

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JULY 5, 2016, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH**

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

EXCUSED: Mayor Troy Walker

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

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**Dinner**

**Study Meeting**

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1.1 Julie Peck-Dabbling, Salt Lake County, gave a brief history of how the Community Garden Program got started and discussed the current gardens they have. They partner with Wasatch Community Gardens to support and coordinate the program.

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1.2 Supreet Gill, Urban Farming, reviewed the application process for the Council. The purpose of the application process is to make sure they have enough community buy in to start the program and be the leaders.

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**2.0 Discussion: Traverse Ridge Special Service District Boundary Line Adjustment**

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2.1 Amy Baird, chair, displayed a map showing the proposed changes to the Traverse Ridge Special Service District (TRSSD) boundary line. The Board is recommending the properties above the 5,500-foot elevation line be included in the District and those lower properties be excluded because they do not receive any services from the District. The proposed change would remove the Cove at Little Valley and Ridgewood subdivisions from the TRSSD.

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2.2 Subsequent to Council and staff discussion, the Council directed staff to bring back information including the legal process, whether or not those subdivisions paid impact fees, and whether the residents in the TRSSD were in favor of removing the subdivisions from the District.

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**3.0 Discussion: Storm Water Fee**

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3.1 Scott Cooley, City Engineer, explained the formula the City uses to come up with the storm water fee.

**4.0 Council / Manager Reports**

4.1 The Council/Manager reports will be done at the end of the business meeting.

**Business Meeting**

[7:02:40 PM](#)

**1.0 Call to Order: Mayor Pro Tem Jeff Stenquist**

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**2.0 Thought/Prayer and Pledge of Allegiance**

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2.1 Paul Harrison offered the prayer.

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2.2 Bob Wylie led the Pledge of Allegiance.

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**3.0 Recognition: Recognizing the Participants of the Cycle Ability Program for their Accomplishments**

3.1 Mayor Pro Tem Stenquist briefly explained the Cycle Ability Program, which is a non-profit program that has allowed special needs bike camps to be held in Utah for the past two years.

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3.1 Councilmember Weeks explained that she has participated in the program and has been greatly inspired by the children benefiting from the bike camp. She thanked Steven and Sally Palmer, the founders, and other volunteers for providing such an opportunity to children in the community.

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3.2 Councilmember Rappleye expressed his excitement for the program, as it offers an opportunity for special needs children to have the same experiences as other children.

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- 3.3 Councilmember Summerhays agreed with the statements made by Councilmembers Weeks and Rappleye. He noted this is just one step in the process of becoming a more accessible community.

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- 3.4 Mayor Pro Tem Stenquist presented certificates to Steven and Sally Palmer, as well as the participants of the program.

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**4.0 Presentation: Knights of Columbus Presentation of a Check to the Draper Police Department for Victims of Domestic Violence**

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- 4.1 Norbert Martinez and Sean Wink, Knights of Columbus, presented a check to the Police Department for \$500 to be used for victims of domestic violence. The funds were raised from their annual Christmas tamale sale.

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**5.0 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.

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- 5.1 Lisa Wilcox, resident, requested that the flag ordinance be changed to allow banners to be hung along 12300 South. The Corner Canyon High School Football Booster Club would like to display pictures of each of their players for the upcoming year as a way to invite the community to become involved in the program.

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- 5.2 Melanie Knaphus, Booster Club President, stated that other communities have been able to display such banners, but the Draper City ordinance does not allow it. She asked that the City Council consider amending the Code.

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- 5.3 Paul Harrison, resident, expressed concerns about the traffic produced by the Coyote Hollow Trailhead located in the neighborhood cul-de-sac. Draper City's Open Space Plan, which was recently adopted, defines Coyote Hollow Trailhead as a neighborhood access trail, but later in the document it states that this will be increased to a primary access. A primary access would include restrooms, water, and a parking area with forty or more parking stalls. Mr. Harrison stated that the area cannot accommodate the traffic currently produced, let alone any future expansion. Although the streets are already

narrow, trail users will park on both sides of the street, which essentially blocks any through traffic. Mr. Harrison suggested that other surrounding trailheads be expanded to primary access, and Coyote Hollow be left as a neighborhood access only.

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5.4 Susan Davis, resident, explained the traffic from the trailhead has impeded the ability for emergency response vehicles to reach their destinations in the neighborhood. She stated that safety should be their first concern in this matter.

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5.5 Lyle Page, resident, voiced his concern about the potential expansion of the Coyote Hollow Trailhead. The heavy traffic has made it difficult for residents to access their homes, and the outside users often trespass onto their personal property. Mr. Page requested that the trailhead be kept as a neighborhood access only.

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5.6 Dean Bowen, resident, explained the popularity of the trailhead has increased significantly, which only adds to the traffic already produced by the Draper Temple. He was concerned about the safety of the children in the neighborhood. Mr. Bowen explained that there were other local trailheads that provided paved parking areas, and trail users should be pushed to use these other trailheads. He asked the City Council help the residents find a better solution than expansion.

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5.7 Ralph Borja, resident, stated that his main concern with the trailhead was the constant noise. He suggested that signs displaying quiet hours be posted in the neighborhood.

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5.8 Weston Millward, resident, shared the concerns that his neighbors had already expressed. He stated that the previous day he counted forty cars parked on the street at one time. With the increase in trail users, there has also been an increase in theft in the neighborhood. Mr. Millward expressed frustration that the trailhead was going to be increased without any notice to the residents or public hearings.

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5.9 Pat Harrison, resident, stated that there was a home fire in their neighborhood, and the fire department was not able to reach the home in a timely manner due to the excessive number of cars parked on the street. In addition to cars, there are often trailers and boats parked on both sides of the street.

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5.10 Bill Walsh, resident, spoke regarding his community's inclusion in the Traverse Ridge Special Services District (TRSSD), and his desire to be excluded from that. He explained that The Cove is a private, gated community that maintains its own streets. In addition, the TRSSD does not provide any services to the community, but the residents are still

being taxed for these services. Mr. Walsh asked that the City Council consider exempting The Cove from this taxation.

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5.11 Kelly McQuaid, resident, stated that he is a member of the Homeowner's Association for The Cove and echoed Mr. Walsh's comments.

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5.12 Doug Meine, resident, spoke about the Coyote Hollow Trailhead issue. He wondered if any traffic studies had been completed prior to the City's decision to expand the trailhead. Mr. Meine invited the City Councilmembers to visit the area and witness the traffic issues for themselves. In addition to the traffic, he has also experienced issues with trespassing and littering on his property. Mr. Meine stressed the importance of resolving these issues quickly.

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5.13 Cheri Waldron, resident, noted it is important for her to support the comments made by her neighbors about the Coyote Hollow Trailhead. She uses the trail system daily and appreciates that they have been so well maintained, but there are dangers in her neighborhood because of the increased popularity of this trailhead. Mrs. Waldron also suggested that the trailhead be a neighborhood access only.

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**6.0 Consent Items**

- a. **Approval of June 21, 2016, City Council Meeting Minutes**
- b. **Approval of Resolution #16-36, Appointing Stephanie Archibald as a Planning Commission Alternate Member**
- c. **Approval of Resolution #16-37, Appointing Members to the Building Board of Appeals**

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**6.1 Councilmember Summerhays, moved to approve the consent items. Councilmember Weeks seconded the motion.**

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

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**7.0 Action Item: 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 (Multiple-Family Residential) Zone, Located at 145 East Steep Mountain Drive**

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7.1 Keith Morey, Community Development Director, presented an aerial map of the subject property as well as the zoning map and preliminary plat. The item was continued from the previous City Council meeting because there were concerns about the geological issues associated with hillside development. Mr. Morey confirmed that the plans had finally been approved by the City's third-party geologist and are ready to be reviewed by the City Council again. Staff is satisfied that the plans meet all of the requirements of the City ordinances.

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7.2 Mayor Pro Tem Stenquist stated that the City has a set of ordinances and requirements that must be followed when analyzing and mitigating geological hazards. He asked if those requirements had all been met.

Mr. Morey confirmed that the requirements had been met. He commented that Draper City's geologic hazards ordinance is essentially the model that the State's Geologic Service recognizes as the standard for other cities. The ordinance is extensive, and it is a rigorous process to meet those standards.

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7.3 Councilmember Summerhays asked for clarification on the proposed accesses to the neighborhood.

Mr. Morey identified the access points on the site plan, and stated that the access labeled "C" was currently a dead end that would be used as a turnaround for police and fire vehicles.

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7.4 Councilmember Rappleye commented that the original approval for this development was for ninety-nine units, but they are now proposing only forty-eight units.

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7.5 Councilmember Weeks reported that she visited the subject property in response to the concerns raised by the residents at the last public hearing. After viewing the property and speaking with the fire and legal departments, Councilmember Weeks felt fairly comfortable with the proposal.

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**7.6 Councilmember Weeks moved to approve the Townhomes at Draper Landing Preliminary Plat. Councilmember Summerhays seconded the motion.**

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7.7 Councilmember Weeks expressed appreciation for the residents who came forward during the last meeting to voice their concerns.

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7.8 Councilmember Vawdrey stated that the applicant had done their due diligence, and the Code requirements had been met, which is all the City can legally require.

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7.9 Mayor Pro Tem Stenquist commented that the role of the City Council is to protect the public by establishing a set of standards that developers need to follow. If those standards are met, then they have legal standing to be approved.

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7.10 Councilmember Summerhays felt that the decrease in the number of proposed units was a benefit to the community.

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

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8.0 **Action Item: 6th Street Cottages Zone Change and Development Agreement, Request for Approval of a Zone Change to R4 (Single-Family Residential) on 5.27 Acres Located at Approximately 12447 South 600 East. This Zone Change Request is Tied to a Development Agreement**

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8.1 Mr. Morey presented an aerial map of the subject property, the current zoning map, and the land use map. The item had been continued from a previous meeting, and the City Councilmembers were aware of the language in the development agreement. In response to some of the questions raised at the previous meeting, Mr. Morey stated that the existing homes on the subject property were owned by the developer. The developer resides in one of the homes while the other two are rented out. Mr. Morey was unsure of why these homes were included in the rezone. In regards to the lot sizes, Mr. Morey confirmed that the calculated density of the subdivision would be 4.03 units per acre, which meets the minimum requirement of quarter-acre lots.

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8.2 Mayor Pro Tem Stenquist asked whether the larger lots with the existing homes could be subdivided in the future.

Mr. Morey confirmed that this was a possibility, but the developer would have to submit a new application and site plan for such development. These applications would be heard by the City Council. Mr. Morey stated that the applicant is proposing bungalow style homes in the development. He presented renderings of the bungalow style that were provided by the applicant.

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8.3 Councilmember Rappleye was concerned that the applicant has put so much emphasis on this development being for empty-nesters, but there is no way to guarantee who the buyers will be. He explained that other empty-nester communities offer amenities, such as pools, gathering areas, or pickleball courts. Without amenities, this development could be viewed just as affordable housing.

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8.4 Councilmember Summerhays agreed with Councilmember Rappleye's comments, believing that the dwellings in this development would be starter homes rather than empty-nester homes. Councilmember Summerhays's concern was that the front and back yards were being considered as open space.

Mr. Morey explained that the homeowner would only own the building envelope, and the rest of the property will belong to the homeowner's association. Anything owned by the HOA is considered common area.

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8.5 Councilmember Weeks asked whether part of the lot size calculation included the street.

Mr. Morey replied it did not.

Councilmember Weeks expressed concern that some of the lots seemed larger than others on the plan. With the lot sizes being averaged at a quarter-acre, she worried that some of the lots would be smaller than a quarter acre. Councilmember Weeks then asked whether the developer intended to landscape the lots to reflect what was shown in the rendering provided.

Mr. Morey stated the building envelope would need to be maintained by the residents, but the rest of the property would be maintained by the HOA. He suggested that she ask the developer what his intentions were for the landscaping.

Councilmember Weeks noted her final concern was for the high water table. She asked whether that was going to be disclosed to the potential buyer.

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8.6 Councilmember Vawdrey asked to be shown the rendering that would be part of the development agreement.

Mr. Morey presented the rendering.

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8.7 Mayor Pro Tem Stenquist questioned whether certain elevations and landscaping would be enforced in the development agreement.

Mr. Morey suggested that those specific requirements be included in the development agreement. The City Council would be able to request that items be added to the agreement if they are not already present.

Mayor Pro Tem Stenquist commented that the City Council needed to consider what type of development could go into this property if this request were denied. Eventually, this area would be developed into something, and he suggested that a residential development would have less of a traffic impact. The requested zone change does conform to the Master Plan, and it is compatible with the surrounding uses.

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8.8 Councilmember Weeks asked if the City Council could request wider streets or lot sizes as part of approval.

Mr. Morey stated that those things could be requested. However, he suggested that they continue the item and allow staff to discuss possible amendments to the agreement with the applicant.

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8.9 Councilmember Summerhays commented that they would need to be very specific in their requests.

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8.10 Mr. Morey cautioned that they do not want to put the City in a position where they would be designing or developing the property for the applicant. Staff could go back to the developer with a list of concerns and see if he would be willing to amend the development agreement.

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8.11 David Dobbins, City Manager, clarified that when they are talking about the average quarter-acre lot size that is not the lot size. They are actually talking about density being four units per acre. The lots themselves are just the size of the house.

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8.12 Councilmember Summerhays clarified that the average lot size in the development was a quarter-acre. If there is a concern, it should be with density.

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8.13 Mayor Pro Tem Stenquist commented that this request was more than just a zone change. A development agreement allows the City and developer to get more specific about the development without having to wait for a site plan.

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8.14 Mr. Dobbins asked the City Council to include any requested changes in the motion.

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8.15 Mayor Pro Tem Stenquist was uncomfortable making a motion to approve with a list of modifications. He suggested that the item be continued to allow staff and the applicant time to refine the agreement.

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8.16 Councilmember Summerhays asked for information about the existing home on 700 East.

Mr. Morey clarified there is not an existing home on 700 East. The map is showing the future homes.

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**8.17 Councilmember Weeks moved to continue this item. Councilmember Rappleye seconded the motion.**

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8.18 Councilmember Weeks stated she would like the street width to be addressed with the applicant, as she felt that it was too narrow. She also wanted each home to be on a quarter-acre lot. She requested that the landscaping be similar to the photograph provided to the City Council by the developer. Her final request was that the water table be disclosed not only on the plat, but to the potential buyer.

Mayor Pro Tem Stenquist commented that he was comfortable with how the lot sizes were calculated, and did not feel this needed to be altered. He also felt that having the water table issue stated on the plat was sufficient.

Councilmember Summerhays did not have an issue with disclosing the water table to potential buyers.

Councilmember Weeks stated she would like the street to be a standard street width, and that might consequently alter the number of lots.

Councilmember Vawdrey also did not want to specify the need for quarter-acre lots.

Councilmember Summerhays agreed that setting a specific lot size would be too restrictive for this development.

Councilmember Rappleye suggested the agreement specify the landscaping should look like that shown in the rendering of Granite Hollows Lot 6, as provided by the developer.

Councilmember Vawdrey asked whether this statement could reference the building style as well as the landscaping.

Mayor Pro Tem Stenquist commented that the rendering is an artist's perception of landscaping. Actual landscaping put in by a professional could look different from the rendering.

Councilmember Weeks asked that the ratio of rock to stucco reflect that portrayed in the rendering as well.

Councilmember Summerhays suggested the development agreement be amended to include some amenity requirements.

Councilmember Vawdrey agreed that a gathering place would be important to this community. She then asked the City Councilmembers how they felt about the zoning being applied to the three existing homes, as this was one of her concerns.

Mayor Pro Tem Stenquist agreed that the existing homes were not pertinent to the development, and was not sure that the zoning should be applied to those lots.

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

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**9.0 Public Hearing: Draper Mill Zone Change and Land Use Amendment, Request for Approval of a Zone Change from CO1 (Professional Office) to RM2 (Multiple-Family Residential) and a Land Use Map Amendment from Office/Service to Residential High Density, on a 2.64 Acre Property Located at 736 West 12300 South**

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9.1 Mr. Morey explained the subject property is designated as Office/Service on the land use map, and has been commercially zoned. The applicant has requested to rezone the property to residential to allow thirty-two townhome units to be constructed there. Staff felt that the proposed use would be less intense than a commercial use, and that a residential development would be better suited for the location. The Planning Commission unanimously forwarded a positive recommendation.

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9.2 Councilmember Rappleye stated that the access onto 12300 South would be a right-out only, and the access onto 700 West would not be a much better option. He expressed concern for the safety of the residents.

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**9.3 Mayor Pro Tem Stenquist opened the public hearing. No one came forward to speak, so the Mayor Pro Tem closed the public hearing.**

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9.4 Russ Tolbert, applicant, stated that he was one of the owners of Hallmark Homes. He explained that this property doesn't lend itself to a commercial development because of the retaining wall on 12300 South. This development would improve the look of that area. They intend to meet all of the design standards for buildings and landscaping.

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9.5 Councilmember Weeks was not opposed to the project, but she did have some concerns. Riverton City intends to install a Trax line along 12300 South, which would consequently widen the road. This would affect the townhome development. Councilmember Weeks was mostly concerned with the intersection of 12300 South and 700 West, which is already experiencing congestion issues.

Mr. Tolbert confirmed that a traffic study had not been conducted for the project yet, although there would be less traffic impact with a residential development than a commercial one.

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9.6 Mayor Pro Tem Stenquist was concerned that there had been a lot of requests for multi-family development recently, but these developments were not located directly onto 12300 South. He was also concerned with the Planning Commission's unanimous recommendation, as the land use map designates this area as commercial. He suggested that an office use would do well in this location.

Mr. Morey clarified that the application would amend the land use map as well as the zoning.

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9.7 Councilmember Summerhays commented that many of the home owners along 12300 South are trying to sell, because it's not an ideal street to live on. He stated he was also puzzled about the Planning Commission's recommendation.

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9.8 Mayor Pro Tem Stenquist noted the area will continue to develop and become denser. Traffic will only continue to increase on 12300 South.

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9.9 Councilmember Rappleye agreed with Mayor Pro Tem Stenquist's comments, and stated the intersection of 12300 South and 700 West really is an issue, and it may need to be refigured to accommodate the increase in traffic.

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9.10 Mayor Pro Tem Stenquist commented that the Transportation Master Plan shows 700 West as being widened in the next several years.

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9.11 **No motion was made.**

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**10.0 Public Hearing: Relation Minor Subdivision, Request for Approval of a 2-Lot Minor Subdivision on Roughly 2.68 Acres in the RA2 (Residential Agricultural) Zone at Approximately 1620 East Pioneer Road**

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10.1 Mr. Morey explained that this application came to him as a zoning administrator for approval because it was fairly straightforward. However, a good number of residents came to the zoning administrator hearing and brought up several concerns. This made Mr. Morey uncomfortable in making a determination, so he chose to send the application through to the Planning Commission and City Council for approval. Mr. Morey explained the subject property had been divided among some family members by mutual understanding but was not recorded properly. The applicant has worked to clean up the plat with the County so that the property lines reflect where fences currently are located. Mr. Morey presented the proposed plat containing two lots. One of these parcels would be highly impacted by the flood zone, but there is a small buildable area. The Planning Commission forwarded a positive recommendation. In regards to the concerns raised at the last hearing, Mr. Morey stated that many of the residents did not understand that the plat amendment was not a large subdivision. The existing home will remain, and there are no plans for construction on the second parcel.

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10.2 Mayor Pro Tem Stenquist asked for clarification on the buildable area of the second lot.

Mr. Morey confirmed that the parcel was buildable, but a developer would have to prove that it was a viable option in their application.

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**10.3 Mayor Pro Tem Stenquist opened the public hearing.**

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10.4 Julia Smith, resident, gave a history of her property and its uses. She also stated that she is not aware of any time that the area has flooded enough to warrant the flood area designation. Currently the area is wooded and is used as a deer preserve.

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**10.5 Mayor Pro Tem Stenquist closed the public hearing.**

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10.6 Lee Conant, applicant, briefly explained the process he went through to make this an acceptable subdivision plat. He assured the City Council that he had taken care of everything that needed to be done for this application.

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10.7 Councilmember Weeks commented that the applicant had worked hard to make the subdivision legal, and to be sure the flood plane was included on the plat. She felt this application was ready to be approved.

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**10.8 Councilmember Vawdrey moved to approve the Relation Minor Subdivision. Councilmember Rappleye seconded the motion.**

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

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**11.0 Public Hearing: Grayson Cove Subdivision, Amending and Extending Lot 5 of Canbury Cove Subdivision, Request for Approval to Amend and Extend Lot 5 of the Canbury Cove Subdivision, Which Will Result in the Creation of a New Subdivision to be Known as Grayson Cove. The Property is 3.87 Acres and is Located at Approximately 1111 East 13200 South**

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11.1 Mr. Morey stated the City Council recently denied a rezone application for this property, so the applicant has submitted a new application. The proposal will extend the plat to include both of the existing parcels, which will create development opportunities there.

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**11.2 Mayor Pro Tem Stenquist opened the public hearing.**

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11.3 John Hazelgren, resident, expressed concern that the proposed development may use the private lane to which his home has access. There are six homes on this private lane, and each of the residents shares this concern. Mr. Hazelgren explained that a verbal agreement was made with the applicant to construct a fence on his development which would block any unwanted access. It was not made clear if the fence would be constructed before or after the homes were constructed.

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**11.4 Mayor Pro Tem Stenquist closed the public hearing.**

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11.5 Dan Stewart, applicant, confirmed that he had made an agreement with Mr. Hazelgren, and that a permanent fence would be installed. He stated that the fence may not be the first thing constructed, but it would be done near the beginning of the process to prohibit construction traffic from using the private lane.

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**11.6 Councilmember Rappleye moved to approve the Grayson Cove Subdivision. Councilmember Weeks seconded the motion.**

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11.7 Councilmember Rappleye thanked the applicant for making such positive changes to his application.

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

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12.0 **Public Hearing: Adopting a Public Safety Impact Fee Facilities Plan and a Public Safety Impact Fee Analysis; Providing a Public Safety Impact Fee Enactment; Providing a Public Safety Impact Fee; Establishing a Service Area; Providing for Impact Fee Calculations and Imposition on Development Activity; and Providing for Other Matters as Required by the Act**

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12.1 Mr. Dobbins explained the City recently updated the park impact fees, and would now go through the same process to update the public safety impact fees. He introduced David Robertson of Lewis Young Robertson & Burningham who would be presenting their report. Mr. Dobbins stated the result of the report was that the impact fees would be lowered.

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12.2 David Robertson, Lewis Young Robertson & Burningham, stated that their presentation would be brief. He invited Teresa Pinkal to explain the process they went through to calculate the numbers in the report.

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12.3 Teresa Pinkal, Lewis Young Robertson & Burningham, explained the methodology behind the numbers in the report. Based on the current uses of the three fire stations and the public safety wing used by the police department, and their ability to expand, they have determined that the costs have gone down.

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12.4 Mayor Pro Tem Stenquist was surprised that the analysis showed so much of a decrease. He commented that the prison property redevelopment would change this analysis.

Mr. Dobbins stated the analysis would have to be redone once that redevelopment occurs.

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12.5 Mr. Robertson recommended that staff renew this analysis annually. When new projects are approved within the City the need for services will increase. The impact fees proposed with the report use the most up-to-date information that is available.

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12.6 Councilmember Rappleye asked how the calculations are done for commercial properties.

Ms. Pinkal explained that this is determined by the number of service calls for crime or fire in the area.

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12.7 Mr. Dobbins explained the single-family home currently pays \$528 for police and fire impact fees. The new fee would be only \$174, which is a decrease of 67 percent. Since there are currently no plans to build a new fire or police station, the City cannot legally charge more than the amount proposed. The fee change would take effect 90 days after approval.

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**12.8 Mayor Pro Tem Stenquist opened the public hearing. No one came forward to speak, so Mayor Pro Tem Stenquist closed the public hearing.**

[9:11:56 PM](#)

**12.9 Councilmember Rappleye moved to approve the Public Safety Impact Fee Facilities Plan and a Public Safety Impact Fee Analysis; Providing a Public Safety Impact Fee Enactment; Providing a Public Safety Impact Fee; Establishing a Service Area; Providing for Impact Fee Calculations and Imposition on Development Activity; and Providing for Other Matters as Required by the Act. Councilmember Summerhays seconded the motion.**

[9:13:11 PM](#)

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

[9:13:22 PM](#)

**13.0 Public Hearing: Montreaux Lot 124 Plat Amendment, Request for Approval of a Plat Amendment in the RM (South Mountain Development Agreement) Zone to Adjust the Building Pad Lot Lines**

[9:13:37 PM](#)

13.1 Mr. Morey presented an aerial map of the subject property, as well as the land use map, zoning map, and the existing plat. He explained there is a large retaining wall at the bottom of the site that encroaches onto the building envelope of Lot 124. The proposed amendment would shift the building envelope slightly so that it does not come in contact with the retaining wall. This amendment would not change density or lot sizes, but it would help to avoid any potential issues with the retaining wall. The Planning Commission forwarded a positive recommendation.

[9:15:17 PM](#)

13.2 Councilmember Rappleye asked which development owns the retaining wall. Mr. Morey replied he is not sure.

[9:15:41 PM](#)

**13.3 Mayor Pro Tem Stenquist opened the public hearing. No one came forward to speak, so Mayor Pro Tem Stenquist closed the public hearing.**

[9:15:56 PM](#)

13.4 Councilmember Summerhays asked how close the building envelope would be to the retaining wall once it was shifted.

Mr. Morey did not have an exact measurement, but he stated that all required setbacks could still be met with the adjustment.

[9:17:37 PM](#)

**13.5 Councilmember Vawdrey moved to approve the Montreaux Lot 124 plat amendment. Councilmember Weeks seconded the motion.**

[9:17:52 PM](#)

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

[9:18:26 PM](#)

**14.0 Public Hearing: White Mountain Business District Sign Text Amendment, Request for Approval of Text Amendment Modifying the Sign Standards Within the White Mountain Business District CSD Zone. The Commercial Special District is Located at Approximately 233 West 12800 South**

14.1 Mr. Morey explained the business park currently has only one building constructed, with the potential for five additional buildings. Each building will be approximately 500 feet long. The text of the original CSD Zone allowed for two monument signs on Lone Peak Drive. The proposed amendment would change that from two monument signs to one large tower sign. The amendment would also allow for directional signs within the building at the north and south end of each building. Mr. Morey explained the businesses in the existing building have found that it is difficult for customers to find their desired location, which is why the park is now requesting the directional signs.

[9:21:33 PM](#)

14.2 Councilmember Summerhays asked for clarification on the location of the proposed signs.

Mr. Morey explained that there would be only one tower sign on Lone Peak. All other signs would be within the development.

[9:23:31 PM](#)

14.3 Councilmember Rappleye stated that the proposed signage was typical to these types of business parks. He was in favor of the amendment.

[9:24:25 PM](#)

**14.4 Mayor Pro Tem Stenquist opened the public hearing. No one came forward to speak, so Mayor Pro Tem Stenquist closed the public hearing.**

[9:24:36 PM](#)

**14.5 Councilmember Weeks moved to approve the White Mountain Business District Sign Text Amendment. Councilmember Summerhays seconded the motion.**

[9:24:52 PM](#)

14.6 Councilmember Summerhays thanked Mr. Morey for working with the applicant on this proposal.

[9:25:12 PM](#)

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

[9:25:22 PM](#)

**15.0 Public Hearing: Draper Old Farm Lot 2b Plat Amendment, Request for Approval of a Plat Amendment to Lot 2b of Draper Old Farm Subdivision in the RA2 (Residential Agricultural) Zoning District. The Subject Property Contains 2.37 Acres and is Located at Approximately 13323 South 260 East**

[9:25:29 PM](#)

15.1 Mr. Morey presented the aerial map and identified the subject property. The lane on the plat is not technically a private road, but rather a private driveway with a utility easement running alongside it. The issue has been trying to get access back to the subject property for development. Staff suggested that the applicant dead-end the road into a cul-de-sac and build the lots around it. Mr. Morey presented the proposed plat. He confirmed that the proposed cul-de-sac met all fire department requirements, and all of the lots meet zoning standards. The Planning Commission forwarded a favorable recommendation.

[9:27:54 PM](#)

15.2 Councilmember Summerhays asked which staff member was responsible for the cul-de-sac idea.

Mr. Morey stated that it was a product of some group brainstorming.

Councilmember Summerhays commended staff for proposing this solution.

[9:28:57 PM](#)

**15.3 Mayor Pro Tem Stenquist opened the public hearing.**

[9:29:24 PM](#)

15.4 Ron Smith, resident, voiced concern about the widening of the private drive to accommodate the roadway into the cul-de-sac, as it would encroach onto his property by about eighteen inches. He hoped that any disturbed sprinkler lines would be replaced. Mr. Smith was also concerned about the size of the lots and the homes.

[9:32:59 PM](#)

**15.5 Mayor Pro Tem Stenquist closed the public hearing.**

[9:33:05 PM](#)

15.6 Mr. Morey clarified that the engineering department has informed the developer about the road standards, but the specifics of the road and cul-de-sac would be handled during a different phase in the development process.

[9:33:44 PM](#)

15.7 Jennifer Jastremsky, Planner, stated that the City Council would not see this project again if this amendment were approved. Any remaining approvals would be done by the Planning Commission. She also stated that the road would have to be widened to twenty-six feet due to the addition of three extra lots to the property. The original plat actually has a fifty-foot easement/right-of-way for the private road, so the twenty-six feet is within the existing easement.

[9:34:51 PM](#)

15.8 Councilmember Weeks asked whether Mr. Smith's concerns would be addressed.

Ms. Jastremsky explained that each of the owners own property up to the center of that lane. The developer will need to obtain a construction easement from each owner in order to actually develop the road. The individual owners can negotiate reinstalling sprinkler systems and other things of that nature.

[9:36:05 PM](#)

15.9 Alan Prince, applicant, stated that the cul-de-sac was Mr. Morey's idea, and it is a wonderful solution. The road will need to be improved to meet Code requirements, but sidewalks are not part of those requirements. Mr. Prince also agreed to line the neighboring homes with trees.

[9:44:29 PM](#)

**15.10 Councilmember Rappleye moved to approve the Draper Old Farm Lot 2b plat amendment. Councilmember Summerhays seconded the motion.**

[9:45:06 PM](#)

15.11 Councilmember Rappleye thanked Mr. Morey for his work on this issue.

[9:45:30 PM](#)

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

[9:45:41 PM](#)

**16.0 Council/Manager Reports**

[9:45:57 PM](#)

16.1 Councilmember Weeks explained that she had received complaints from some residents on Relations Street regarding the stench coming from a neighboring home. She visited the area and confirmed that the stench was almost unbearable. The City doesn't have a smell ordinance, so the enforcement officer is limited in the action he can take in this situation.

Councilmember Weeks asked if the City Council would consider adopting a smell ordinance that would allow the City to take some action in this matter.

Mayor Pro Tem Stenquist worried that it would be difficult to establish a threshold for smell. He was sure that there was an ordinance prohibiting piles of cat feces on a property.

Councilmember Rappleye commented that the nuisance ordinance should address noxious odors.

Councilmember Summerhays was concerned that a smell ordinance would negatively affect residents with large animals on their properties.

Mayor Pro Tem Stenquist agreed with Councilmember Summerhays. He was not opposed to researching a smell ordinance, but wanted to be sure they considered all of the unintended consequences.

Councilmember Rappleye commented that this situation could be a health code violation.

Councilmember Summerhays suggested that they take a smaller approach than creating a new ordinance. He suggested that they send the Code Enforcement Officer out to the property to find out what the problem is.

Councilmember Weeks explained that the Code Officer was already sent to the property, and enforcement notifications were sent to the property owner. According to the officer, there is nothing on the books that would allow him to enforce the issue. She explained that the smell of cat urine is coming from inside the home rather than the yard. Animal control has also been to the property and determined that there is no problem where they are concerned. Councilmember Weeks stated that the property owner has been served with documents about cleaning up her yard, but that is not the source of the issue.

Russ Fox, Assistant City Manager, stated that Section 75-120 of the nuisance animal section of the ordinance outlines several conditions that can be deemed a nuisance. One of those is unsanitary conditions in enclosures and surroundings. Mr. Fox felt that this may be able to address the issue.

Councilmember Weeks suggested this Code be enforced by the Code Enforcement Officer. She then expressed another concern that was raised by a resident the other day. He was concerned about unkempt nature of the trees in his neighborhood. This man stated that he would be willing to prune the trees himself if the City would be willing to provide a dumpster. Councilmember Weeks was aware that this could be abused, but he wanted the City Council to consider this possibility.

Councilmember Summerhays did not see a problem with this if it was only trees, but anyone could dump their junk there and then the dump would not take the dumpster. The City would be at a loss if this happened.

Mayor Pro Tem Stenquist stated that the City already offers the dumpsters at a reduced cost to residents. He was not comfortable offering the dumpsters for free when they were already discounted.

Councilmember Weeks's final concern involved the park strips along 1300 East. The landscaping is inconsistent and not visually pleasing, and now the same thing is happening on 300 East. She wondered whether the City Council would consider adopting an ordinance requiring tree-lined streets. This is required for new developments, but not for existing homes.

Mayor Pro Tem Stenquist commented that this would require residents to plant trees even if they don't want them. It would be nice to have beautiful tree-lined streets, but it would be difficult to enforce with existing properties.

Councilmember Weeks stated that notices are already going out about the improvement of the park strips of 300 East, and she suggested that they simply state that trees will be planted unless the resident is opposed.

[10:12:07 PM](#)

16.2 Councilmember Rappleye explained that many residents selling their homes are putting up signs illegally. He asked whether the Code Enforcement Officer could go out on the weekends and take care of this issue. Councilmember Rappleye was also concerned about construction on 300 East. The construction does not take place on the weekends, so the road is not being watered. The result is an excessive amount of dust in the surrounding neighborhoods. He asked staff to address this issue with the contractor.

[10:14:22 PM](#)

16.3 Councilmember Summerhays received a lot of phone calls regarding the fireworks on the 4<sup>th</sup> of July weekend. He recommended that the City Council try to come up with a solution that would mitigate any problems before next year.

[10:15:04 PM](#)

16.4 Mr. Dobbins stated that he sent an email to the City Councilmembers about the fireworks, which explained that the State Code does not really allow the City to take any action. In regards to the request for banners along 12300 South for Corner Canyon High School, Mr. Dobbins clarified that the Booster Club is not a part of the high school, but rather it was a private entity. If the City Council allowed the group to put up banners, they would open the ordinance up to all private organizations.

Councilmember Summerhays was not in favor of opening up the ordinance to private entities.

Mr. Dobbins explained that someone from Corner Canyon Football had recently asked for leniency to store trucks and trailers on City or private property. The City has encountered this issue before and has not allowed such storage. There was some discussion regarding temporary businesses parking on private property.

[10:28:40 PM](#)

**17.0 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**

[10:28:47 PM](#)

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

[10:29:05 PM](#)

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

17.3 The meeting adjourned at 10:29 p.m.