

Approved 12.19.2017

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, DECEMBER 5, 2017, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH**

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

EXCUSED:

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Hazel Dunsmore, Human Resource Director; John Eining, Police Chief; Russ Fox, Assistant City Manager; Rhett Ogden, Recreation Director; Clint Smith, Fire Chief, Glade Robbins, Public Works Director; and Bob Wylie, Finance Director

---

**Dinner**

**Study Meeting**

[5:59:08 PM](#)

**1.0 Report: Parks and Recreation Capital Improvement Projects**

[5:59:35 PM](#)

1.1 Rhett Ogden, Parks and Recreation Director, presented an update on the Parks and Recreation Projects as follows:

- Corner Canyon Creek Trail
  - Project on hold pending direction from the City Council
- Draper Canal Trail
  - Connection from Porter Rockwell Trail (12200 South) to Sandy City (11400 South)
  - Grading 80 percent completed and paving will be completed by spring
  - Developer to provide south connection to Porter Rockwell Trail as part of development in 2018
- Smith Fields Splash Pad Park
  - Working on punch list items
  - Under budget – using balance for bid alternate items
    - Benches
    - Landscaping
    - Fencing
- Southfork Pickleball Courts
  - 6 lighted Pickleball courts
    - December 2017 – Design stage
    - January 2018 – Advertise Bid
    - Spring 2018 – Construction
- Suncrest park
  - December 2017 – Geo studies to address potential landslide issues

- January – Issue RFP for contract design and general contract services
  - Additional funds are needed
- Brookside Park
  - December 2017 – Geo studies to address potential landslide issues
  - January 2018 – Issue RFP for design and general contractor services
    - Need funding for project

Mr. Ogden explained there were construction delays on the splash pad due to weather, vault issues, contractor staffing, slow permit submittals and utility conflicts. Staff is working with contractor on liquidation damage options, which include:

- Complete sidewalk connection over creek to Dog Park on south side of 13400 South
- Address grass problem in lower area of Dog Park
- Install splash pad furniture

The City Council agreed to have the contractor do the additional work in lieu of charging the daily penalty.

Mr. Ogden then advised there is a fund balance of \$1,004,894 that must be used in Corner Canyon and Hidden Canyon Estates areas. The City Council agreed to fund the Peak View Trail Head and use additional impact fees to fund the Coyote Hollow Trail Head expansion. Councilmember Weeks was not in favor of funding the Coyote Hollow Trail Head expansion.

[6:35:50 PM](#)

**2.0 Report: Sales Tax Update**

[6:36:25 PM](#)

2.1 Jared Zacharias, Assistant Finance Director, reviewed the General Sales Tax Study for those present.

[6:45:03 PM](#)

**3.0 Council/Manager Reports**

[6:45:10 PM](#)

3.1 Councilmember Vawdrey asked whether staff is planning to hold an open house about the Lone Peak Parkway Extension Project. Glade Robbins, Public Works Director, indicated nothing has been scheduled yet; however, staff will put something together.

Councilmember Vawdrey then recommended Mike Barker, City Attorney, write an article for the newsletter that addresses private property rights. Councilmember Stenquist advised they should include the development application process in the article as well. Mayor Walker stated he would assist Mr. Barker with writing the article.

[6:47:54 PM](#)

3.2 Councilmember Weeks stated she spoke with a business owner who is interested in obtaining a social club license; however, there is not one available. She asked whether the

City Council was interested in increasing the number of licenses available. Councilmember Rappleye, Councilmember Stenquist, and Councilmember Weeks were interested in bringing it to the City Council for discussion.

Councilmember Weeks then indicated the senior citizens at the Senior Center would like to be more involved with local politics. They would like the Mayor or a Councilmember to attend their lunch on the first Wednesday of every month. Staff will put together a Mayor/Council rotation list.

[6:53:02 PM](#)

3.3 Russ Fox, Assistant City Manager, indicated Verizon would like to co-locate on the T-Mobile cell tower at Steep Mountain Park. The residents who expressed their opinion about it would prefer to add antennas rather than additional height. Councilmember Vawdrey, Councilmember Rappleye and Councilmember Stenquist were in favor of the antenna.

Mr. Fox then explained the City has a parcel of property on Lone Peak Parkway that is not needed for the expansion project. The adjacent property owner approached the City about vacating the land, which would then go to the adjacent property owner. Councilmember Stenquist, Councilmember Summerhays, and Councilmember Rappleye were in favor of bringing that back for consideration.

## **Business Meeting**

[4:01:25 PM](#)

**1.0 Call to Order: Mayor Pro Tem Rappleye**

[7:03:01 PM](#)

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

[7:03:07 PM](#)

2.1 Members of Girl Scout Troop #372 recited the Girl Scout Promise.

[7:03:22 PM](#)

2.2 Tali Zito led the Flag Ceremony that was presented by Girl Scout Troop #372.

[7:04:41 PM](#)

**3.0 Presentation: Police Department Holiday Card Contest Winners**

[7:05:24 PM](#)

3.1 Chief John Eining presented the winners of the Police Department Holiday Card Contest winners as follows:

First Place – Connor Van De Graaff, Willow Springs Elementary School

Second Place – Megan Davies, Channing Hall

Third Place – Sofia Brown, American Preparatory Academy

[7:08:46 PM](#)

**4.0 Presentation: Popular Annual Financial Report Fiscal Year 2016-17**

4.1 Due to equipment malfunction, this item was heard out of order.

[7:09:38 PM](#)

**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.

[7:10:27 PM](#)

5.1 Josh Rosenthal, business owner, said he recently opened a business on Sprague Lane. He said he is excited to be in Draper and is hoping to open a second business soon. Mr. Rosenthal said he would like to open a bar, for which he will need a specific type of license. The company is called Seabird Bar and Vinyl Room, which he described as a classy, responsible place to have a drink. He said he is looking to bring a product to the area that has dignity and class, especially for a culture that is sometimes stigmatized. Mr. Rosenthal said he has had several meetings with City staff to determine the path forward. However, after making initial start-up investments, the same staff with whom he was previously working, informed him as of today that the required license is not available in Draper. Mr. Rosenthal said of the six licenses available in Draper, four are for dining clubs, two are for social clubs and two are for hotels. He said his proposed business may have a food component, but the establishment itself will not be food-driven. Mr. Rosenthal requested the City consider allowing the types of business licenses in Draper that are found in Salt Lake City.

[7:13:18 PM](#)

**6.0 Consent Items**

- a. **Approval of November 21, 2017, City Council Minutes**
- b. **Approval of Resolution #17-72, Appointing an Appeals and Variance Hearing Officer and an Employee Appeal Hearing Officer. Staff: Mike Barker**

[7:13:40 PM](#)

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

[7:13:53 PM](#)

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

[7:14:09 PM](#)

**7.0 Action Item: Resolution #17-73, Appointing John Eining as the Draper City Police Chief**

[7:14:18 PM](#)

**7.1 Councilmember Rappleye moved to approve Resolution #17-73, appointing John Eining as the Draper City Police Chief. Councilmember Weeks seconded the motion.**

[7:14:42 PM](#)

7.2 Councilmember Weeks said she is happy to have John Eining accept the job as the Police Chief. Councilmember Rappleye stated Mr. Eining is a good listener and the community will be in good hands.

Councilmember Vawdrey expressed appreciation to Mr. Eining for his service in the past, and said she knows the quality of his service will continue. Mayor Walker remarked that John Eining is a great policeman and a respected leader.

[7:16:20 PM](#)

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

[7:16:54 PM](#)

7.4 Chief John Eining stated he would continue to make Draper residents his highest priority. He expressed appreciation for the dedicated police officers with whom he works. He appreciated the opportunity to serve the Draper community.

[7:19:13 PM](#)

**8.0 Public Hearing: Ordinance #1282, Steps to Recovery Zone Change, Request for Approval of a Zone Change from RA1 (Residential Agricultural) to CN (Neighborhood Commercial) for a 1.11-Acre Parcel Located Generally at 12039 South 700 East**

[7:19:32 PM](#)

8.1 Dennis Workman, Planner, presented the staff report and stated the proposed rezone is compatible with the surrounding area. The main use for the zone change will be residential use for disabled persons. The Planning Commission forwarded a positive recommendation for this request.

[7:22:04 PM](#)

8.2 Tyler Hansen, applicant, stated this will be the eighth facility of this kind. He would like to make it available for out-patient and in-patient treatment.

[7:24:39 PM](#)

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

[7:25:07 PM](#)

8.4 Wendy Murrill, resident, was concerned with the rezone request due to the lack of oversight, regulations and standards of care for the proposed business. She said businesses in this industry are easy to set up and cheap to run, and are largely unregulated. Ms. Murrill stated this facility would bring trash, unkempt housing and increased traffic into the neighborhood.

[7:28:26 PM](#)

8.5 Mary Squire, resident, stated she is neither in favor nor opposed to the change. She said she is a practicing healthcare attorney, and she wanted to make clear that these types of centers are licensed by the State of Utah. She said there is full oversight for all these treatment centers.

[7:29:42 PM](#)

8.6 Brent Webb, resident, stated that he is opposed to having this center in his area. Mr. Webb is worried about needles and other trash being left out where children play.

[7:31:00 PM](#)

8.7 Lewis Haupt, resident, said this request does not meet the requirements that they have put forward. According to Utah State Code §62-A-2-101-32B, residential treatment centers do not include recovery residences. In addition, Utah State Code §57-21-2-10B does not include addiction to any federally controlled substance. He said he felt the proposed use was being misconstrued. Mr. Haupt said he does not believe there is sufficient oversight at the existing facility and noted the business license for DCM Holdings—the company that owns the property—had a business license that expired in August 2011. They applied for a new business license in August 2017, but the license was rejected. A new business license application still has not been submitted.

[7:33:50 PM](#)

8.8 Judith Henley, resident, stated she was concerned about the number of treatment facilities in the same area of Draper. She would like a study on the long term use affecting public safety. She is worried about children in the adjacent neighborhoods and doesn't feel this is appropriate placement for this type of facility.

[7:37:17 PM](#)

**8.9 Mayor Walker closed the public hearing.**

[7:37:29 PM](#)

8.10 Councilmember Summerhays asked the applicant if this would be a 30-day in-house program. Mr. Hansen stated this was not a 30-day program. It would be a sober living facility with day treatment, wherein the residents are tested daily.

[7:39:45 PM](#)

8.11 Mr. Workman showed the residential use table for the subject property and noted this type of treatment facility was shown as a permitted use. The applicant will be required to obtain a conditional use permit for other types of zones. Councilmember Stenquist asked Mr.

Workman if he had the use table for commercial zones, to which Mr. Workman answered in the affirmative.

[7:40:58 PM](#)

8.12 Councilmember Stenquist said this is only a rezone request. The only opposition being expressed is in response to a specific use of the land. Once the rezone occurs the use is appropriate. Therefore, the question is whether or not this zone is appropriate, and Mr. Stenquist said he believes it is. Mr. Barker said it would be illegal to challenge the rezone request purely on issues pertaining to land use.

Councilmember Weeks stated that approving a rezone is the option of the Council.

[7:44:27 PM](#)

**8.13 Councilmember Stenquist moved to approve Ordinance #1282, Steps to Recovery Zone Change. Councilmember Vawdrey seconded the motion.**

[7:44:46 PM](#)

8.14 Councilmember Summerhays reiterated this was only a rezone request. Councilmember Vawdrey added if the treatment facility is approved it would be conditional; therefore, there would be an opportunity to mitigate any issues. For example, they would need to construct walls to separate this property from adjacent residential neighborhoods.

Mayor Walker stated the conditional use of the property will be approved by the Planning Commission, so there will be more scrutiny on issues pertaining to land use.

[7:46:07 PM](#)

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

[7:46:22 PM](#)

**9.0 Public Hearing: Ordinance #1290, Approve Vacating a Portion of 12200 South Between 680 East and 700 East**

[7:46:35 PM](#)

9.1 Russ Fox, Assistant City Manager, presented the staff report as well as an aerial view of the subject property. He stated this proposal is for the vacation of a portion of the right-of-way located on the Draperville plat, in order to preserve the remaining amount needed to accommodate road design. He stated the portion of the street that will be vacated will go to the adjacent property owners. Staff recommended approval of the request.

[7:48:18 PM](#)

9.2 Councilmember Weeks asked if the City would have to purchase the land back from the property owner if they needed to widen the street in the future. Mr. Fox responded in the affirmative.

Councilmember Summerhays asked if a right-hand turn lane had been accommodated. Mr. Fox answered affirmatively.

[7:49:32 PM](#)

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

[7:49:44 PM](#)

9.4 Clayton Morgan, resident, wanted to clarify the sidewalk may be an inch off in the plans shown, and he asked if that was a problem. Mr. Fox said the modification will be added to the legal description and included with the ordinance.

[7:51:05 PM](#)

**9.5 Mayor Walker closed the public hearing.**

[7:51:10 PM](#)

**9.6 Councilmember Vawdrey moved to approve Ordinance #1290, vacating a portion of 12200 South. Councilmember Rappleye seconded the motion.**

[7:51:23 PM](#)

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

\*\* *This item was taken out of order.*

[7:52:06 PM](#)

**4.0 Presentation: Popular Annual Financial Report Fiscal Year 2016-17 (Item Taken Out of Order)**

[7:52:06 PM](#)

4.1 Jared Zacharias, Assistant Finance Director, presented a general overview of the Popular Annual Financial Report (PAFR), which complements the Comprehensive Annual Financial report (CAFR). The intent of the report is to give citizens a report that is more readable and is used to gauge the overall financial progress and position of the City. The net position has improved over the last ten years. Overall, the report shows the City is healthy and in good shape for funds. This report shows the scope and services the City provides to the citizens.

[7:57:02 PM](#)

4.2 Councilmember Stenquist asked if the amounts shown were to date of the current fiscal year. He was informed this report was for the fiscal year ending in June 2017.

[7:59:09 PM](#)

4.3 Councilmember Weeks stated she liked the charts depicting the breakdown of tax dollars. She remarked that this was an outstanding presentation.

[7:59:40 PM](#)

**10.0 Public Hearing: Crossgrove House Minor Subdivision, on the request of Neil and Kathryn Hughes for the approval of a two-lot single-family Minor subdivision with Special Exceptions in the RA2 zoning district for property located generally at 12736 South Boulter Street**

[8:00:08 PM](#)

10.1 Jennifer Jastremsky, Planner, noted the applicant had obtained a text amendment and rezone earlier this year. She then presented the staff report and said the applicant is now requesting a two-lot subdivision to preserve an existing home as well as create a new lot. She said there have been some changes to the application since the packet was distributed to Councilmembers. One of the concerns raised by the Planning Commission was the protection of the aforementioned home, which was built in 1885 and is listed on the National Register of Historic Places. Since the Planning Commission meeting, staff has reviewed Federal and State codes for historic homes, which essentially leaves the decision up to local governments as to how historic properties within their jurisdictions are to be regulated. She said presently the Draper Historic Preservation Committee has 30 days to review a demolition permit and come up with an alternative. They then have 14 days to document the structure before it is demolished. She said some cities prohibit the demolition of any historic structure altogether, but Draper is not one of those cities. Therefore, staff is recommending several conditions of approval. The first condition would prohibit the demolition of the home. The second condition would require the first condition to be recorded with the plat, so as to inform any future buyers that demolition of the historic home is prohibited.

Ms. Jastremsky explained the original application was requesting five special exceptions; however, this number has since been reduced to two. The first three exceptions had dealt with lot depth and width standards; however, those details have since been addressed and the first three exceptions are no longer needed. The remaining two exceptions cover Lot 1, which is where the historic home is located. The first exception pertains to lot size; the RA-2 zone has a minimum lot size of 20,000 square feet and Lot 1 is proposed at 17,166 square feet. Ms. Jastremsky said the placement of the home, street dedication and easements presently impact the property line configurations. The owner is dedicating 4,202 square feet to the City for a roadway along Boulter Street. They are also providing a 463 square foot access easement along Lot 2 and a 600 square foot turnaround easement on Lot 1. She said these easements are required due to the future closing of the UTA crossing. In looking at the adjacent residential properties, the lot sizes vary and there are other historic properties that have been similarly subdivided. Therefore, the proposed lot would not be out of character for the area. As per City Code requirements, the applicant is proposing a retention pond on Lot 2; however, no grading changes are proposed for Lot 1. The City's Engineering Department has reviewed the proposal and did not find any issues.

The Planning Commission forwarded a negative recommendation to the City Council because they felt there were too many exceptions being requested. Ms. Jastremsky stated the reduced number of requested exceptions did address some of the Commission's concerns. Staff does support the special exceptions as they have been outlined, and they

do not believe any aspect of the proposal will negatively affect the neighborhood. Ms. Jastremsky said the City has 14 buildings listed on the National Register of Historic Places, and staff believes it is in the City's best interest to encourage the preservation of historic structures.

[8:09:58 PM](#)

10.2 Kathryn Hughes, applicant, wanted to thank everyone for helping to preserve this historic home. She said this is the oldest home in Draper that has been continuously used as a home. It is a Nauvoo style home that was originally built by pioneers.

[8:11:55 PM](#)

10.3 Councilmember Stenquist asked what the purpose was of subdividing the property. Mrs. Hughes explained since it is such a big lot it is difficult to maintain this kind of a property. She said people who would buy this large of a lot want to put a big home on it. Councilmember Stenquist wanted to know if the intention of the applicant was to stay in the historic home and sell off the other lot. Mrs. Hughes stated she wanted to sell both homes. She is trying to preserve the historic home by subdividing the land and allowing a bigger home on the property, which would prevent the historic home from being demolished.

[8:14:14 PM](#)

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

[8:14:21 PM](#)

10.5 Katie Shell, Historic Preservation Committee, wanted to commend the staff for writing this report. She stated these little homes on big properties multiply the pressure for demolition of historic homes.

[8:18:43 PM](#)

10.6 Carl Clark, resident, stated he was in support of this minor subdivision. He believed it would be a big loss to the community to have this house torn down.

[8:19:42 PM](#)

**10.7 Mayor Walker closed the public hearing.**

[8:19:50 PM](#)

10.8 Councilmember Weeks stated these historical homes are the gems of the area. She expressed appreciation for the work that has been done to preserve this home.

[8:20:39 PM](#)

**10.9 Councilmember Weeks moved to approve the Crossgrove House Minor Subdivision. Councilmember Vawdrey seconded the motion.**

[8:21:07 PM](#)

10.10 Councilmember Vawdrey commented the applicant is truly committed to preservation. There was brief deliberation on the motion being made for this item.

[8:21:55 PM](#)

10.11 Councilmember Rappleye said this house is definitely worth preserving and he thanked those who went the extra mile to do so.

[8:23:42 PM](#)

10.12 Councilmember Summerhays remarked that he was glad they have been able to preserve this home and property.

[8:23:57 PM](#)

10.13 Mr. Barker wanted to amend the language to indicate the home will be maintained so as to remain eligible as a listing for the National Register of Historic Places. Councilmember Weeks asked if she should change her motion to include that language.

[8:24:46 PM](#)

**10.14 Councilmember Weeks amended her motion to include language that would require the home to be maintained as a historic home and would not allow the home to be torn down. Councilmember Vawdrey seconded the amended motion.**

Mrs. Hughes stated it was difficult for her to travel and she requested this item be approved tonight. Councilmember Summerhays asked if more time was needed to include the correct language. He said the applicant did not need to be present for this to be accomplished.

Mayor Walker stated it was up to the Council; however, he was concerned that rushing the language may jeopardize the outcome.

[8:28:03 PM](#)

10.15 Councilmember Stenquist asked if the conditions will run with the land forever, to which Ms. Jastremsky responded in the affirmative. She said theoretically, if someone wanted to tear down the house they would have to amend the conditions of approval and amend the subdivision plat.

Mr. Barker said this spoke to the language of not demolishing the home. Councilmember Stenquist said he did not know what the criteria were for obtaining status as a listing for the National Register of Historic Places. Furthermore, he did not know how they would enforce the requirement that this status be maintained.

[8:32:22 PM](#)

**10.16 Councilmember Weeks amended her motion to continue this item for two weeks. Councilmember Vawdrey seconded the motion.**

[8:32:52 PM](#)

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

[8:33:05 PM](#)

**11.0 Public Hearing: Ordinance #1298, Academy Mortgage Text Amendment, on the Request of Ben Seastrand, Representing Gardner Company, for Approval of a Text Amendment to the CSD-DPMU Zone Regarding Building Height**

[8:33:25 PM](#)

11.1 Ms. Jastremsky presented the staff report as well as an aerial map of the subject property. She explained the applicant wanted to amend the Draper South Pointe Mixed Use Commercial Special District (CSD). She mentioned the Council recently reviewed a text amendment for the Hilton's proposed private lane. She said this proposal is only for office buildings located within the CSD. The applicant is proposing to amend the allowed height from six stories to twelve. Staff and Planning Commission are both recommending approval. She said the CSD is in a high growth area because it is adjacent to highway and freeway access. The area is not close to existing residential neighborhoods; however, there is high density housing within the CSD itself. Ms. Jastremsky said the valley is seeing a demand for additional height and there are several other buildings in the area that are being built taller than typical four- or five-story buildings.

[8:35:53 PM](#)

11.2 Councilmember Weeks asked whether more parking would be added with the additional height. Ms. Jastremsky said the parking standards within the Code would not change; however, parking is based off of building square footage. Therefore, by default more parking would be added. Councilmember Weeks asked if there was ample room to add the additional parking. Ms. Jastremsky stated there would need to be a parking garage to provide a sufficient number of spaces. Councilmember Weeks asked about the height of the adjacent buildings and she was informed they are six-story buildings.

Councilmember Weeks asked the Fire Chief if the Fire Department had a ladder truck that could accommodate the proposed height. Fire Chief, Clint Smith, commented while ladder trucks were generally not built to reach heights beyond six stories, fire and EMS personnel had specific training to deal with high rise operations.

[8:37:32 PM](#)

11.3 Councilmember Vawdrey requested to further review the aerial map of the subject property and surrounding area. Ms. Jastremsky explained only the office buildings in the CSD would be affected. Councilmember Vawdrey asked what was currently being built in the area. Ms. Jastremsky reviewed some of the buildings in the area and indicated that one site in particular was already built out. The existing buildings are five or six stories.

[8:38:38 PM](#)

11.4 Nate Boyer, applicant, explained he wanted the flexibility to expand.

[8:39:33 PM](#)

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

[8:39:55 PM](#)

11.6 Shalise Benjamin, resident, commented that she has concerns about the extra traffic in the area. She indicated this would cause safety concerns as well as affect emergency response times.

[8:41:19 PM](#)

11.7 Mary Squire, resident, stated she is also concerned about the traffic and noted it is already very heavy throughout the area.

[8:44:30 PM](#)

**11.8 Mayor Walker closed the public hearing.**

[8:44:38 PM](#)

**11.9 Councilmember Weeks moved to deny Ordinance #1298, Academy Mortgage text amendment. The motion failed due to a lack of a second.**

[8:45:23 PM](#)

**11.10 Councilmember Stenquist moved to approve Ordinance #1298. The motion failed due to a lack of a second.**

[8:46:15 PM](#)

**11.11 Councilmember Weeks moved to require a traffic study be completed to see the effect a 12-story building would have on the area. The motion failed due to a lack of a second.**

[8:46:28 PM](#)

11.12 Mayor Walker indicated due to the lack of an approved motion, this item will be considered at the December 19, 2017, City Council meeting.

[8:46:37 PM](#)

**12.0 Public Hearing: Ordinance #1295, Adopting A Culinary Water Impact Fee Facilities Plan (IFFP) and a Culinary Water Impact Fee Analysis (IFA); Providing a Culinary Water Impact Fee Enactment; Providing a Culinary Water 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 Impact Fee Act**

[8:47:38 PM](#)

12.1 Bob Wylie, Finance Director, turned the time over to Fred Philpot to review the findings on the storm and water impact fee analysis. He said this process has been ongoing for several months.

[8:47:47 PM](#)

12.2 Fred Philpot, Financial Advisor, explained the statute requires the City to complete both an impact fee facilities plan and an impact fee analysis, and to subsequently adopt an impact fee schedule by ordinance. Mr. Philpot stated this information was included in the Council

packet and provided for public review. He explained the areas that were analyzed include: service area and demand, figures within the City, levels of service, existing facilities and any excess capacity, needs for future facilities, and financing costs as they pertain to the construction of new facilities. He reviewed the legislative process, as well as noticing requirements. He explained the water impact fee has been calculated to be \$2,097 per equivalent residential connection, and \$1,729 for the storm drain system. This will be a combined increase from \$2,628 to \$3,826. Mr. Philpot stated these figures are comparable to other areas.

[8:50:39 PM](#)

12.3 Councilmember Summerhays asked what the percentage increase was for both systems. Mr. Philpot stated it was a \$500 increase for the storm drain system and a \$600 increase for the water system. He explained these increases were only for new development and would not affect existing rate payers.

[8:51:20 PM](#)

12.4 Councilmember Vawdrey asked if the City charged a water connection fee, to which Mr. Wylie responded in the affirmative. Mr. Wylie also explained the connection fee is based on the meter size.

Councilmember Vawdrey asked how the money was spent. Mr. Philpot explained it was used for the meter and labor required for installation. These fees would go to system-wide improvements necessary to serve new development activity.

Councilmember Vawdrey wanted clarification on the matter because it was her belief that these costs were covered by the developer. Glade Robbins, Public Works Director, stated the developer is responsible for the improvements whereas homeowners pay for the connections. There was continued deliberation on the matter.

[8:54:05 PM](#)

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

[8:54:22 PM](#)

**12.6 Councilmember Weeks moved to approve Ordinance #1295, adopting the Culinary Water Impact Fee Facilities Plan and Water Impact Fee Analysis and other matters. Councilmember Rappleye seconded the motion.**

[8:54:50 PM](#)

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

[8:55:04 PM](#)

**13.0 Public Hearing: Ordinance #1296, Adopting a Storm Water Impact Fee Facilities Plan (IFFP) and a Storm Water Impact Fee Analysis (IFA); providing a Storm Water Impact Fee Enactment; providing a Storm Water 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 Impact Fee Act**

[8:55:39 PM](#)

13.1 Mr. Wylie stated this item was broken into two ordinances so they could be discussed separately.

[8:55:55 PM](#)

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

[8:56:06 PM](#)

**13.3 Councilmember Rappleye moved to approve Ordinance #1296, adopting the Storm Water Impact Fee Facilities Plan and Storm Water Impact Fee Analysis and other matters. Councilmember Weeks seconded the motion.**

[8:56:26 PM](#)

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

[8:56:39 PM](#)

**14.0 Action Item: Ordinance #1273, Amending Draper City Municipal Code Section 19-1-050 to be Consistent with State Code Regarding Use of Office - Personal Benefit Prohibited**

[8:56:58 PM](#)

14.1 Hazel Dunsmore, Human Resource Director, stated this was a proposal to amend the wording of the ethics section of the Municipal Code Section 19-1-050. She said specifically, the amendments would be to subsection D-1 regarding City officers and employees receiving occasional non-pecuniary gifts. Staff recommends changing the municipal code so it is consistent with State Code. The language of the Code 10-3-1304 3A states that City Code will be in compliance with State Code. If the State Code changes, the item will not be required to be brought back to the Council in order to remain in compliance.

[8:58:08 PM](#)

14.2 Councilmember Weeks expressed appreciation and support for the proposed text amendment as it has been outlined.

[8:58:25 PM](#)

14.3 Councilmember Stenquist asked if State Code details a specific penalty if City officers and/or employees received non-pecuniary gifts valued higher than \$25. Ms. Dunsmore

explained State Code specifies a maximum value amount of \$50. City Code would be changed to this amount as well, so as to be consistent.

[8:58:51 PM](#)

14.4 Mr. Barker stated the provisions are outlined within State Code. It was also noted that depending on the amount of the gift, the penalty would range anywhere from being a Class B Misdemeanor to a Second Degree Felony.

[9:00:28 PM](#)

**14.5 Councilmember Rappleye moved to approve Ordinance #1273. Councilmember Weeks seconded the motion.**

[9:01:00 PM](#)

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

**\*\* Council/Manager Reports (Continued)**

[9:01:09 PM](#)

Glade Robbins, Public Works Director, stated the Solid Waste Manager has asked to look at the possibility of connecting a private lane onto 13400 South so garbage trucks don't have to back up. They would have to purchase some property and noted the cost of the connection would be approximately \$6,000 dollars. His displayed other lanes in the city where the garbage trucks have to back up to get off the private lane.

[9:04:16 PM](#)

Councilmember Summerhays explained the Solid Waste staff wanted to put in a curb cut at 13400 South to avoid the private lane area. He said this would help the trash trucks to keep from backing down the lane.

[9:05:58 PM](#)

Mr. Dobbins advised if the owner was not a willing seller, the City would have to condemn the property and it would possibly go into litigation. Councilmember Summerhays stated there is a current contract on the protection strip for \$35 per lineal foot. Mr. Dobbins stated while this can be done, it is not a simple process.

Councilmember Stenquist said the American Preparatory Academy (APA) was unable to access the protection strip in their area. Councilmember Summerhays stated there was no agreement in APA's case, but there is an agreement in this case, and it states the protection strip may be purchased for \$35 per square lineal foot. He reiterated that the City staff came to him because of their safety concerns in backing down the lane.

[9:10:06 PM](#)

Councilmember Stenquist stated there are other options to mitigate any safety concerns. Councilmember Weeks asked whether the garbage trucks are able to turnaround at the

bottom of the lane. Councilmember Summerhays stated the lot in question is currently for sale and once it is sold there will be no place to turn.

In response to a question from Councilmember Vawdrey, Mr. Robbins explained garbage pickup requests on private lanes are reviewed on an individual basis. Councilmember Vawdrey requested clarification that some properties can be required to bring cans out to a public street. Mr. Robbins noted that is correct.

Councilmember Summerhays stated some of the cans would be difficult to be picked up except with a backhoe due to their size.

[9:12:47 PM](#)

Mayor Walker asked whether Councilmember Summerhays had the option of buying the land at that set price. Councilmember Summerhays answered affirmatively, so Mayor Walker encouraged him to purchase it. Councilmember Summerhays said there was no reason for him to buy the land in question unless they are going to put the garbage cans there. He stated the staff approached him, but he is fine with the way it is. Mayor Walker asked whether there is an agreement with the City on the protection strip that the City Council approved. Councilmember Summerhays said yes. There is no reason for him to purchase the protection strip unless he is going to build, and he does not plan to do that.

Councilmember Stenquist requested clarification that the private lane in question belongs to Councilmember Summerhays. Councilmember Summerhays stated it does. The City came to him and said it is getting tricky to back down the lane.

Councilmember Stenquist questioned whether Councilmember Summerhays is asking the City to bear the cost of building the extension out to the road. Councilmember Summerhays stated yes. Councilmember Stenquist expressed his opinion that if Councilmember Summerhays is fine leaving it the way it is now, he is fine leaving it that was too.

Mayor Walker asked whether there were two Councilmembers interested in looking at the cost to do this project. None of the other Councilmembers were interested in pursuing it.

[9:17:20 PM](#)

## **15.0 Adjournment**

[9:17:20 PM](#)

**15.1 Councilmember Summerhays moved to adjourn the meeting. Councilmember Rappleye seconded the motion.**

[9:17:27 PM](#)

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

15.3 The meeting adjourned at 9:17 p.m.