents have elected the Council members to protect their quality of life. She is not sure how forty-eight more townhomes going into this part of town and the congestion that will come with it is affording the residents the quality of life the Council has promised to protect. It was her land that went down due to the sprinkler problem when she was in Mexico. She knows how easily that can happen and asked the City Council to take that into consideration. She expressed her opinion that supporting a "Cut and Run" developer over their constituents is what they need to be doing. She said she does not know Mr. Newell, and she is not sure he is protecting her interests either.

[7:36:08 PM](#)

6.13 Tammy Lund, resident, indicated this is a very sandy hill. As was mentioned, they had a minor sprinkler issue, and her lot has sunk significantly. She said she realizes this is not a question and answer period but the City Council should consider the liability they will have if this is approved and the homes on the hill shift and foundations crack.

[7:37:26 PM](#)

6.14 Porter Rickabaugh, Herriman resident, noted he previously lived in Draper for five years, and he is very concerned about this housing development. This is the epitome of over building in Draper. The number of homes within a limited area is very concerning, as well as their encroachment on the toe of the hill. He said he believes Draper has some ordinances concerning offsets from significant slopes, and this slope is two horizontal one vertical, which he believes is about a thirty-three degree slope. Near the russian olive tree up there next to the eve of the home, there are some highly-fractured and exposed rocks. He stated the soil is one thing and questioned whether anyone has looked at the geology under the loose soil that exists up there. The vegetation also tells a lot about the hill. There are spots where the vegetation has grown up, and that is a specific indicator of the stability of the hill and how often it slides. He said he has personally walked up and down these hills looking for rc aircraft, and he has had good looks at many sections of it. One of his biggest concerns is seeing the loose rocks. There are many rocks, and many different soil conditions up and down the hill under the vegetation. Upon further review of maps and things, he has found that this is the tallest part of the hill on the lower bench, and these homes will be the closest to the hill. The adjacent housing developments have a hill significantly lower and the homes are further off set. He is very concerned about comments the developer made concerning his vested rights on this. The changes in the plan are significant. He expressed his hope that the developer would be responsible for any liability that occurs.

[7:40:49 PM](#)

6.15 Wayne Aston, Riverton resident, noted he is shocked to hear residents with no commercial experience and no development experience bring so many questions, as if the City, County, and State engineers do not know what they are doing. He cannot imagine that an engineer can stamp this project without relative certainty that what they are stamping could be engineered to withstand whatever events could occur.

[7:42:10 PM](#)

6.16 Byron Lund, resident, reiterated that the main concern is about who has the liability. He questioned who would pay the bill if there is an occurrence like North Salt Lake or Davis County. He said he is flexible and is willing to move if his house falls down the hill, but he wants to know who would have the responsibility for it.

[7:43:02 PM](#)

6.17 Mayor Walker closed the public hearing.

[7:43:16 PM](#)

6.18 Councilmember Weeks asked for the plat to be displayed again. She questioned whether the “A-1 to E-5” section was already on the slope. Mr. Newell explained they are not digging into the mountain at all.

Councilmember Weeks then asked about the other side that is backed up to the mountain. Mr. Newell stated he would like the project manager to come up and address these questions.

Councilmember Weeks asked whether these homes will have any backyard at all. Mr. Newell indicated there is some backyard to them; however, these are \$450,000 townhomes. They are not low-income, and they will have amenities. When they originally purchased this property, they were under the impression that it was zoned for 100 units. He advised they have improved the plan since then. He said he hopes the Council does not think there was any misrepresentation during the meeting that was held with the homeowners association. They needed to amend the plat to create a loop in order to bring it up to Code, so they could get a fire truck through the development. Right now, this does not meet the Code. They worked with many organizations in order to make this a very good project and to address all of the issues.

[7:46:41 PM](#)

6.19 Tyge Brown, project manager, indicated this project will actually make the hillside more stable and will protect the residents below. The residents on the upper level are on sand over bedrock, and sand wants to move downhill. When Geneva does their blasts, the residents’ houses do move. He indicated this property was previously approved for 100 units, and that development was never built. This project will not go as high up the hillside as the previously proposal would have, and they will retain the hillside. They will prevent the rest of the sand from sliding down the hill by retaining down to the bedrock. They have done extensive studies, they have measured the depth of the sand, and they have measured the amount of debris that flows down each of the seven gulleys. Right now, there is no mitigation. Water, debris, and sand can flow down in a major event and could actually wipe out the development below. They have come up with a mitigation plan that would address a catastrophic event. It took them six months to go through the geological study and review. The geologists, two experts that were hired by this team and the City, have both reviewed all of the testing and documentation, and they both agreed that this development will actually stabilize the hillside and make it a safer place to be. They improved the situation when they put the roads in because it will allow fire access to fight fires. They are also putting fire suppression in the upper units. The lower units do not have fire suppression because it was not required. This development is making the area safer and better. He expressed his opinion that the residents above should be thanking them because the developer is putting a retaining wall at the bottom of the hillside that will mitigate how much debris and sand can slough off that hill. It will slow the inevitability of the sand coming off that hill. The foundations themselves will stabilize the hillside. The foundations are engineered as retaining walls. They are building responsibly and what they are doing is better for the community. They are building extremely nice units.

[7:51:32 PM](#)

6.20 Councilmember Weeks indicated it sounds like securing the mountain from falling is a very expensive endeavor. She questioned what the reassurance is that the developer is actually going to do all of these things above and beyond what the City is asking. Mr. Morey noted those are all the conditions of approval, and they have to be put in place prior to any building permits being issued.

Councilmember Weeks said there have been stories further up the mountain where people planted trees and when the rain came the trees flowed down to the neighbor's yard. She wants to make sure that the homes above will be secure. Mr. Newell indicated he lives in the very subdivision where this happened. He is very aware of that situation, and so are the City, staff, and the experts. He expressed his opinion that this mitigation plan answers those questions appropriately.

[7:53:13 PM](#)

6.21 Councilmember Summerhays asked Mr. Morey to pull up the color map. He stated that map shows how the developer will cut into the slope.

Mayor Walker clarified that the developer does not plan to cut into the thirty percent slope. Mr. Newell stated when they are done it will not be a thirty percent slope. They are retaining above it and will then cut it down. They are retaining first.

[7:54:43 PM](#)

6.22 Councilmember Rappleye asked about the liability. Mr. Morey stated in the North Salt Lake situation, the City became involved as the mitigator between the property owners and the developer. Draper has the strictest geologic hazard ordinance of any other city he knows of in Utah.

[7:56:01 PM](#)

6.23 Mr. Dobbins noted it is his understanding that all of the recommendations by the geo tech engineers were not followed. In this case, they have the recommendations from the geologist and the geo technical engineer, and staff watching to make sure that all of the requirements in the report are followed through.

Mr. Morey joked that Mr. Taylor and Mr. Simmons are two of the most despised employees the City has because they try very hard to be thorough about their review. They understand that they have been hired to look out for the best interests of Draper City.

[7:57:39 PM](#)

6.24 Councilmember Stenquist noted the developer referenced the fact that the previous developer had the right to develop 100 units. This request is for 48 units. What the City Council is approving at this time is a preliminary plat, which means the developer has met all of the requirements for the preliminary plat. Mr. Morey stated that is correct.

[7:58:30 PM](#)

6.25 Councilmember Stenquist moved to approve the Townhomes at Draper Landing Preliminary Plat. The motion failed for lack of a second.

[7:58:47 PM](#)

6.26 Mayor Walker indicated this item will be placed on the July 5, 2016, City Council meeting for Council consideration.

[7:59:25 PM](#)

7.0 Public Hearing: 6th Street Cottage Zone Change and Development Agreement, Request for Approval of a Zone Change to R4 with a Development Agreement. The Subject Property Contains 5.27 Acres and is Located at 12447 South 600 East

[7:59:48 PM](#)

7.1 Mr. Morey advised the City Council previously approved a similar project called Park Place Bungalows. That project was intended to be a unique environment where a higher value home is built and the actual envelope of land where the house sits is what the owner owns. The rest of the property around the home is common space that is maintained by a homeowners association (HOA). This project will be on Pioneer Road between 600 to 700 East. The applicant is proposing a zone change to allow this type of development. The intended land use for the area is Residential Medium Density, and this request meets that requirement. The surrounding parcels are a mix in size. The developer will maintain a higher architectural standard than is required by single-family projects. The property will be zoned R4 and the project will consist of twenty homes of which seventeen will be new. There will be three existing homes that will remain. The proposed density is 3.79 units per acre on the 5.27 acres. That is a little less than the R4 zone would allow. All homes would be single-family detached one-level above ground. The average lot size is 2,850 square feet. The developer plans to construct a pedestrian access, and the landscaping will be owned and maintained by an HOA. These are all terms of the development agreement. He displayed concept renderings of the homes and pictures of the property. The Planning Commission voted 4 to 0 to forward a positive recommendation to the City Council.

[8:03:46 PM](#)

7.2 Councilmember Weeks asked whether there is only one entrance and one exit. Mr. Morey stated that is correct.

Councilmember Weeks then noted the residents were concerned about the water table. She asked whether that is a valid concern. Mr. Morey stated that is why they are talking about doing single-story homes.

Councilmember Weeks wondered whether these homes would have basements.

[8:04:33 PM](#)

7.3 Jeff Mansell, developer, stated he is the developer of Park Place Bungalows. It has been very well received by the residents of Draper, and it has met its intended product use for

the people there. He was constantly getting asked if he had a similar product available that was less expensive and smaller. Subsequently, he was approached by the property owner of this property about doing a similar development to the Park Place Bungalows. The property owner felt this would have less impact to the neighborhood than a traditional R3 subdivision on this property. He held a neighborhood meeting, even though it was not required, and a lot of things came up such as traffic, which is always a concern, and the access off 600 East. That is actually the only place for an access. The water table came up, and that is always an issue in the area. Their goal is to have basements, so they will probably be up out of the ground a bit. There is an aquifer that runs down the middle of the valley, which makes the area very fickle. They will have to mitigate around the water issues. Mr. Mansell indicated the zoning designation does not always mean a smaller impact. The product that goes on the property is the determining factor of whether or not there will be an impact. He expressed his opinion that they have put together a package that will appeal to the demographic this was designed for. This product usually appeals to people who want to downsize their home and want to stay in Draper. These homes are designed with one to two bedrooms with a two-car garage. The people who are buying in Park Place fit this exact demographic, and that is who they are marketing to. An R3 subdivision with traditional homes would bring in families with more drivers and more traffic. He advised he insisted on a development agreement so the residents had the confidence that what he says he will build will actually be built. The Planning Commission members stated this was a good use for the property in this area, and they strongly supported it.

[8:09:18 PM](#)

7.4 Councilmember Weeks asked how wide the road is. Mr. Mansell indicated it is twenty-four feet of asphalt with five feet of curb and gutter and a five-foot sidewalk on each side.

Councilmember Weeks then noted they will have a two-car garage. This is a small home, and people collect things that will probably fill up the garages. She questioned whether the driveways are large enough to park two cars. Mr. Mansell replied there is plenty of room on the driveways for two cars, and there can be on-street parking if necessary.

[8:10:41 PM](#)

7.5 **Mayor Walker opened the public hearing.**

[8:11:02 PM](#)

7.6 Wendy Anderson, resident, said the three existing lots that are much bigger, so they would be putting seventeen houses on a smaller parcel. She indicated 600 East is only thirty feet wide, and if there is a car parked on 600 East, there is no way a fire truck can get down the road. It is too tight. She stated 700 East is a mess, Pioneer is a mess, 600 East is not too bad; however, it is difficult to get across it. She lives two minutes from the freeway, but it takes her at least eight minutes because of the traffic. This development will add an additional seventeen houses. She is concerned about the water. She has lived here sixty years, and she has seen a lot of water in the basements. She feels bad for the people who buy these houses, because there will be water in their basements. The assisted living center that is under construction in the area was set back six months because of

water issues. These houses sit on the ground and they will have to go down ten feet to get a basement. She guaranteed they will have water problems. She said she does not have a problem with people developing their property, but she feels this is too high density, and the infrastructure cannot handle it. They have at least one accident every month on 600 East and Pioneer Road. They would be going from one-acre lots to less than quarter-acre lots. She said she does not know why the City even bothers to zone if they are not going to be a little conservative.

[8:14:23 PM](#)

7.7 Carla Sylvester, resident, read a statement concerning traffic and the safety of this development. The entrance to this development would be right in front of her home. She expressed concern that this would be the second high-density housing subdivision with access onto 600 East, and the entrances are only 185 feet from each other.

[8:15:46 PM](#)

7.8 Naaman Jones, resident, said he is opposed to this development because it does not fit in with the character of the existing community. The proposed zone change does not allow for homes for families. The developer said they are trying to appeal to empty nesters and have used the homes in Fox Gate Farms as a reason for this zone change; however, all of those homes are family dwellings. There are also empty nesters in Fox Gate Farms. The proposed plan calls for a cement wall to be placed around the perimeter. There are no walled neighborhoods in this area, and it will be uncharacteristic for this development to fit into a family-oriented neighborhood. There are people he knows that are interested in obtaining a lot in this area to build a home for their families, which would be consistent with the current zoning. Keeping the zoning as it is allows the City to maintain the family-oriented area and keeps the character of the neighborhood.

[8:17:17 PM](#)

7.9 Steve Bryant, resident, noted he sees no issues with this application. He knows there will be some impact, and 600 East will be busier. However, the owners of this property have money invested in the property, and they should be able to use this money. This use is better than having condos or high-density housing. He stated he and his wife live by themselves and he considers them to be a family, so this is still a family-oriented development.

[8:18:28 PM](#)

7.10 Curtis Johnson, resident, said a twenty-four foot road seems tight, and this is not a fifty-five and older community. People will have recreational vehicles, boats, large trucks, etc., and he is not sure where they will be parked. He does not think this +project is compatible with the area. He stated they could reduce the density to fourteen homes to spread it out a little more. The three homes in the back look a little tight.

[8:20:52 PM](#)

7.11 Amy Smith, resident, advised she had a gentleman stop by her home the other day to see if she had any property she wanted to sell. He was an empty nester looking for a smaller lot. He wants a nice home with a smaller lot so he did not have to take care of a large

yard. He was also looking for a lot for his daughter that has Parkinson's disease, so he and his wife could help take care of her. This kind of development is something she believes is very needed in Draper. Mrs. Smith stated she and her husband spoke with several different developers about ideas for the property. Mr. Mansell's proposal had the lowest impact to the neighborhood. She loves this neighborhood, and they have lived in their home for fifteen years and lived in another home in the neighborhood for ten years. They feel the lower roofs and the demographics the development will target would have a lower impact to the area. She has not had any water problems the entire time she has lived there.

[8:23:56 PM](#)

7.12 Helene Terry, resident, said she is blessed to live on a private road. She said this kind of development would be advantageous to the neighborhood because they will not have three-story homes that block the view of the rest of the world. She does not think there will be a problem with recreational vehicles because the residents will know there is not room for them and they can store them off site. She expressed her opinion that this request is the best they can get without having the cattle there. She likes having a path for the young children to walk to school and ride their bikes.

[8:25:35 PM](#)

7.13 Mayor Walker closed the public hearing.

[8:25:50 PM](#)

7.14 Councilmember Weeks asked how many square feet each house will have. Mr. Mansell said the main floor will be approximately 1,725 square feet.

Councilmember Weeks stated she is not opposed to this type of home and believes they need this product in Draper. She questioned whether they would be locked into the width of the road if this rezone and development agreement were approved this evening. She was told they would be.

Councilmember Weeks then asked what happens if they determine there is a problem with the water table if this is approved. Mr. Morey replied the reviews occur with the site plan process. If the water table is determined to be an issue, the developer will have to show how they plan to mitigate the concerns.

[8:27:32 PM](#)

7.15 Councilmember Rappleye noted 600 East is very narrow, and he has major concerns with that. This is not necessarily a development for fifty-five and over, so this could be viewed as affordable housing for families. He believes this design is a little too tight, and the concept elevations are a little too plain. The layout is okay, but shared driveways have caused problems in the past. The concept is sound, and there have been some positives brought up. He stated he does like the Park Place Bungalows subdivision.

[8:29:58 PM](#)

7.16 Councilmember Vawdrey addressed the map that showed the surrounding lot sizes. She said there have been concerns about changing the character of the neighborhood, and she does worry about that with this project. She said she grew up on that private lane, and she is very aware of this area. She is concerned with changing the lot sizes on this property so drastically. She also wondered how many acres there are without the three larger parcels being included. She suggested the Council might want to think about this for a couple of weeks. She questioned how many homes could be built if it were third-acre lots.

Mr. Mansell responded they would be able to have twelve or thirteen homes on the third-acre lots. This project has a lower impact on the neighborhood than a traditional subdivision would.

[8:32:10 PM](#)

7.17 No motion was made, so this item will be considered by the City Council on July 5, 2016.

[8:32:21 PM](#)

8.0 Public Hearing: Ordinance #1214 and #1215, On the Request of Mark Murdock and Leslie Rinaldi, for Approval of a Text Amendment to Create the Highline Commercial Special District (CSDHL) and a Zoning Map Amendment of Approximately 72.7 Acres of Land at Approximately 65 East Highland Drive for the Purpose of Creating a New Zoning District, the Highline Commercial Special District and Rezoning the Property from the CR (Regional Commercial), RM2 (Residential Multi-Family) and M1 (Manufacturing) Zones to the New Highline CSD Zone

[8:33:01 PM](#)

8.1 Mr. Morey displayed an aerial map of the property. The property is located off Highland Drive. The current Land Use Map designates this property as a potential growth area. It is currently zoned RM2. The future Trax corridor comes right through the area. It is unknown when that will happen. One of the purposes of the CSD zone is to capitalize on a transit-oriented development (TOD) that would make use of that stop. The developer is proposing:

- Permitted Uses
 - Multi-Family Residential
 - Retail
 - Office
 - Office/Warehouse
 - Hotel
- Conceptual Site Plan
 - May vary from exhibit but must comply with ordinance
- Architectural Themes and materials
- Height of buildings:
 - Hotel 13 stories, Office 10 stories, Office/Warehouse 4 stories, Retail 1 story, Residential 10 stories
- Parking

- Office - 4-6 per 1,000 ft²
- Retail – 3.5 – 10 stalls per 1,000 ft²
- Hotel 0.75 per room
- Lighting
 - 30 foot poles
 - Commercial areas 0.5 – 4.0 Foot-candle
 - Fully cutoff fixtures
- Landscaping
 - 15% of site minimum
 - 2” caliper trees
 - 2’ berms around perimeter of office to screen parking
- Signage
 - Two Monument Signs per building site. 100 ft²
 - One Monument Sign per Entrance to the office park
 - Wall signs 2:1
 - One Monument sign for each residential project
 - Pole sign for hotel – 35 feet
- Procedures – Site plans will follow normal processing and approval procedures

Mr. Morey displayed conceptual renderings of what the buildings could look like.

[8:36:47 PM](#)

8.2 Councilmember Summerhays asked whether the developer is proposing higher buildings in this area to utilize the space more. Mr. Morey replied staff has pushed for a long time in a lot of different areas to have taller development. That is a good question for the developer to answer.

[8:37:29 PM](#)

8.3 Mayor Walker noted with respect to the future light rail, the development sizing certainly is not really conducive to the phrase TOD. There is way too much asphalt in this project. This area is all a part of the Point of the Mountain Corridor that is under study by the Point of the Mountain Commission for future development, technological corridor, and other types of use. When they use the term TOD or light rail, they are using that generally speaking. This development is not specified to the density a TOD would actually be. Mr. Morey agreed. He stated he was using the developer’s terms for this project. The Utah Transit Authority’s definition for what a TOD is can be different than that of a developer.

[8:38:41 PM](#)

8.4 Councilmember Summerhays noted that is what he meant with his previous question. The Council and staff has spent a lot of time visiting TODs and coming up with their definition of what a TOD is.

[8:39:44 PM](#)

8.5 Mark Murdock, Developer, displayed a video presentation showing what they are proposing for this development. He apologized to the Mayor for using the TOD term incorrectly. He said he is sure it gets used improperly all of the time. He stated they do

view this as a TOD, and they would love to build ten-story buildings. At the moment, they are slating this at one million square feet, which is a fair amount of square footage for this area. That includes four to five office buildings and a parking structure. He said it is not for a lack of effort in trying to make it dense. It is part of the economics. They ran into this situation at Vista Station as well. The tenants do require a certain amount of parking to even consider coming to the area. They are trying to get the parking ratios down, but the tenant cannot commit to it. They put in the plan that the buildings could go up to ten stories, which would increase the square footage by a lot. They would love to do that; however, it is based on what the market will bear. There is a walking trail through the development that will tie in with the community with other paths and connections. This development is less than one quarter mile from I-15, so they will not put a lot of load on traffic, and Highland Drive is designed to handle the traffic. This project would be a nice asset to the south end of the valley, and it will tie in really well to the whole “silicon slopes”. They have been involved with almost every project in this neighborhood recently and he feels this is a great contribution to that.

[8:45:10 PM](#)

8.6 Councilmember Stenquist asked whether the road at the crossing is at grade. Mr. Murdock stated it is. They have a letter from UTA stating it is okay.

Councilmember Stenquist then asked whether UTA has committed to a Trax station there.

Boyd Anderson noted UTA owns the parcel further south, and they plan to put a station there in the future. However, they also said they are not married to that site for a station. Their intent is to use that site for maintenance. The letter from UTA states they will put a station on this site gives the developer approval for an at-grade crossing, and allows the developer to use part of the right-of-way for a roadway.

[8:46:34 PM](#)

8.7 Councilmember Weeks stated when she spoke with UTA they said they were not planning to bring that Trax line all the way through Draper for over twenty years. Mr. Anderson stated there is the Point of the Mountain Commission that is working on the plan for that area. UTA does not have an exact date. They will say 2030; however, it will probably happen faster.

Councilmember Stenquist expressed his opinion that this development will not drive UTA to build Trax because it is not feasible. The only way to get this done is to extend it to Utah County. They are sizing the 14600 South crossing at I-15 so they can run the Trax line under there.

Councilmember Weeks then asked how many apartment units they are proposing on the west side. Mr. Murdock indicated there could be approximately 820 units.

Councilmember Weeks questioned whether there would be any open space provided for all of those units. Mr. Murdock explained they will have a trail system throughout the

park, and they are tying into the Porter Rockwell trail. Each unit will have their own amenities; however, they are not to that level of detail with the plan yet.

Councilmember Weeks noted that is a lot of units for the bottleneck to get onto I-15. She wondered how they will direct the traffic flow. Mr. Murdock indicated they envision that down the road there will be a traffic signal in the area to help with the traffic flow.

[8:50:18 PM](#)

8.8 Councilmember Vawdrey asked how much commercial versus residential would there be. Mr. Murdock stated there will be 1,000,000 plus square feet of office space alone and approximately 80,000 square feet of retail. They are about 60 percent office and 40 percent being residential.

Councilmember Vawdrey stated this request asks for a deviation from the architectural standards. She asked the applicant to explain where the standard was and how they are changing it.

Darren Bell, architect, stated they are excited about these buildings. They are exploring a new footprint that pulls the stair towers to the outside of the building. Tenants like this open floor plan, and on the outside it allows them more depth and interest than they have had on office buildings in the past. Breaking up the façade with different materials makes a bold statement. There are a lot of glass in the windows to meet tenant requirements for day lighting and views. They are trying to achieve interest, texture, and variety that people will find acceptable and attractive.

[8:53:28 PM](#)

8.9 Councilmember Weeks stated there are a lot of office buildings right now, and they are all about the square look. She said she likes diversity, and she wants to break up the vision. She understands that what they intend to do is not always what happens in the end. She asked whether the developer is willing to write specific standards in the Code for architecture so the Council knows they will end up with a specific type of building.

John Bankhead, Gardner Development Company, indicated the shape of the building has less to do with the pro-forma and the financial end and a lot more to do with what the tenant is looking for in the market right now. They have built buildings for Adobe, Overstock.com, and 1-800 Contacts. The majority of the time the tenants ask for a big rectangle. It is a challenge for the architects to make those look interesting. They did receive feedback from the early buildings in Draper, such as 1-800 Contacts and Storage Craft that they needed to be dressed up a little bit. They are trying to respond to the market. They would like to do something more interesting with the buildings, but that is really not something the tenant wants. They run into issues with this on a regular basis.

Councilmember Weeks remarked that they will end up with boxy buildings because that is what the tenant wants. Mr. Bankhead stated with the office buildings they are willing to look at other options, but it is something that is more tenant driven. They would entertain

putting design guidelines into the text that would allow them to do that; however, they would not want to be restricted because it would limit their ability to get tenants.

[8:57:09 PM](#)

8.10 Councilmember Rappleye stated it is difficult to tell what they are looking at with these renderings. His concern is that these renderings really look cookie cutter, and that is the weakness in the design. They all look the same. He expressed his opinion that he is not sure the terracotta works. He stated maybe it is just the details lacking in the renderings.

Mr. Murdock thanked Councilmember Rappleye for his comments. He stated that part of the problem is that they use the same building for the renderings. It is a tool to help visualize what is happening. The idea is that this will be a step up from what they did at Vista Station. They are committed to making this a very high-end quality office park.

Councilmember Rappleye advised with the size of this parcel, they have the opportunity to create something that will really draw the eyes. It might just not show in the renderings or fly over. The Council wants something that will really put Draper on the map. He stated they might want to look more at the open space feeling. The Council would like the buildings to go higher in that area.

[9:01:49 PM](#)

8.11 Councilmember Summerhays asked whether the developer thinks they can sustain 80,000 square feet of retail in that area. Mr. Murdock explained that is the hotel and retail together, and the hotel is approximately 50,000 square feet of that.

Councilmember Summerhays indicated he does not want to hurt the other retailers in the area. He said he wants this development in there but he does not want to hurt the other businesses. Mr. Murdock responded that he does not think the retail here would take anything away from the existing businesses.

[9:04:13 PM](#)

8.12 Councilmember Weeks asked how many parking spots they are proposing for each residential unit. Mr. Murdock replied it is 1.5 parking stalls per unit.

Councilmember Weeks stated more than one person usually lives in those places. Mr. Murdock expressed his hope that they will take the train one day and use mass transit.

[9:04:49 PM](#)

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

[9:05:07 PM](#)

8.14 Mayor Walker noted he loves this company, and they are great developers. However, this proposal does not do the job that needs to be done on this site. He has a couple of issues with this proposal. First of all, the City has the TOD zone they created several years ago. They had big plans for Vista Station, and that has not really come to fruition. There were

a lot of different factors that went into that. The problem he sees with this proposal is that this is small when they look at the potential for the entire Point of the Mountain development. It sells the future short to do this kind of a zone right now with this amount of asphalt. It really does not meet any definition of the TOD. He said he is on the UTA Board, and they would not call this or support it as a TOD. It is not dense enough, and it does not do the job. This proposal has small five-story office buildings. Mayor Walker said he understands the market; however, he cannot see why the Council would create this new zone then they already have a zone that creates what the future ends up being with the Point of the Mountain concept and corridor. He sat through the first Point of the Mountain commission meeting just over a week ago, and they were clear that this corridor is the most valuable potential development in the United States right now. He expressed his opinion that this proposal does not meet the architectural desires that the City has or the size/density or ultimate planning for the future. To get light rail there as a draw, this development would have to be bigger and more transit oriented in the development. He is not sure if the City Council is in a hurry to create a new zone on this site, but he does not think this zone does the job for this site or the future of the site. He does not think it incorporates into the future of the Point of the Mountain corridor. The prison is going to move in the next four to five years, and there will be another giant slate of land open. This proposal is the same type of product that they are trying to do everywhere. He expressed his opinion that this is not the product they want on this property. He did not want it at Vista Station either, but that did not happen how it should have happened. Part of that was because the City Council did not hold their ground on how it should have been completed. He stated his vision and goal for this area needs to have a plan and needs to look further into the future. He does not see any reason to rush into approving this zone because he does not see that it does the job. It needs to be better, and it needs to fit the TOD model better. That Trax station is unique. There are very few places where they can bring a light rail line and park it in front of a development. This is actually one where they could do that. He does not believe this is the best future use of the property. The Council would be short sided if they did not plan better. The developer is stating that the design is tenant driven; however, the City Council can zone the property how they want to zone it, and they create the zone they want.

[9:09:09 PM](#)

8.15 Councilmember Rappleye indicated he has attended quite a few rail conferences, and one that stands out is the Richardson Texas conference. They have an actual TOD development. They do not have tall buildings either, but it is a great development and everything is within walking distance. He stated he understands it is difficult to design around a rail system if it is twenty years out. However, he questioned if it could be done in phases. He would like them to incorporate the future into the design. The companies that are coming in are going to continue to grow and will expand into a campus atmosphere. That is what the City wants to see.

[9:11:43 PM](#)

8.16 **Councilmember Stenquist moved to continue this item to a date uncertain to allow staff time to work with the developer. Councilmember Vawdrey seconded the motion.**

[9:12:43 PM](#)

8.17 Councilmember Stenquist noted most of the discussion about development involves people coming out against high-density developments. It is unusual for the City to say they want more of that stuff. This really is a unique piece of property, and it is very visible from I-15. They see the scope of what is happening on the other side of the point of the mountain, and Draper would like to see some of that happening on this side. That is their hope for this property. This is a golden opportunity with elevation and the way it is set down from the road. The development of this property would not have the same impacts that they would in other areas. He said this is just a custom zone change rather than a development agreement. He said he is not sure why they went this route rather than using a development agreement. Mr. Morey explained this is how the developers approached it with other areas, such a Vista Station and Draper Pointe.

Councilmember Stenquist stated this is something they need to get right the first time.

[9:14:43 PM](#)

8.18 Councilmember Vawdrey advised she wants this to be something that is their best standard. She expressed the need to take some time and have a study meeting to work through this.

[9:15:08 PM](#)

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

[9:15:41 PM](#)

** *Mayor Walker called for a break at 9:15 p.m.*

[9:25:51 PM](#)

** *The meeting resumed at 9:25 p.m.*

[9:25:58 PM](#)

9.0 Public Hearing: Resolution #16-32, Amending the FY2016 General Fund Budget

[9:26:18 PM](#)

9.1 Bob Wylie, Finance Director, reviewed the amendments to the FY 2016 Budget.

- **FY16-73 1300 East to Highland Drive Right Turn Lane**
 - Relocating the crosswalk out of the free right turn added increased costs to the engineer's estimate. Upgrading the sidewalk and trail to meet ADA requirements are what increased the estimate to \$330,000. Project was originally budgeted at \$200,000
 - Transfer the remaining General Funds, \$44,500 from CIP0024 Traverse Ridge Widening to CIP0077. Transfer \$85,500 from the Summer 2016 B&C \$1,600,000 to CIP0077
 - No additional funding is requested. Just a transfer of \$130,000.
- 16-74 **Emergency Storm Drain**

- A 75 foot long section of 15” pipe in Southfork Drive must be upsized to a 24” pipe in order to increase capacity and reduce chances of damage upstream.
 - No additional funding is requested. Transfer of the remaining balances from other Storm Water funded projects with remaining funds.
 - Amount of Transfer is \$40,000.
- **FY16-75 SunCrest Regional Detention**
 - The original amount of funding from Zion’s was exceeded due to increased design costs, mitigation, and delay. The existing contract for construction exceeded the remaining balance after the design and there has been one small change order to repair channels after a run-off event. No additional funding is requested. Transfer of the remaining balances from other Storm Water funded projects with remaining funds.
 - Amount of Transfer is \$132,000.
- **FY16-76 Parks & Rec ATV’s**
 - The Parks Division is requesting to purchase two ATV’s for operational services. The funding for this request will come from other operational savings within the division. The cost for each ATV is \$9,286 with a total cost of \$18,572.
- **FY16-77 Police Motorcycles**
 - The Police Department is requesting to enter into a two year lease for three (3) motorcycles. The total cost of the lease is \$15,840. The funding for this lease will come from the Police Department operational savings.
 - Amount requested is \$15,840.
- **FY16-78 Various GF Operational Budgets**
 - Three Departments are requiring budget adjustments to their final budget. These adjustments will cover operating expenditures through June 30, 2016. The major item is for the Streets Division. At the beginning of FY16, the amount for providing services to the TRSSD were not included in the budget. Through March 12, 2016, snow plowing operational cost are \$339,258. The revenue source for this expense will be from the revenue from the TRSSD. Operational savings from other divisions will be used for the other adjustments.
 - Amount of the requested amendment is \$35,000.

Information Technology	\$ 10,000
Emergency Operations	\$ 2,000
City Recorder	\$ 5,000
Non-Departmental	\$ 5,000
Parks & Recreation Admin	\$ 1,500
Streets	\$339,258
Building Inspections	\$110,000
TRSSD Revenue	<\$339,258>
Planning & Zoning	<\$110,000>

Economic Development	<\$ 7,000>
Elections	< \$ 5,000>
Engineering	< \$ 1,500>
GIS	<\$ 10,000>

[9:29:20 PM](#)

9.2 Councilmember Summerhays commented that he would like to see the motorcycles used. He does not want to see them parked in the shops. If they are going to be leased, he wants them to be taken home and taken care of by the motor units.

[9:30:18 PM](#)

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

[9:30:30 PM](#)

9.4 Councilmember Weeks moved to approve Resolution #16-32, amending the FY 2016 Budget. Councilmember Vawdrey seconded the motion.

[9:30:57 PM](#)

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

[9:31:08 PM](#)

10.0 Action Item; Agreement #16-123, Approving an Agreement with S&L Inc. for \$300,087.90 for the 1300 East Highland Drive Right Turn Lane

[9:31:24 PM](#)

10.1 Glade Robbins, Public Works Director, advised this project would add a right turn lane going southbound from 1300 East onto Highland Drive. He displayed a drawing of how the street will look. This is a project that will extend to the west, so there will be a left hand turn lane onto Rambling Road. S&L was the lowest bidder for the project.

[9:32:46 PM](#)

10.2 Councilmember Weeks moved to approve Agreement #16-123, approving an agreement with S&L Inc. Councilmember Summerhays seconded the motion.

[9:33:11 PM](#)

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

[9:33:22 PM](#)

11.0 Action Item: Resolution #16-34, Amending the Water Rates on the Consolidated Fee Schedule to be Effective July 1, 2016

[9:33:33 PM](#)

11.1 Mr. Wylie stated the City is proposing a water rate increase for the Water Fund. This amendment increases the water rate by 2.5 percent beginning July 1, 2016.

[9:34:05 PM](#)

11.2 Councilmember Weeks asked why the rates are going up when they had so much rain this year. Mr. Wylie explained that a portion of the increase is for the increase the City gets when they buy the water. The rest goes to pay other operational expenses in the Water Fund.

[9:35:00 PM](#)

11.3 Councilmember Rappleye moved to approve Resolution #16-34. Councilmember Summerhays seconded the motion.

[9:35:16 PM](#)

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

[9:35:25 PM](#)

12.0 Action Item: Resolution #16-33, Adopting the Certified Tax Rate for the Traverse Ridge Special Service District (TRSSD) for Tax Year 2016

[9:35:41 PM](#)

12.1 Mr. Wylie indicated the State Tax Commission published the equalized tax rate for the TRSSD that has been equalized between the two counties. This year the TRSSD Administrative Control Board would like to keep the same amount of revenue coming in plus the new growth. They are accepting the Certified Tax Rate the Tax Commission has published, which is 0.000622. The Draper City Council is the governing board of the TRSSD, so they need to approve the Certified Tax Rate.

[9:36:32 PM](#)

12.2 Councilmember Summerhays moved to approve Resolution #16-33. Councilmember Vawdrey seconded the motion.

[9:36:41 PM](#)

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

[9:36:56 PM](#)

** Councilmember Rappleye recused himself from the budget discussion. He stated he works for an entity that has an ongoing agreement with the City for funding.

[9:37:26 PM](#)

13.0 Action Item: Resolution #16-31, Adopting the Fiscal Year 2016-2017 Final Draper City Budget and Adopting the Certified Tax Rate

[9:37:30 PM](#)

13.1 Mr. Wylie advised the State has come out with the proposed tax rate for the City. The rate is 0.001560, which will keep the revenue equal with the new growth. The FY 2017 budget has a 2.5 percent cost of living increase as well as other operational budget adjustments. The budget is balanced at this time.

[9:38:13 PM](#)

13.2 Mr. Dobbins indicated the intent is for the City Council to adopt the final budget this evening. He displayed the changes to the tentative budget the City Council will be considering for adoption tonight as follows:

• Telecom – Other	\$ 1,400	Satellite Communications
• Auto Allowance – Engineering	\$ 1,700	Auto allowance for Engineering
• Overtime – Engineering	\$ 5,000	Overtime for Engineering
• Overtime – Patrol	\$ 9,000	Increased Traffic Enforcement
• Fines & Forfeitures	\$ 9,000	Increased for additional Traffic Enforcement
• Utah Highway Safety Grant	\$ 500	Compliance Checks
• Utah Highway Safety Grant	\$ 8,500	Reimbursement for overtime and compliance
• Fund Balance Contribution	\$ 8,000	Increase Fund balance contribution
• Non-Capital FF&E	\$ 12,000	Purchase Motorola radios for Emergency Operations
• Fund Balance Contribution	\$ 12,000	Reduce fund balance contribution for Motorola Radios
• Unemployment	\$ 15,000	Budget for Unemployment expenses
• Employment Pre-Screening	\$ 8,140	Additional budget for pre-screening applicants
• Auto Allowance	\$ 4,800	Auto Allowance Parks & Recreation Director
• Fuel / Oil	\$ 500	Reduce Fuel/Oil expense
• Tire & Brakes	\$ 350	Reduce auto expense
• Fund Balance Contribution	\$ 26,050	Increase Fund Balance contribution
• Non-Capital Projects	\$ 50,000	SunCrest Addressing
• Fund Balance Contribution	\$ 50,000	Reduce Fund Balance contribution
• Auto Allowance – Legal	\$ 2,400	Establishing budget for auto allowance for City Attorney
• Auto Allowance – Finance	\$ 2,400	Establishing budget for auto allowance for Finance Dir.
• Fund Balance Contribution	\$ 4,800	Reduce Fund Balance Contribution
• Local Grant Funded Supplies	\$ 10,000	National Alliance on Mental Illness – Grant
• Local Grant Operating	\$ 10,000	National Alliance on Mental Illness - Grant
• Transfer to CIP	\$648,590	Transfer to CIP for new projects
• Regular Wages	\$ 40,500	Park Ranger
• Other Benefits	\$ 18,500	Park Ranger

Misc. Operational Expenses	\$ 2,500	Startup costs for Park Ranger (Cell, Computer, Uniform)
Fuel	\$ 750	Park Ranger
Vehicle	\$ 32,500	Vehicle
Fund Balance Contribution	\$ 94,750	Reduce Fund Balance Contribution
• Regular Wages – Patrol	\$ 46,750	Increase Patrol salary for Step Program
Other Benefits – Patrol	\$ 38,250	Increase benefits for Step Program
Fund Balance Contribution	\$ 85,000	Reduce Fund Balance Contribution for Step Program
• Regular Wages – Fleet	\$ 35,000	New Mechanic for Fleet
Other Benefits – Fleet	\$ 25,971	New Mechanic
Uniforms	\$ 442	New Mechanic
Fund Balance Contribution	\$ 61,410	Fund Balance
• Annual Maintenance	\$ 24,000	Budget amount for Utility Billing App
• Administrative Fee	\$ 24,000	Amount allocated from Utilities
• Garbage Services	\$ 8,000	Increase budgeted amount
• Regular Wages	\$ 33,280	New operator for weekly recycling
Other Benefits	\$ 25,970	Benefits for new operator
Uniform Allowance	\$ 422	New operator
Telecom – Cell	\$ 325	Cell phone new operator
Vehicles	\$ 265,000	New vehicle for weekly recycling (\$53,000 – Dept)
Vehicle Maintenance Other	\$ 55,000	Fuel, Tires, Repairs
Fund Balance Appropriation	\$ 379,997	Appropriation for recycling program
Annual cost of program is	\$ 134,717	

Mr. Dobbins noted staff has come up with a possible solution for the SunCrest addressing problem; however, he is asking the City Council to keep that funding in place in case there are still problems. He noted they have also included funding for a Park Ranger.

[9:39:05 PM](#)

13.3 Councilmember Summerhays questioned whether the Park Ranger will be certified to issue citations. Chief Roberts explained they have not had that formal discussion yet, but they could be certified.

Mayor Walker asked whether this position would be a Category I certified police officer that will be specifically assigned as the ranger. Chief Roberts replied that is a direction they could go. That is one option they could do.

Mr. Dobbins explained right now they have the part-time enforcement officer, and they also have the two School Resource Officers up in the canyon when school is out. This position would be for a full- time ranger up in the canyons all year long.

Councilmember Summerhays said the City spent over \$20 million originally for the mountain. He expressed the need to put more money into it to save the mountain.

Councilmember Stenquist noted he is okay putting the money in the budget for the Park Ranger; however, he does not want to dictate to the police department how that might work.

Mr. Dobbins noted they can include it in the budget. There is still a need for a discussion to see who this position would report to.

[9:42:55 PM](#)

13.4 Mr. Dobbins then reviewed the proposal for the Police Step Program as follows:

Position & Grade	Increase	Hourly Rate	Requirements
Police Officer I - Grade 13			1. Miscellaneous required certifications 2. Satisfactory performance
Step 1 (pay at hire)		19.25*	
Step 2 (completion of Probationary Period & achieve 47 points on performance appraisal)	\$1.00	\$20.25	
Position & Grade	Increase	Hourly Rate	Requirements
Police Officer II - Grade 14			1. Must be POST certified category I peace officer with a minimum of two years of experience as a Police Officer I with Draper City. 2. Two years patrol experience with one year at the Draper Police Department. 3. Must achieve minimum of 47 points in most recent performance appraisal. 4. Must maintain all certifications required of POI. 5. Laterals officers with sufficient experience may enter as POII
Step 1 (completion of year 2)	\$1.00	\$21.25	
Step 2 (completion of year 3)	4%		
Step 3 (completion of year 4)	4%		
Step 4 (completion of year 5)	5%		
Step 5 (completion of year 6)	5%		
Step 6 (completion of year 7)	5%		
Position & Grade	Increase	Hourly Rate	Requirements
Senior Officer - Grade 15			1. Must complete Grade 14 pay scale. 2. Must have Instructor certification or one year in a specialty assignment. 3. Must have completed FEMA ICS 100 and ICS 200. 4. Must maintain all certifications of POI and POII. 5. Must achieve minimum of 47 points in most recent performance appraisal 6. Step advancement is awarded on anniversary date of hire
Step 1 (completion of year 8)	\$1.00	\$27.59	
Step 2 (completion of year 9)	4%		
Step 3 (completion of year 10)	4%		
Completion of 11 years +	Same annual increase as all city staff		
Position & Grade	Increase	Hourly Rate	Requirements
Sergeant - Grade 17			1. Must have a minimum of four years of progressively responsible law enforcement experience as a municipal, county or state officer. 2. Must complete POST mid-management
Step 1 (promotion to Sergeant)	\$31.60	\$31.60	
Step 2 (completion of year 1)	3%		

Position & Grade	Increase	Hourly Rate	Requirements
Step 3 (completion of year 2)	3%		training within 18 months of promotion. 3. Must maintain firearm proficiency. 4. Must maintain POST certification by completing specialized training requirements. 5. Step advancement is awarded on anniversary date of promotion
Step 4 (completion of year 3)	3%		
Step 5 (completion of year 4)	3%		
Step 6 (completion of year 5)	3%		
Step 7 (completion of year 6)	3%		
Step 8 (completion of year 7)	3%		

* Police Career Path Pay Plan is tied to the Grade 13 minimum pay of the City Wage Scales and is subject to available funding. Hourly rates will shift when a COLA increase is budgeted and approved for all City Staff.

[9:47:31 PM](#)

13.5 Mayor Walker indicated that one of the main jobs of the City is to control and provide public service to the residents, and public safety is the number one priority. The police department has always been good, and now it is to the point that it is outstanding. He expressed his opinion that it is the most important money they can spend right now with respect to the liability concerns and the image they project out to the public. The City Council needs to let the officers know that they appreciate what they do and they value the public safety service they have. Frankly, they value the ability for Draper to have its own police department and to have a say in how it is run and operated. If it was all about the cost, they could defer to a different model and not really have anything to say about it. Draper may not ever be the top paying agency in the State; however, they need to be competitive. One really good police officer can change a whole community and one really bad one can be expensive and can change a whole community as well. Draper has been fortunate as a city because they have not had to do a tax increase in over ten years because they have been smart about economic development. This proposal is expensive; however, he cannot think of anything that is more important for them to do.

[9:49:43 PM](#)

13.6 Councilmember Stenquist stated he supports the step program for the officers, but one of the things he is personally concerned about is having a good revenue source to cover those costs. He stated property taxes cover sixty percent of the public safety costs. He wants to make sure they keep a healthy ratio and make sure the stable form of tax revenue is covering the lion's share of the public safety expenses. They need to watch that in the future. A few years ago they were in a situation where only forty percent of the emergency services were covered by property taxes. That would be a concern for him if that happened again. They raised taxes to bring that more in line.

[9:51:57 PM](#)

13.7 Councilmember Weeks agreed that the police force is vitally important to the community. They need to attract the crème de la crop in Draper. When there is a bad officer and something happens, it costs the City a lot of money in law suits. The officers are making an average of \$19.00 an hour, which is only \$40,000 a year. She wants to attract good officers in Draper, so the residents can feel safe here.

[9:53:27 PM](#)

13.8 Mr. Dobbins indicated they have had a lot of discussion about this item, and it is something that he personally supports.

Mr. Dobbins then advised that staff has added a new mechanic position to the list. If the Council were to expand the recycling program to a weekly pickup, the General Fund would need to pick up the cost of an additional mechanic. The City currently has two mechanics, and they are working overtime. They are already using the Solid Waste Fund to pay for one of those mechanics, so they cannot attribute any more of those costs to that Fund.

Councilmember Stenquist asked whether they would pull that mechanic off the list if they were to pull the weekly recycling from the budget. Mr. Dobbins stated that is correct. However, they are at the border right now. One of the things he does as a City Manager is push all of the departments to get to the line because he does not want to get to the position where they have more staff than they actually need. Sometimes he worries that he pushed them too close to the line. Having two mechanics to handle 180 vehicles is a lot. The mechanics are working overtime and not taking their vacation and personal time. That can wear them out and another agency or the private sector can start looking good because it is less stressful. That is one position that could go either way.

Mr. Dobbins then advised they are also looking at adding the utility billing app that will be charged to three different funds. There is a new position on the list for weekly recycling. That includes a full-time benefitted employee, cell phone, uniform allowance, and purchase of the vehicle.

Councilmember Summerhays stated at this point right now he feels that they could add cans and advertise for the additional can without adding the new garbage truck this year. He would like to see how that goes. He does not think the City needs to hire another full-time employee and a new truck to take care of that.

Councilmember Weeks noted she is probably one of the few Councilmembers that really feels a need for the recycling every week. She has had a lot of people write in and many people stop her on the street asking why the City does not recycle every week. She has had Boy Scout Troops come over and pitch to her that they want recycling every week. Her neighbors have asked about it.

Councilmember Summerhays noted they could take their recycling to the place for free if they wanted to. Councilmember Weeks responded that they will not do that. They want the recycling picked up at their house. They do not want to take it somewhere else. Councilmember Weeks stated she knows that Councilmember Summerhays does that but in the neighborhood where she lives they want to put the recycling in their garbage can, get it picked up every week, and taken away. They do not want to put it in their nice cars and drive it to the dump. They do not understand why the City does not pick up their recycling every week. Councilmember Weeks stated she gets a lot of complaints about it.

Councilmember Summerhays questioned whether it was worth \$400,000. Councilmember Weeks replied it would not cost that much every year. The first year it would because of the truck and start up costs. In the subsequent years, it would be \$135,000. She expressed her opinion that it is worth that much in order to get recycling picked up once a week and to make the residents happy.

Councilmember Vawdrey noted only 7.5 percent of the public has a second recycling can. Councilmember Weeks stated she would not get a second can either, but her bin is full every week. Her neighbors will not get a second can either, but their recycling cans are full every week. She said whether they have recycling weekly or not she will make it work; however, the residents that she has spoken to are really concerned about it. If they put it out on social media, the one thing the residents want is recycling every week.

Councilmember Summerhays said he understands that. He has four recycling cans, and it only costs \$2.50 per month for the additional can.

[9:59:24 PM](#)

13.9 Mayor Walker indicated Councilmember Weeks wants weekly recycling and Councilmember Summerhays does not. When they get ready to adopt the motion, they can include what they want to in the motion. He stated when they first started the City's own solid waste program it was difficult to convince the Council that the City could do it better than the contractor. The City has demonstrated that they can do it a lot better. It has been outstanding. One of the reasons it was bi-weekly is because that was one of the factors in getting the initial startup going.

[10:00:14 PM](#)

**** Councilmember Summerhays moved to continue the meeting past 10:00 p.m. Councilmember Weeks seconded the motion.**

[10:01:02 PM](#)

**** A roll call vote was taken with Councilmembers Summerhays, Vawdrey, and Weeks voting in favor. Councilmember Stenquist voted no. The motion carried with a majority vote of 3 to 1.**

[10:01:36 PM](#)

13.10 Mr. Dobbins pointed out that the Solid Waste Fund has the financial ability to pay for weekly recycling without affecting the rates. Staff has also included some additional Capital Improvement Projects (CIP) on the list. They have put more money into the Emergency Storm Drain Fund and Emergency Water System Fund. They have added \$338,000 to try to purchase property along the Jordan River trail, \$250,000 to do special use trails in Corner Canyon, \$30,000 to try to deal with the Hog Hollow trail closures, \$30,000 for the Dayland Dog Park improvements, and taking the remaining balance and putting it into the street projects.

Mayor Walker asked whether staff has a price for connecting the Jordan River trail to the Vista Station development. Mr. Dobbins noted the current developer is planning to make

that connection, except for the fact that there are some properties they do not own. The City is hoping to purchase the property so the connection can be made. Mayor Walker noted that is a worthy budget item with respect to active transportation. Once they can connect to the Jordan River trail to some of the work sites, they could see some amazing award winning active transportation things coming their way.

Mr. Dobbins stated they talked earlier in the meeting about adding \$650,000 to the Storm Drain Fund to handle the new project. There is over \$4 million in the fund balance to handle that. Also, in the public comments portion of the meeting Ms. Andersen addressed the two lots by Lone Peak Parkway. He expressed his opinion that this is something that needs to be addressed right away. Essentially what the City has told them is that the road has to go through their property, and that has scared off any purchasers. He recommended the Council add funding in there to purchase those properties out of the Transportation Impact Fee Fund. That Fund Balance has \$6.2 million.

Councilmember Stenquist voiced concern that if they add \$1 million the property owners will think that is how much the City should pay. Mr. Dobbins clarified that they do not know the cost. They will have to get appraisals in order to acquire it. He is just asking the Council to put money into the fund for that purpose. There are other properties in that area that will have to be purchased as well.

Mr. Dobbins indicated the City has been working with the Larry Miller Group on their new dealership, as well as Karl Malone Toyota. One of the struggles they have is that the road is going to be widened along the frontage of the Larry Miller property. It then bottlenecks. He asked the City Council to add an additional \$400,000 out of the Transportation Impact Fee Fund to get the bottleneck pushed down passed the PRI property. They will widen the road at the same time the Miller Group is widening their section.

Councilmember Summerhays asked whether they know there is a hardship on those properties that the City will have to purchase. Mr. Dobbins indicated they know the alignment will go through that area, and that affects the parcels. The time to have this discussion is now before a building is built, and the City has to pay for property and a building.

Mr. Dobbins noted the City Council can adopt the budget as is and everything that is listed would be in next year's budget. If there are items the Council wants to eliminate or reduce something, they would have to add the funds somewhere else. If they wanted to add something that is not on the list, they would have to reduce something that is on the list in order to have a balanced budget.

[10:07:55 PM](#)

- 13.11 Councilmember Vawdrey indicated she had a request from a resident to add funds to the Historic Society for improvements to their building. They are interested in getting an alarm system. They would also like to obtain mulch for the farm equipment area in the

back and there is a window that needs repair. She suggested adding \$2,500 to their budget for those items. Councilmember Summerhays agreed.

[10:09:33 PM](#)

13.12 Councilmember Weeks asked whether they would have to find that \$2,500 somewhere else. Mr. Dobbins noted staff would just reduce some other line item to cover it.

[10:10:08 PM](#)

13.13 Councilmember Stenquist moved to approve Resolution #16-31, adopting the FY 2016-17 Final Budget and Certified Tax Rate including \$650,000 from Transportation Impact Fee Fund for improvements to 12200 South, \$1 million from Transportation Impact Fee Fund for property acquisition near the Lone Peak extension, \$400,000 for widening of Lone Peak Parkway, and striking Item B from the Solid Waste Fund for weekly recycling but keep the additional mechanic on the list, and adding \$2,500 for Historic Society. He would also like to change the Dog Park improvements from \$30,000 to \$20,000. The \$7,500 left could go into street projects. Councilmember Summerhays seconded the motion.

[10:12:17 PM](#)

13.14 Councilmember Weeks agreed that they only need two structures at the park; however, there is a new landscape option for the dog park that the \$10,000 could go towards; however, they can reduce it if they want.

[10:14:56 PM](#)

13.15 Councilmember Summerhays stated if by chance the Historic Society comes back and needs more funding he would like to give it to them. Councilmember Stenquist stated he agrees that they need a security system; however, after taking a tour of the facility he sees that it is not the right place for them. He does not want to put a lot of money into that location if they are going to have to move.

[10:15:42 PM](#)

13.16 Councilmember Weeks stated this is her first budget. She said she agrees with Councilmember Stenquist on many issues, but she does not agree with taking out the weekly recycling. The money is already there, and the residents are paying for the waste management. People are paying for that service already with the extra budget, and the fee will not go up any more. She wants to start supplying the service since they are paying that amount. She disagrees with Councilmember Stenquist on that but she wants to say yes on the rest of the budget. She asked how to phrase things so she gets that point recognized but agrees with all of the others.

Mayor Walker replied that she can make a substitute motion to add that into the budget, and if she can get a second they will deal with that amendment.

[10:16:41 PM](#)

13.17 Councilmember Weeks moved to amend the motion to include the weekly recycling in the budget. The motion failed for lack of a second.

[10:18:05 PM](#)

13.18 Councilmember Stenquist stated he has had a lot of residents ask him the same question about weekly recycling over the years. Generally he explains it to them from a cost perspective, and they understand. The City can charge all of the residents for that extra service whether they use it or not or they can charge the residents that want that service a small amount of money and they will get it. He spoke with a resident this week who said they would be willing to pay more to have better recycling service. Councilmember Stenquist explained to them that they could pay \$2.50 per month for a second can, and then they are paying for that extra service if they want, but the rest of the residents are not forced to pay for a service that they do not use.

Councilmember Weeks explained the residents are already paying for it. The money is already in the fund to pay for it. It does pencil out, so she does not know why they will not offer the service.

Councilmember Stenquist stated it is true that the City will not have to raise the fee to accommodate that; however, it is still tax payer money they would be spending whether they raise the fee or not. He expressed his opinion that if the City is running a surplus in that Solid Waste Fund, and they do not have plans to use it, the City should reduce the fee.

Councilmember Summerhays agreed but suggested they ask the employees up there before making that decision.

[10:21:08 PM](#)

13.19 A roll call vote was taken with Councilmembers Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. Councilmember Rappleye abstained from the vote. The motion passed unanimously.

[10:21:24 PM](#)

13.20 Councilmember Weeks asked whether they will vote on the recycling now. Mayor Walker explained that Councilmember Weeks did not get a second on her motion, so that failed.

Councilmember Weeks asked whether they will have to do something with the funds that would have gone towards the weekly recycling. Mr. Dobbins explained the funds would just stay in the Solid Waste Fund.

[10:21:55 PM](#)

14.0 Recess to a Municipal Building Authority Meeting

[10:25:10 PM](#)

** *The City Council meeting resumed at 10:25 p.m.*

[10:25:36 PM](#)

15.0 Council/Manager Reports

[10:25:31 PM](#)

15.1 Mike Barker, City Attorney, noted many times in Planning Commission and City Council meetings, the public will stand up and talk about liability for decisions the City Council and Planning Commission make. He clarified that as long as the City is following their ordinance and they have strict ordinances in place they are good. They will face liability issues when they do not follow up and enforce their own ordinance. It is a question that is understandable when people are concerned with who is responsible if their house slides down the hill; however, as Mr. Morey pointed out, Draper has one of the best geo technical ordinances in the State. As long as they require the developers to follow the ordinance and provide the required documentation, the liability does not lie with the City.

Councilmember Rappleye advised it is his understanding that once the geo technical engineers provide their stamp, they are taking some responsibility. Mr. Barker stated that is correct. The City Council's responsibility is to pass the ordinances and make sure they are followed and enforced properly.

Mr. Dobbins stated the governmental immunity protects them when the City follows the Code. They lose some of that protection when they step outside of that process.

[10:30:57 PM](#)

16.0 Adjournment

[10:30:59 PM](#)

16.1 Councilmember Vawdrey moved to adjourn the meeting. Councilmember Weeks seconded the motion.

[10:31:03 PM](#)

16.2 A vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

16.3 The meeting adjourned at 10:31 p.m.