

Approved 09/05/2017

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, AUGUST 29, 2017, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Pro Tem Bill Rappleye, and Councilmembers, Jeff Stenquist, 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; Rhett Ogden, Recreation Director; Clint Smith, Fire Chief; Bryan Roberts, Police Chief; and Bob Wylie, Finance Director

Dinner

Study Meeting

1.0 Report: Final Draper City Annual Budget for FY2018

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1.1 Jared Zacharias, Assistant Finance Director, indicated the final budget document has been completed, and it is available on the City website. He reviewed some of the highlights in the document and advised the goal of the Finance Department was to have the budget as transparent as possible for the residents.

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1.2 Mr. Dobbins clarified that this documents represents the budget exactly as the City Council adopted it.

2.0 Report: Semi Annual City Deposits & Investments

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2.1 Lourdes Ramos, Treasurer, reviewed the current deposits and investments held by the City.

3.0 Council / Manager Reports

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3.1 David Dobbins, City Manager, stated the City is going through the process to update the General Plan, and Russ Fox, Assistant City Manager, will be heading that process.

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Mr. Fox briefed the City Council on the history of the process to date. The City hired Logan Simpson Design to work on the update, and the City has committed \$73,750 to the project. Wasatch Front Regional Council is also providing funding through a grant. Logan Simpson has put together a preliminary document, and the next steps in the process will include:

- Final updates on mapping
- Visioning exercises
- Vetting through the Planning Commission including a public hearing
- Vetting through the City Council including a public hearing

Mr. Dobbins explained there has been a gap in getting the plan to point of being ready to go out to the public. Staff is going to pull back a bit and work with the Wasatch Front Regional Council to get it ready. There is always a question of whether they get the Council's input now and then take it public and to the Planning Commission or whether they start the process and let it get to them for the final changes and approval. The plan needs to be read by someone who does not understand land use to make sure it is easy to read and understand.

Councilmember Weeks expressed concern with the process, the survey, and with the proposed density in the plan she has read. She said there are many issues with the proposed plan that have to be addressed before it is passed.

Mr. Dobbins noted there is still a lengthy process before it gets passed. He is recommending they pull back and allow the Council to have input now concerning specific parameters such as zoning and density.

Councilmember Rappleye noted there was very low turnout at the General Plan Open House, and there was not a large response at Draper Days. He would like to receive more input from the residents before the City Council starts weighing in.

Mr. Fox explained they can talk about ideas to obtain more community involvement. The consultants did meet with the City Council prior to drafting the proposed plan to get feedback and input. He suggested they have more neighborhood meetings and things that are more localized. The key is that this is a draft document that technically comes from the Planning Commission. There has been some community involvement, but it does need more work.

Councilmember Weeks asked who came up with the density. Mr. Fox explained some of this information comes from Wasatch Regional Council who looks at planning from a regional standpoint.

Mr. Dobbins stated this is not ready for the public hearing process, and staff will be working on various issues and getting more community involvement. He asked if the City Council wanted to have a Study Meeting to discuss the General Plan. The Council stated they would like to do that.

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Mr. Dobbins then advised the SunCrest Owners Association (OA) would like some property near the SunCrest Market to expand their clubhouse. He asked whether the City Council wanted to surplus that property and indicated the City does not have any current plans for it.

The City Council agreed to start the process to surplus the property. Mr. Dobbins noted current case law requires the property to go to the highest bidder, so even if the Council wanted to sell it to the OA, they might not be able to if someone else wants it at a higher cost. If that is the case, the Council may choose not to sell it.

Councilmember Weeks asked whether the City Council could just lease the property to the OA. Mr. Dobbins stated they could. They would just have to show that the tax payer is getting a public benefit. He expressed concern that someone who is not in the OA would want to use it because it is on public land. Staff can look at that option.

Mr. Dobbins indicated the City Council recently approved the Rivermark subdivision, and they talked about putting the road through to Manfield Way. The developer is getting ready to do their final plat, and the City Council approved the budget for the City to purchase the property to preserve the right-of-way. They need to let the developer know if the City is going to purchase the property. The City Council agreed to move forward with the purchase. He stated that even though they talked about this option during the preliminary plat process, the final plat will show the actual road dedication. The neighbors might be upset, even though they all know it was a possibility. All the City would be doing right now is purchasing the right-of-way.

Mr. Dobbins stated the City has been talking about the deer mitigation options. There is a public process that is required, and he asked the City Council if they want staff to start that process right now. Mr. Dobbins cautioned the City Council that although there are many people who complain about the deer, there will be an equal amount of people who will rally to save the deer. The first step would be to have an open house meeting to inform the public of the problem and how the City proposes to solve the deer issues.

The other problem that is separate from this issue is that there are deer and elk herds in Draper's open space that have to be managed because there is no hunting allowed, and there is no other way to thin the herds.

The general consensus of the City Council was to move forward with the public process.

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3.2 Rhett Ogden, Parks and Recreation Director, reviewed the proposed new trails and trails under construction, which included:

- Hoof n' Boot Extension .4 miles
 - Walking and equestrian only
 - Corner Canyon Trails Foundation funding
- Accessible Overlook Path .2 miles

- Corner Canyon Trails Foundation funding
- New Peak View Trail
 - Trail Head
- Proposed Hidden Meadows Trail .6 miles
 - \$10,000 City funding
- New Porc-u-pine Trail
- Proposed Bike Trail 1.8 miles
 - Green (easy) with side features
 - Corner Canyon Trails Foundation funding
- Woods Hollow Trail – under construction
- Eagle Ridge Trailhead
- Brookside Trailhead
- Maple Hollow Trail

Councilmember Vawdrey, Councilmember Weeks, and Councilmember Summerhays were in favor of making the Hidden Meadows Trail as walking only.

Councilmember Weeks asked whether part of the \$250,000 the City Council allocated to trails this year would be for off-leash dog trails. Mr. Ogden indicated there is already an off-leash trail off Deer Ridge. Many people are using it. There are no other off-leash trails in the 2-year plan; however, there are some in the Master Plan.

Business Meeting

[7:04:09 PM](#)

1.0 Call to Order: Mayor Pro Tem Bill Rappleye

- 1.1 Mayor Pro Tem Rappleye excused Mayor Walker from the meeting. His father has a serious illness, and Mayor Walker is with him in the hospital this evening.

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2.0 Thought/Prayer and Pledge of Allegiance

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- 2.1 Parker Washanko, Scout Troop # 1227, offered the prayer.

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- 2.2 Kevin Nichols, Scout Troop #1227, led the Pledge of Allegiance.

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3.0 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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- 3.1 Dave Mast, developer, gave his best wishes to Mayor Walker who is dealing with a family emergency this week. Mr. Mast questioned the order of the agenda items pertaining to the Edelweiss development. He felt the public comment period should happen prior to the adoption of the final plat. Mr. Mast indicated he would be speaking to the development in question during the appropriate public comment period.

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4.0 Consent Items

- a. **Approval of August 1, 2017, City Council Minutes**
- b. **Approval to Surplus City Vehicles.** Staff: Bob Wylie
- c. **Approval of the 2017 Primary Election Canvass of Votes.** Staff: Rachelle Conner

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- 4.1 **Councilmember Stenquist moved to approve the consent items. Councilmember Weeks seconded the motion.**

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- 4.2 **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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5.0 Public Hearing: Draper Pointe CSD Zoning Text Amendment Amend Portions of Chapter 9-18H of the Draper City Municipal Code as it Relates to the Signage Requirements for the Draper Pointe Commercial Special District

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- 5.1 Maryann Pickering, Planner, presented the staff report and an aerial map of the subject property. She explained the proposed amendments only relate to signs for the district. The property is currently shown as Destination Commercial within the Land Use Plan and the above stated zoning pertains to the whole site. The requested change was to allow for various sign changes within the district. The primary change was to ensure that wall signs would be permitted at a 2-to-1 ratio for the residential uses within the district. The other proposed change was for electronic signs; however, the applicant has decided to withdraw the request for electronic signs and may pursue the request again at a future date. An updated ordinance that reflects the changes for the wall signs only was also completed as of today by staff, and a copy of those changes were distributed to the Council for their review. Ms. Pickering identified the residential properties which will be impacted by the signs, and she presented examples of how they will look. Staff and the Planning Commission recommended approval of this request as it has been outlined.

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5.2 Councilmember Summerhays asked if the examples shown by Ms. Pickering would be what would exist on the property in question. Ms. Pickering answered affirmatively, and noted one of the signs is called a “blade sign” because it is perpendicular and would stick out. She said the signs have to be at least seven feet above the sidewalk for clearance. Ms. Pickering then clarified how the buildings will be named in response to a question from Councilmember Summerhays. The address will also be posted on the building for police and fire.

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5.3 Adam Lankford, applicant, explained that his original request to amend to the CSD, which was made several years ago, specifically pertained to signage for the two projects described by Ms. Pickering. The types of signs included with the request are blade signs and wall-mounted signs. In meeting with staff, they discussed the option of adding electronic signage into the CSD based on the amount of frontage that exists on Bangerter Highway. However, they have since decided to remove this aspect of the request.

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5.4 Councilmember Summerhays asked Mr. Lankford if the monument signs in the area will be removed. Mr. Lankford answered in the negative, and said the monument signs would be maintained. However, the project on the north side of the subject property will probably only have a blade sign.

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5.5 Mayor Pro Tem Rappleye opened the public hearing. No one came forward to speak, so Mayor Pro Tem Rappleye closed the public hearing.

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5.6 Councilmember Summerhays indicated he did not have any concerns with the proposal as it has been outlined.

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5.7 Councilmember Summerhays moved to approve the Draper Pointe CSD Zoning Text Amendment. Councilmember Vawdrey seconded the motion.

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5.8 Councilmember Summerhays noted the Planning Commission forwarded a positive recommendation on a vote of 5-to-0.

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5.9 Mr. Barker clarified the original proposal has been withdrawn; therefore the Council will vote on the substitute request.

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5.10 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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6.0 Public Hearing: Providing Local Consent for a Special Use Permit (Scientific & Educational) Alcohol License for Believe, LLC dba Board & Brush Creative Studio Draper

[7:19:00 PM](#)

6.1 David Dobbins, City Manager, invited the applicant to the podium to further explain her request.

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6.2 Leslie Waite, applicant, stated she and her husband are opening a business called “Board & Brush Creative Studio”. She explained their business concept which assists customers through the process of creating their own Do-It-Yourself (DIY) woodworking craft projects. This business concept originated in the Midwest, and over the past couple of years it has expanded into 110 locations across the country. Mrs. Waite explained that her request is to be able to serve no more than five ounces of wine on the premises, as an educational wine tasting component to the business model. According to franchise requirements, they will be unable to open their business without having consent from the City to offer wine tasting at least one night per week.

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6.3 Councilmember Rappleye asked where the business in question will be located. Mrs. Waite stated they are located at the intersection of I-15 and 12300 South in the same shopping plaza as Kohl’s. They are located directly next store to Wasabi Sushi, Wing Nutz and the new children’s photography studio. Mrs. Waite said they have received a tremendous outpouring of support from the community. She indicated her business will be a social environment and family friendly. Wine tasting nights will be for customers who are ages 21 and older, and all IDs will be checked at the door prior to entrance. Mrs. Waite explained she is actively pursuing a required educational license for the wine tasting business component.

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6.4 Councilmember Summerhays asked if wine would be served on other nights as well. Mrs. Waite said no.

In response to inquiries from Councilmember Summerhays and Councilmember Stenquist, Mr. Barker explained this request would be met by way of a special use permit. He provided a list of the other types of special use permits that have been granted throughout the City.

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6.5 Councilmember Weeks mentioned another business model in which customers can paint a picture on canvas while enjoying a glass of wine, and stated it has been very successful. Mrs. Waite indicated her business was a similar concept with the exception of being more hands-on. Councilmember Weeks said she was excited for this type of business to come into the area.

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6.6 Councilmember Summerhays commented that his daughter runs a business where once a week they offer a group paint night. The event is so successful they have to take reservations. Mrs. Waite stated she would also take online reservations.

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

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6.8 **Councilmember Weeks moved to provide local consent for a Special Use Permit Alcohol License for Believe, LLC. Councilmember Summerhays seconded the motion.**

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6.9 **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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7.0 **Action Item: Resolution #17-55, Annexing Phase 1B of Hidden Canyon Estates into the Traverse Ridge Special Service District**

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7.1 Mike Barker, City Attorney, said according to the Master Development Agreement the different phases of Hidden Canyon Estates are to join the Traverse Ridge Special Service District (TRSSD). Having reviewed the application, staff has found that everything is in compliance with State Code. As was the case with the previous phase, the appropriate documents will be filed with the Lieutenant Governor's Office within the next 30 days. Mr. Barker then presented an aerial map of Phase 1B of the project. Staff recommended approval of the request as it has been outlined.

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7.2 **Councilmember Stenquist moved to approve Resolution #17-55. Councilmember Vawdrey seconded the motion.**

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7.3 Councilmember Stenquist said in the case of TRSSD, there were plans to have a lot more units than what will eventually be developed. For a long time, the cost of funding TRSSD services has been born by a smaller population of residents in the area than full build-out would have anticipated. He said that adding more properties into TRSSD will help spread those costs among more people, thereby benefitting everyone within the district.

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7.4 **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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** Mr. Dobbins stated each phase of the Edelweiss development was listed separately on the agenda. He explained the development is subject to a contractual agreement; therefore, plat approval cannot take place until the amendments to that agreement are approved. Otherwise, the plats outlined in said agreement would be inconsistent.

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8.0 Action Item: Edelweiss Development Agreement Amendment

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8.1 Dan Boles, Planner, presented an aerial map of the subject property and stated it is located off of Suncrest Drive and Traverse Ridge Road. The property is zoned MPC Edelweiss and is a master planned community. Mr. Boles reviewed the updates to the development agreement as follows:

- Allowance of eight lots on two private lanes (five/three on each lane)
- An additional three lots to the plat for a total of 174 units
- Allowance of up to 50 lots without a second access; they are now limited to 30
- Moving the trailhead to an interior cul-de-sac, and requiring the trailhead to be constructed with the adjacent phases of the project
- Allowance of 29% open space (as opposed to 30% as per City Code)
- Payment for usage of the detention basin and other fees
- Removing the requirement for alternative road striping on Traverse Ridge Road and moving it to Suncrest Drive in the future, if necessary
- Allowance of final plats prior to obtaining signatures from utility companies, as well as other City personnel signatures

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8.2 Councilmember Weeks asked why the City is allowing up to 50 lots without a second access. She asked if this was in compliance with Fire Code. Mr. Boles explained Draper City Code states 30 lots are permitted without a second access. He noted Hidden Canyon Estates – the adjacent property – was granted up to 50 lots, and so the developer of the Edelweiss project is requesting the same consideration. Councilmember Weeks clarified that presently the Edelweiss development was allowed 30 lots, and Mr. Boles confirmed that was the case. She expressed concerns that the additional lots would add more pressure on the utility systems and public safety departments. Mr. Boles indicated the proposal was reviewed by the Fire Department, which has in turn forwarded a positive recommendation. He noted the developer will be required to install fire sprinklers in each of the homes until a second access is put through the development. Councilmember Weeks asked for the reasoning behind the last amendment as it was stated above. Mr. Boles indicated the City had received letters from utility companies stating they have had the ability to serve the lots, they just have not yet formally signed off on the project. He stated those signatures will be required prior to plat recordation.

Mr. Barker reiterated that plat recordation cannot occur without signatures from each utility company. In general, developers invest a significant amount of money into their projects;

therefore, it would not make sense for them to move forward without a sure knowledge their properties will be served by the appropriate utilities.

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8.3 Councilmember Summerhays asked if the mylar on the plats has been signed by the utility companies. Mr. Boles said no; for this reason, an allowance to move forward without those signatures was included in the list of proposed amendments to the development agreement. Councilmember Summerhays also inquired as to the width of the private lanes. Mr. Boles did not have the information readily available, but indicated he would send it to Councilmember Summerhays. Councilmember Summerhays expressed he did not understand the justification for this particular allowance. Mr. Boles explained when this area was originally master planned it included townhomes with private lanes. When the townhomes were removed from the master plan, there was a requirement that single family homes be built on a public street. Mr. Boles said for this reason he was comfortable with the developer's proposal to allow eight lots on two private lanes.

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8.4 Councilmember Vawdrey asked about the open space of the subject property. There was subsequent review of the aerial map.

Councilmember Stenquist said to his knowledge, there is not necessarily a trail access planned as part of the development. He opined at some point they might construct a connector trail from the trailhead to another trail in the system.

Councilmember Summerhays asked if it would be a large or moderately sized trailhead. The roads in the area are narrow, and he didn't want to create traffic congestion through the neighborhood.

Councilmember Stenquist stated there would not be a significant amount of traffic through the area, because there are better trail options nearby. He opined this would be a minor trailhead.

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8.5 Councilmember Vawdrey asked about the thought process regarding the location of the trailhead. Mr. Boles said the recommendation came from the developer, with the idea that it would be better served in its proposed location.

Mr. Ogden stated his staff also had strong feelings regarding the location of the trailhead, based on where they felt it would best be serviced.

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8.6 Councilmember Weeks was also concerned with the location of the trailhead and she reiterated several of the points raised by Councilmember Summerhays and Councilmember Vawdrey. She asked how many parking stalls are allowed at the trailhead according to the diagram that was presented. Mr. Boles guesstimated there will be 12 to 18 parking stalls.

Mr. Boles also noted in regards to the private road, the requirement is to have at least 21 feet of asphalt.

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8.7 Nate Shipp, applicant, said he did not make a habit of coming back to City Councils to request changes to development agreements. This situation is an exception because they have been approached by staff regarding the changes that were previously outlined by Mr. Boles. Furthermore, they were approached by their neighbor to the east – Edge Homes – regarding changes to the preliminary plat in regards to where the two properties’ roads connect. Edge Homes had approached the City with an approved plan and indicated they wanted to relocate a road through their property. Mr. Shipp would like to connect the two public roads, which is what initiated these discussions.

The aerial map of the subject property was reviewed. Mr. Shipp stated the two roads were at a completely different vertical elevation which caused them to reconfigure the site. In so doing, it became apparent they had a less efficient layout, which in turn caused them to incur more cost in the construction of the road. He explained that their request stems from the existing development agreement which allows private lanes, with the caveat that they are able to place product on the lane. Mr. Shipp said they did not feel townhomes was the right product for the area and so they are requesting single family homes to be allowed on the approved private lanes instead. Mr. Shipp said even with the three extra units on the private lane, there will not be any more units than what is currently allowed under the development agreement.

Mr. Shipp discussed the process that took place in determining the location of the trailhead. Based on the existing development agreement, they have already agreed upon a certain size of trailhead. He said they have already posted a cash bond to cover the expense of that installation with the City.

In regards to open space requirements, Mr. Shipp indicated they are already exceeding 30 percent. He said they have agreed to pay a large sum of money to the City for the regional detention pond to which they will be connecting. Mr. Shipp said it did not make sense for them to stripe Traverse Ridge Road since they will not be connecting to that particular road. Lastly, Mr. Shipp stated he did not know of any other City that requires him to bring to the meeting a signed mylar with the utility companies signatures. Legally, he cannot record the plat without the company’s signature; therefore, this becomes an issue of timing.

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8.8 Councilmember Weeks thanked Mr. Shipp for explaining each proposed change as previously described, and indicated his presentation helped answer most of her questions. She asked him to clarify the justification for requesting 50 lots without a second access. She said emergency access was one of her major concerns. Mr. Shipp said their second access has been approved, and explained this has been a topic of concern for the Stoneleigh Heights residents. From the beginning, they have been trying to determine an alternative to that particular access. He noted the subsequent plats on tonight’s agenda will take the road all the way down to the east and make the connection. Mr. Shipp said it is his intent

to build the road this year; however, if there are delays in construction he has requested to build the extra homes with the condition that they are fully equipped with fire sprinklers.

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8.9 Councilmember Vawdrey moved to approve the amendments to the Edelweiss Development Agreement. Councilmember Weeks seconded the motion.

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8.10 Councilmember Vawdrey expressed appreciation to Mr. Shipp for explaining each of the amendments.

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8.11 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: Edelweiss Preliminary Plat Amendment

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9.1 Mr. Boles explained that the stub road leading to the project to the east is farther north than what was seen in the proposed amended plat. As a result, some space was left open and the applicant is now proposing three new lots be built in that open space area, which will be served by a private lane. He further described the layout of the site plan. He mentioned a boundary change that took place between Utah County and Salt Lake County and stated the lots along the boundary line have since been changed at each respective County Recorders' Offices. An aerial map showing this boundary line adjustment was shown.

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9.2 Mayor Pro Tem Rappleye opened the public hearing.

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9.3 Kevin Nichols, resident, said he liked the idea of building private lanes for the single family homes.

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9.4 Greg Wilding, engineer, stated his company designed Hidden Canyon Estates which is located adjacent to the Edelweiss development. He was asked by Mr. David Mast to have a discussion regarding the evolution of the road connections between the Edelweiss and Hidden Canyon Estates projects. Mr. Wilding said about two years ago, Mr. Mast delivered to him the December 2004 copy of the development agreement between Edelweiss and Draper City. He and Mr. Mast had not previously seen the document in question, and it showed a road connection that had an impact on Mr. Mast's project. He said Mr. Mast was upset that the Edelweiss developer had unilaterally – without his knowledge – placed a secondary access road and temporary detention basin in this development agreement with the City. Mr. Wilding distributed a copy of the December 2004 development agreement. He said it was his recollection the Edelweiss location for that road connection to the Hidden

Canyon Estates project did not go over well with Mr. Mast because he didn't feel it was in the best location for either project. He explained following his initial meeting with Mr. Mast, he recommended to Edge Homes that Mr. Wilding's company do the engineering for the project, to which he agreed. At this point, Mr. Wilding began to interface with Mr. Steve Maddox of Edge Homes. He noted Mr. Maddox is the buyer of the project whereas Mr. Mast is the seller, and they wanted Mr. Wilding to start working with the Edelweiss engineer to determine where that access could be located. However, the two companies had difficulties communicating, so Mr. Wilding's company continued to design on its own. Mr. Wilding stated Hidden Canyon Estates already had a longtime approved secondary access at Eagle Stone Way and Stone Crest Drive. After a year, Mr. Wilding recalled his staff began receiving calls from the Edelweiss engineer and at about that same time, he learned that Mr. Maddox and Draper City were in negotiations with Edelweiss to settle where the secondary access would be located. Mr. Wilding said the big issue with Edge Homes and Mr. Maddox was timing. After receiving a copy of the Edelweiss's proposed phasing plan, Mr. Wilding learned that it would slow up the development process of Hidden Canyon Estates.

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- 9.5 Rick Bodell, property owner, expressed concerns with emergency services in the project area, especially with the additional lots. He said he was never informed of the Edelweiss plan that was approved in 2004, and his property is located directly adjacent to the proposed development. He asked the Council not to allow Edelweiss to reduce the size of the lots shown on the approved master plan. He stated the lots should remain similar in size to what exists in Hidden Canyon Estates.

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- 9.6 Dave Mast, applicant, reiterated Mr. Bodell's comments regarding the lot sizes. He said the City should not give credit to Edelweiss for providing private open space. The City should not give out development credit for open space that exceeds 30% in grade. Edelweiss should be required to provide a legal property description to Draper City to confirm the open space, and to identify the open space that exceeds 30% grade. Hidden Canyon Estates had to build a road access to an adjacent subdivision so Edelweiss could get access. Mr. Mast said if they want more roads, then Edelweiss should be required to build them. Draper City has a settlement agreement with Zions Bank, of which Mr. Mast is a part. He said the amount Edelweiss is to pay the City is much higher than \$87,000. Mr. Mast said the Edelweiss developer did not have to put up any land for the detention basin; he said all of the land for the detention basin belonged to him. Edelweiss should not get a final plan approval until all of the signatures from the utility companies are provided. Edelweiss was given a mass grading permit from the City of Draper, and Mr. Mast said he now has uncontrolled storm drainage that runs onto his property. In regards to the private lanes, Mr. Mast asked where the gates are located. Mr. Mast concluded by stating there are a lot of problems with the drawings presented.

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- 9.7 Scott Steadman, resident, stated in regards to Councilmember Stenquist's comments about the trailhead, there is no access off of Haddington. Rather, this has changed with the

Edelweiss development. He said that while the City has done a fantastic job with the trail system in the area, the recent additions of the two downhill trails have created a new problem with overflow parking. He was concerned with the increased traffic this new trailhead would create for the development down the road. Mr. Steadman said it appeared that instead of creating more open space it seemed like there was higher density. Lastly, he asked for clarification on why the housing type had switched from townhomes to single family homes.

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9.8 Bruce Baird, attorney, stated it is hard to say an agreement approved in 2004 between the City and the developer was unilateral. He said that by definition, this was not the case. There were discussions later and over the course of time the iterations changed of where each road connected. Mr. Baird said there were many discussions with Mr. Maddox and they cooperatively worked with Edge Homes to come up with this alignment, which was shifted by the developer of the Hidden Canyon Estates project. Mr. Baird argued it was relatively ludicrous to claim the addition of three lots has any impact on emergency services. All of the prior subdivisions were properly noticed by City Staff. The lot sizes fully comply with the City's Code; they are not asking for any exemptions. Mr. Baird stated that it was an unpleasant case of xenophobia to argue that the lot sizes that comply with City law are somehow going to ruin the property values of the neighboring lots; these are high quality lots in a high quality area. As to the open space and whether it complies with the City's Code, Mr. Baird said he trusts the City's Planning and Legal Departments to make sure the plan complies with the law. He said there is no requirement for a third access; in this case, it would be Stoneleigh which they have indicated they do not want. Mr. Baird stressed their desire to work with Edge Homes to make sure the road goes through. He said the payment dollars for the detention basin that were included in the development agreement were determined by the City. Mr. Baird stated that the issue of obtaining signatures from the utility companies is not relevant to the amended plat. However, he explained that this does not reflect intent to try and circumvent the process. He stated that the County Recorder's Office cannot record the plat until all of the appropriate signatures have been obtained. Mr. Baird said there are no requirements in City Code to gate private lanes.

Councilmember Weeks said she has walked down several private lanes in Suncrest and none of them are gated, primarily due to the issue of snow.

[8:30:00 PM](#)

9.9 Councilmember Weeks briefly reviewed the history of the road between the developers of Hidden Canyon Estates and Edelweiss, particularly within the past two years. She clarified that the development met all of the perimeters in terms of lot sizes, to which Mr. Baird answered in the affirmative. Mr. Baird explained they currently are under the density that was allowed in the 2004 agreement.

[8:33:12 PM](#)

9.10 Councilmember Summerhays said there isn't any language in City Code stating a gate is required for a private lane. Furthermore, he didn't see any language in City Code indicating

private and open space cannot be comingled. Councilmember Summerhays wondered if another week to study the points raised throughout the public hearing would be useful. Mr. Baird stressed that they needed approval tonight because construction season was rapidly winding down.

Mr. Shipp added they have worked on this application for over a year and have put their best foot forward. There was further deliberation regarding matters previously discussed.

[8:37:28 PM](#)

9.11 Mayor Pro Tem Rappleye turned the time over to Chief Smith to provide a synopsis of the Fire Department's review on this project. Clint Smith, Fire Chief, stated this has been reviewed by the Fire Marshal and the plan complies with all of the necessary fire codes in terms of access in this area.

[8:38:22 PM](#)

9.12 Mayor Pro Tem Rappleye closed the public hearing.

[8:38:28 PM](#)

9.13 Councilmember Weeks moved to approve the Edelweiss Preliminary Plat Amendment. Councilmember Stenquist seconded the motion.

[8:39:06 PM](#)

9.14 Councilmember Weeks said the Edelweiss development has done a very good job answering all of the questions related to this project proposal, and therefore she is comfortable moving forward with approval.

[8:39:51 PM](#)

9.15 Councilmember Stenquist said this proposal was straight-forward and a lot of the changes discussed were necessary. He explained the Council already approved the layout changes to the Hidden Canyon Estates, and it was always a requirement that these two developments provide connectivity to allow for additional road access. In approving the changes to Hidden Canyon Estates, the Council has a responsibility to approve the corresponding changes that need to be made to the Edelweiss development so that the roads match up.

[8:40:53 PM](#)

9.16 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.

[8:41:53 PM](#)

10.0 Action Item: Edelweiss Phase 2 Final Plat

[8:42:09 PM](#)

10.1 Mr. Boles said Phase 2 encompassed the next five lots in the Edelweiss development, which he identified on the aerial map of the subject property.

[8:43:01 PM](#)

10.2 Councilmember Stenquist moved to approve the Edelweiss Phase 2 Final Plat. Councilmember Vawdrey seconded the motion.

[8:43:25 PM](#)

10.3 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.

[8:43:42 PM](#)

11.0 Action Item: Edelweiss Phase 3 Final Plat

11.1 Mr. Boles identified Phase 3 of the Edelweiss development.

[8:44:00 PM](#)

11.2 Councilmember Vawdrey moved to approve the Edelweiss Phase 3 Final Plat. Councilmember Stenquist seconded the motion.

[8:44:20 PM](#)

11.3 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.

[8:44:37 PM](#)

12.0 Action Item: Edelweiss Phase 4a Final Plat

[8:44:48 PM](#)

12.1 Councilmember Weeks moved to approve the Edelweiss Phase 4a Final Plat. Councilmember Vawdrey seconded the motion.

[8:45:25 PM](#)

12.2 Councilmember Weeks said she has always been concerned about the street width and the sidewalks. However, the development agreement was approved prior to her being elected to the City Council. For this reason, she is comfortable approving this plat.

[8:46:12 PM](#)

12.3 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.

[8:46:35 PM](#)

13.0 Action Item: Edelweiss Phase 4b Final Plat

[8:46:41 PM](#)

13.1 Councilmember Vawdrey moved to approve the Edelweiss Phase 4b Final Plat. Councilmember Weeks seconded the motion.

[8:47:03 PM](#)

13.2 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.

[8:47:20 PM](#)

14.0 Public Hearing: Resolution #17-54, Amending the Fiscal Year 2017-18 General Fund Budget

[8:47:36 PM](#)

14.1 Bob Wylie, Finance Director, stated that this item is the first budget reopening for the Fiscal Year 2018. He reviewed eight items on tonight's budget reopen, including:

- Bond defeasance
- Draper/Sandy Canal project
- Sick leave conversion policy
- Miscellaneous modifications to fire stations
- Park storage building
- Capital project adjustments
- Police Department grant funding
- Fire Department capital vehicles

[8:49:16 PM](#)

14.2 Mr. Dobbins briefly commented on the modifications to the fire station facilities.

[8:52:03 PM](#)

14.3 Councilmember Summerhays asked for clarification on the Fire Department capital vehicles. Chief Smith explained two of their apparatuses were ordered and budgeted for in the previous fiscal year; however, they didn't show up until after June 30th. He noted the ladder truck was purchased based on the space they have available in the stations. The new ladder truck will be very similar to the one that previously serviced the City.

[8:53:53 PM](#)

14.4 Mr. Dobbins said the agreement for the Vista Station project requires the City to reimburse impact fees, which needed to be reflected within the budget.

[8:54:39 PM](#)

14.5 Mayor Pro Tem Rappleye opened the public hearing. No one came forward to speak, so Mayor Pro Tem Rappleye closed the public hearing.

[8:55:00 PM](#)

14.6 Councilmember Weeks asked if the impact fees to which Mr. Dobbins was referring came in more or less than what was anticipated. Mr. Dobbins explained the impact fee is a set amount they charge for all new development. Either the City collects the money and builds new infrastructure to support the growth, or the developer builds the new infrastructure, in which case the City must reimburse the developer.

Councilmember Weeks briefly mentioned the issue of storm water coming off of South Mountain and flowing into some of the lower developments. She asked if the City has a checks and balances system to make sure new infrastructure is build up to a certain standard. Mr. Dobbins stated all new development must meet City Code.

Councilmember Summerhays mentioned a feasibility study that was conducted a few years ago, which assessed the costs of bringing the City's entire infrastructure up to Code.

[9:00:11 PM](#)

14.7 Councilmember Rappleye asked if impact fees were set by the State or by the City Council. Mr. Dobbins informed him they are set by the City Council. They discussed the rotation in which impact fees in various areas of the City are updated.

[9:01:09 PM](#)

14.8 Councilmember Vawdrey moved to approve Resolution #17-54. Councilmember Summerhays seconded the motion.

[9:02:00 PM](#)

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

[9:02:13 PM](#)

15.0 Action Item: Ordinance #1275, Amending Chapter 2-3 of the Draper City Municipal Code Relating to the City Manager's Signing Authority

[9:03:13 PM](#)

15.1 Mr. Barker said when the procurement code was amended a couple of months ago, staff and elected officials addressed the matter of the City Manager's signing authority on contracts. In an effort to streamline the City's processes they found that there were certain contracts which did not require the expenditure of any City funds; however, under City Code those contracts still had to come forward to the City Council for approval. He provided one such example of a water line property in the Hidden Canyon Estates development. Staff determined it was time for the City Manager to have authority to sign contracts which do not require the expenditure of any City funds. Furthermore, the City Manager will not have any authority to convey any interest in real property or spend funds that are not budgeted and approved by the Council,

[9:04:29 PM](#)

15.2 Councilmember Stenquist moved to approve Ordinance #1275. Councilmember Summerhays seconded the motion.

[9:04:49 PM](#)

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

[9:05:06 PM](#)

16.0 Recess to a Redevelopment Agency Meeting

[9:05:13 PM](#)

16.1 Councilmember Summerhays moved to recess to a Redevelopment Agency Meeting. Councilmember Vawdrey seconded the motion.

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

16.3 The meeting resumed at 9:09 p.m.

[9:09:01 PM](#)

**** Council/Manager Reports - continued**

[9:09:08 PM](#)

** Fire Chief Smith discussed the flooding taking place in Houston. He reported the local FEMA Urban Search and Rescue Team was deployed to assist in the area. Engineer Patrick Collin, one of the canine handlers for search and rescue missions, deployed with that local FEMA team.

[9:12:04 PM](#)

** Councilmember Rappleye welcomed Russ Fox, Assistant City Manager back. He recently returned from serving overseas with the Utah Air National Guard.

[9:12:52 PM](#)

** Councilmember Stenquist mentioned having emailed Mr. Dobbins earlier today regarding slurry sealing that was happening on 13200 South. He felt this type of project was poorly timed with the start of school. Mr. Dobbins said the project was supposed to be done before school got out today. He said he would call the Traffic Engineer in the morning to avoid the same issue from happening again. Councilmember Stenquist mentioned there was some slurry sealing also taking place on 13800 South as well. He received a citizen complaint regarding the lack of noticing for these construction projects.

[9:15:09 PM](#)

** Councilmember Weeks received a request from a local citizen to have a sign installed in her neighborhood notifying drivers that she has a deaf child. The resident lives on a corner on a downhill slope. When the resident called the City in March right after she moved into the city, she was informed that the City no longer posts signs of this nature. Councilmember Weeks asked staff to speak to this issue. Mr. Dobbins said he would follow up with the City's engineers and relay a response.

Councilmember Weeks said some of the residents on 1500 East have expressed concerns with traffic due to school starting again. They were wondering if they could receive a portable sign which shows drivers how fast they are going. Councilmember Weeks reported that there have been gravel trucks going up on 1300 East which has raised concerns to

several residents as well. Mr. Dobbins advised staff will check into it; however, he believes the trucks are delivering material for the road project.

Councilmember Weeks asked if there were any updates related to who was chosen to sit on the advisory board for the Aquatic Center. Mr. Dobbins said Rhett Ogden serves on the board and will send an update to the City Council.

[9:19:46 PM](#)

** Mr. Barker stated an email circulated last week regarding group homes. He was on the district court websites tracking cases in southern California and that litigation is still ongoing. Mr. Barker stated that there was a bill introduced in Congress to amend the Third Housing Act to allow for some spacing requirements for sober living facilities. However, it is still in the preliminary stages.

[9:23:09 PM](#)

17.0 Adjournment

[9:23:14 PM](#)

17.1 Councilmember Summerhays moved to adjourn the meeting. Councilmember Weeks seconded the motion.

[9:23:17 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 9:23 p.m.