

Approved 09/02/14

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, AUGUST 19, 2014, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH.

“This document, along with the digital recording, shall constitute the complete meeting minutes for this City Council meeting.”

PRESENT: Mayor Troy Walker, and Councilmembers Bill Colbert, Bill Rappleye, Jeff Stenquist, Alan Summerhays (joined the meeting via telephone at 7:00 p.m.), and Marsha Vawdrey

STAFF PRESENT: David Dobbins, City Manager; Russ Fox, Assistant City Manager; Doug Ahlstrom, City Attorney; Rachelle Conner, City Recorder; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; Garth Smith, Human Resource Director; and Bob Wylie, Finance Director

Study Meeting

1.0 Dinner

2.0 City Engineer Interviews

3.0 Closed-Door Meeting to Discuss Litigation

Business Meeting

[7:02:21 PM](#)

1.0 Call to Order

1.1 Mayor Walker called the meeting to order and welcomed those in attendance.

[7:02:25 PM](#)

2.0 Comment/Prayer and Pledge of Allegiance

[7:02:55 PM](#)

2.1 The prayer was offered by Dallin Tippetts, Scout Troop #1721

[7:03:19 PM](#)

2.2 The pledge was led by Zion Tippetts, Scout Troop #1721

[7:03:50 PM](#)

3.0 Presentation: Park School

[7:04:23 PM](#)

3.1 Darrell Smith, Former Draper Mayor and Historic Preservation Commission member, advised the Historic Preservation Commission and many others have been working on options to preserve the Park School. One of the main issues is to have an opportunity to create another gathering place that will bring the residents to the Towne Center to enjoy and spend time. He noted preservation of existing buildings is one of the greenest and most sustainable kind of construction. There is a lot of energy in the school from previous construction, and that is a very valuable aspect. The floor plan of the school has a lot of flexibility for its reuse, which makes it an exciting place to consider what can be used there. The good that can come from the twenty percent federal tax credit has also been emphasized. This is a lot when they are talking costs in the millions of dollars. This is the last major historical landmark Draper has left, and it is irreplaceable. He asked the City Council to work with the Commission to come up with viable and important uses for the school in order to preserve it. Mr. Smith distributed gloves to the Councilmembers and asked them to “put on the gloves and work together” to see what they can make happen.

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3.2 Lindsey Goeckeritz, 727 Old English Road, indicated they have been working to create support for the adapted reuse of the Draper Park building. They created social media pages, and an online survey. The survey has garnered 94 respondents, of which, 93 percent supports the idea of the reuse of the building. There was a creation of an online pledge form. Pledges are currently at \$15,610. That is short of the \$10 million the City Council originally requested; however, she was not felt it was prudent to ask people to donate to something that might not be here at the end of September. They had a booth at Draper Days, and they obtained 253 signatures in support of reusing the building. They have also tried to determine the needs for an Arts Center. They have had discussions with the State Director of History, State Director of Arts and Heritage, and State Deputy Director of Arts and Heritage. They have also spent a lot of time researching the benefits of community arts and historic preservation, and what successful public places can look like. That information can be viewed on Pinterest. They have been able to obtain nonprofit status and are acting as an enterprise under the Draper Community Foundation. They have spent a lot of time networking to locate potential interested parties. Discussions have been held with Darren Hensley, who is here tonight. He is the Founder of Pioneer High School, which is a performing arts charter school. Another possibility is with a successful theater company located within the Salt Lake Valley that is interested in making its home at the Draper Park School. The group has created a database of charitable donors. Katie Shell has created the database, and it includes information on potential donors, all deadlines and grant amount possibilities. The next step is to begin fundraising. Mrs. Goeckeritz stated she looks forward to working with the City Council on the next phase of this project. The only way this will be successful if they are working together.

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3.3 Darren Hensley, Founder of Pioneer High School for the Performing Arts, briefed the City Council on the various programs and curriculum his charter school offers. He likes multiuse facilities, and his school holds all of their performances in a performing arts

building. During the day, it is a school, and at 3:00 p.m. it is used as a private dance, music, and performing arts facility. They are able to use it as a multiuse facility in order to maximize its use. They would like to start their program for younger ages, in order to give the students even more advantage.

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4.0 Introduction of New Miss Draper 2014-15, Karli Bird

[7:25:27 PM](#)

4.1 Karli Bird, Miss Draper, indicated she loves lacrosse, and she has been playing for seven years. She received a scholarship offer to play for Colorado State University, and they will hold her scholarship until she completes her reign as Miss Draper. Her platform this year is on eating disorders. She told a story regarding a family member that had an eating disorder. Miss Bird indicated she has arranged to speak in twenty-one health classes this year to bring awareness to the area about the detriments of eating disorders.

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5.0 Recognition and Thank You to Draper Days Organizers and Volunteers

[7:28:38 PM](#)

5.1 Mayor Walker thanked the organizers and volunteers for all of their efforts in making Draper Days one of the best City celebrations in the State. He recognized Hugh Haddock, Lori Bird, Debbie Ballard, LaVar Christensen, Doug Dredge, Leslie Johnson, and Greg Murphy and thanked them for their hard work. He presented framed certificates to each of them.

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6.0 Proclamation: Sergeant Derek Johnson Remembrance Day

[7:39:04 PM](#)

6.1 Mayor Walker read a proclamation, which proclaims September 1st as Derek Johnson Remembrance Day. Mayor Walker advised this community was well served by this young man. He did a great job protecting the community and serving the community as a law enforcement officer. He was a fine young man, and it is tragic to have lost him in such a manner.

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6.2 Councilmember Rappleye moved to proclaim September 1st as Derek Johnson Remembrance Day. Councilmember Vawdrey seconded the motion.

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6.3 Councilmember Stenquist noted the proclamation states things very well. It was tragic to lose Derek, and it was an emotional time for the community. The outpouring of appreciation and support that was expressed by the community is something he will always remember. He is proud to have known Derek.

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6.4 Councilmember Colbert said the thing that sets this community apart is the recognition of the loss the community endured and suffered with the passing of Derek. This will be a date the community will always remember. He is proud of the community and those who rallied around his family to give their support.

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6.5 Councilmember Rappleye noted Derek was a close friend, and he associates with his wife as a chamber member. These officers work together and become so close. It is heartbreaking when one of them is taken in tragedy. This proclamation is a way for the community to heal. He said he has never seen anything like he did at the candle light vigil. He is pleased the Council is able to do this for the community, the Police Department, and the Johnson family.

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6.6 Councilmember Vawdrey advised Derek will always be a true friend and hero to her.

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6.7 Councilmember Summerhays indicated he would reiterate everything that has already been said.

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6.8 Mayor Walker added that it has been a pleasure to get to know the Police Department a little better through this tragedy.

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6.9 John Eining, Deputy Police Chief, noted it has been an interesting year for this Department, and it is something the Department will never get over. This proclamation goes towards the healing process, and the Department appreciates the thoughts and sentiments from the City Council this evening.

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

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7.0 Citizen Comments

7.1 No one came forward to speak.

[7:51:55 PM](#)

8.0 Consent Items

- a. Approval of August 5, 2014, Minutes
- b. Resolution #14-25, Amending Exhibit A of the Interlocal Cooperative Agreement with Salt Lake County for Wheadon Farm Park Improvements

[7:52:59 PM](#)

8.1 Councilmember Stenquist moved to approve the consent items. Councilmember Vawdrey seconded the motion.

[7:53:11 PM](#)

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

[7:53:29 PM](#)

9.0 Action Item: Agreement #14-153, for Approval of an Interlocal Agreement with Salt Lake County for Lone Peak Parkway Property Acquisition

9.1 David Dobbins, City Manager, noted the City has been working with the property owners just south of the Coca-Cola Swire building. Pony Express will be extended from 12600 South to the power corridor down to Golden Harvest. The City will use the funds from the County and funds from the developer to construct that road. Staff recommends the City Council approve the Interlocal agreement so they can get those funds in place. Staff would like to get this road construction started as soon as possible.

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9.2 Councilmember Rappleye moved to approve agreement #14-153. Councilmember Colbert seconded the motion.

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9.3 Councilmember Rappleye commented that he attended the last Council of Governments meeting for the Mayor, and they went through the process of these funds. He congratulated staff for being able to qualify for these projects. There is a lengthy qualification process they have to go through to receive these funds. It is quite beneficial to the City and the taxpayers to be able to get this kind of funding for needed projects.

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

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10.0 Action Item: Amending the SunCrest Market Lease

[7:56:19 PM](#)

10.1 Russ Fox, Assistant City Manager, noted this is an amendment for the SunCrest lease agreement between the City and Wadsworth. This change will take the lease to a ten-year term. If approved, the lessee will take over the maintenance of the building during the length of the term. Another change is to include a clause that will allow the lessee to have the first right of refusal to purchase the building for \$350,000 for the first five years the lease runs.

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10.2 Councilmember Colbert moved to amend the SunCrest Market Lease. Councilmember Rappleye seconded the motion.

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10.3 Councilmember Colbert noted in looking at the terms the agreement and understanding the investment the Wadsworth are making in the building, it is a win-win for all parties. The City has had the building sitting dormant for a number of years. This will be an asset to the SunCrest community and the entire community. He understands why the Wadsworth's would like the option to buy the building, and he thinks this will be a success for them.

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

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11.0 Action Item: Ordinance #1120, for Approval of a Zoning Map Amendment by Changing the Zoning Designation from A5 and RA1 to R3 on Approximately 36.9 Acres Located Generally at 11580 South 700 West. This Application is Otherwise Known as the Osborne Farm Rezone Request.

[8:00:29 PM](#)

11.1 Keith Morey, Community Development Director, indicated the applicant is asking the City Council to postpone making a decision on this item tonight in order to allow the developer time to work on a development agreement for the project. The applicant would like to know what the City Council would like to have addressed if this were to move forward with a development agreement.

[8:01:29 PM](#)

11.2 Councilmember Colbert expressed concern that the application is inconsistent with the General Plan, and he is concerned about the density that is being requested. He would be more favorable to look at a development agreement that recognized the adjacent properties and the size of those lots. The developer also indicated they are conducive to improving access to the riverfront, which may be a bonus to the community at large. He would need to look at the development agreement before he would even consider supporting what they are doing. This is a start, but they should both come in together.

[8:02:16 PM](#)

11.3 Mr. Morey advised that staff put together some bullet points of what is in the development agreement, which included:

- Maximum of 75 single homes built
- Density capped at 2.2 units per acre
- Lots adjacent to the south property line will be 20,000 square feet
- Average lots size in excess of 14,500 square feet
- 1 public access point to the Jordan River Parkway

- Homeowners Association to be formed to maintain common areas
- Applicant will comply with all of the laws and requirements of the City

[8:03:13 PM](#)

11.4 Councilmember Stenquist moved to continue this item to the next business meeting, September 2, 2014. Councilmember Rappleye seconded the motion.

[8:04:00 PM](#)

11.5 Councilmember Stenquist stated he feels good about the items in the development agreement as presented, but he is fine with giving the applicant a couple of more weeks to work out the details.

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11.6 Councilmember Rappleye expressed appreciation to the developer for paying attention during the last public hearing. Some of these items in the development agreement came from the City Council and the public at the last meeting. The developer recognizes the sensitivity of the area, and Councilmember Rappleye said he looks forward to reading the development agreement.

[8:04:46 PM](#)

11.7 Councilmember Vawdrey disagreed with what has been said. She asked whether there is any open space proposed and wondered if the access to the river could be considered as open space. Mr. Morey indicated that is what they are talking about providing.

[8:05:13 PM](#)

11.8 Councilmember Colbert said if the City Council goes this direction, they need to look at 700 West, the right-of-way, and the transportation plan. He does not want to condemn property to get right-of-way. They will need to look at the General Plan.

Mr. Morey indicated staff is in the middle of updating the General Plan.

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

[8:07:19 PM](#)

12.0 Public Hearing: Ordinance #1121, For Approval of a Rezone of 1.59 Acres Located Generally at 1425 East Tanburhan Lane from RA1 to RA2. This Application is Otherwise Known as the Burns Property Zone Change.

[8:07:45 PM](#)

12.1 Mr. Morey advised the applicant is requesting the zone be changed to RA2. They want to divide the property to allow a parcel to be built on. It is a pretty straight forward request.

[8:08:54 PM](#)

12.2 Mayor Walker opened the public hearing. No one came forward to speak.

[8:09:55 PM](#)

12.3 Dave Burns, applicant, clarified that there is an existing home on the property, and that will remain.

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12.4 Mayor Walker closed the public hearing.

[8:10:23 PM](#)

12.5 Councilmember Stenquist moved to suspend the rules. Councilmember Vawdrey seconded the motion.

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

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12.7 Councilmember Vawdrey moved to approve Ordinance #1121. Councilmember Stenquist seconded the motion.

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12.8 Councilmember Vawdrey noted she does not have a problem with this request.

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12.9 Councilmember Stenquist remarked this request is consistent with the General Plan.

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

[8:12:02 PM](#)

13.0 **Public Hearing: For Approval of the Draper Pointe Office Park Subdivision Plat**

[8:12:41 PM](#)

13.1 Mr. Morey displayed a map of the site for those present. The purpose is to create three lots for this project. There is a parcel that contains open space for the Corner Creek Canyon and a trail easement that is provided for the pedestrian walkway along the western border of the property. This also allows the property owner to dedicate the property along the eastern edge of the property. There is also an agreement that the City will do an exchange with the property owner for the remnant parcel that was created when the road was designed.

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13.2 Mr. Dobbins indicated the plat shows a reference to Water Pro. This area is actually in the City's water area, so Water Pro does not need to be on there. He stated if the City Council were to approve this tonight, staff would need to make that change.

[8:15:12 PM](#)

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

[8:15:49 PM](#)

13.4 Councilmember Rappleye moved to suspend the rules. Councilmember Colbert seconded the motion.

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

[8:16:23 PM](#)

13.6 Councilmember Rappleye moved to approve the Draper Pointe Office Park Subdivision Plat with the note that it will not be serviced by Water Pro. Councilmember Colbert seconded the motion.

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13.7 Councilmember Rappleye noted this is pretty straight forward. The project has already started over there. There is a lot of interest in that area, and there are other retail entities in that area right now. This is a high-quality development that will be good for the city.

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

[8:17:32 PM](#)

14.0 Public Hearing: For Approval of the Windsor Mill Preliminary Plat

[8:17:55 PM](#)

14.1 Mr. Morey explained this was a development agreement that was approved in 2009. The developer is now ready to move forward with the 17-lot subdivision. He displayed a map of the area. The zoning for the project is R3. It is in the sensitive river overlay; however, none of the critical flood areas are touched by the project. He then displayed the plat map and went over the terms of the development agreement, which included:

- Dedicate fifty feet adjacent to the river
- Construct a public trailhead
- Construct a sidewalk from the trailhead to the Jordan River
- Construct a six-foot wide paved pedestrian trail and a four-foot wide bark/mulch equestrian trail from the subdivision to 700 West

Mr. Morey indicated this last item caused some discussion at the Planning Commission meeting because Soccer City was not required to put in that trail. The recommendation before the Council tonight is that the project be approved but that requirement be removed because it would be a short trail that would not really lead anywhere, and the City would have to maintain it.

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14.2 Councilmember Colbert asked whether there is adequate room for someone to park a horse trailer. Mr. Morey noted these parking stalls are normal stalls, and there are more stalls than the developer was required to do. He expressed his opinion that someone could back a trailer in, disconnect it, and park next to it. This area is too narrow to design it for longer stalls.

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14.3 Mayor Walker opened the public hearing.

[8:25:17 PM](#)

14.4 Suellen Rifkin, 11607 South 700 West, noted there are a couple of things she really likes about the plan. She likes that it does not follow a straight line. She expressed concern with 850 West. With the proposed 75 additional homes in the area, she is not sure if the road will be able to handle the increase in traffic. She said trails are nicer when there is not a need to cross too many roads. It would be nicer to have the trail on the north side to eliminate crossing two streets. She indicated there was supposed to be a pedestrian trail provided from 700 West to Soccer City; however, that is not the case. Soccer City owns the parking lot, and the neighbors are technically not allowed to go through there. Her last concern is the irrigation drainage. The neighbors flood irrigate on 700 West, and right now there is an irrigation line that drains into an open ditch that goes into the Jordan River. She is not sure the developer has anticipated the flows in this area.

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14.5 Mayor Walker closed the public hearing.

[8:28:05 PM](#)

14.6 Boyd Preece, applicant, noted it has been good working with the Draper staff on this application. There have been some concerns raised. They worked with staff on making the change with the horse trail. They did widen out the sidewalk, so they are trying to make some accommodations for the pedestrians. He clarified that the plans now show the pedestrian sidewalk would be on the same side as Parcel A and B, and any public walks on the north side would be part of the development of the property to the north. He stated he is excited to get the preliminary plat to the final stages and hopes to break ground soon.

[8:29:23 PM](#)

14.7 Councilmember Colbert asked how the flood irrigation will be handled. Mr. Preece indicated there are pipes on the south and north sides of the property that should handle the runoff. There should not be any water come onto the property. Councilmember Colbert said he would like staff to make sure all of the drainage issues are adequately addressed. Mr. Preece clarified that they have been working closely with staff, and he feels that they have addressed that.

Councilmember Colbert then indicated he would like to know how the public access will be maintained to the river.

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14.8 Councilmember Vawdrey asked where the sidewalk/trail will run to the trailhead. Mr. Morey stated his understanding is that they will use the existing sidewalks and the sidewalks that will be built within the Windsor Mill subdivision as access to the trail site.

Councilmember Colbert indicated there seems to be a sidewalk missing. He asked staff to look into that.

[8:32:46 PM](#)

14.9 Councilmember Stenquist noted the developer is building the road the full width, but they are not constructing the sidewalk on the other side. Mr. Morey stated that is correct.

[8:33:50 PM](#)

14.10 Councilmember Colbert indicated he does not think people will be able to take a horse through the Soccer City parking lot. Mr. Morey advised that is the way the Trails Master Plan was explained to him.

[8:34:10 PM](#)

14.11 Councilmember Stenquist indicated Soccer City is already built, and if the City Council does not like how the access is, it is too late. It is not something that pertains to this property owner.

[8:34:33 PM](#)

14.12 Mr. Morey said there should be a road that connects to 11400 South. That would be another possible access.

[8:34:57 PM](#)

14.13 Councilmember Stenquist noted when the City approved Soccer City, that strip between the church property and the homes was supposed to contain a meandering sidewalk. He agreed that having a sidewalk for access on the north side is better than on the south side to avoid crossing roads; however, he understands that this is something the adjoining property owner should put in.

[8:35:49 PM](#)

14.14 Mayor Walker asked whether there is a motion or if the Council wanted this item to take the normal course.

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14.15 Councilmember Rappleye said there are some questions they can use the answers to, so he is fine having it run the normal course.

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14.16 Councilmember Colbert noted if the equestrian trail in the development agreement does not make sense, they can delete that requirement and do something that would work better as an alternative.

[8:36:45 PM](#)

14.17 Mr. Preece noted as a compromise for not constructing the horse trail, they have agreed to put in a wider sidewalk.

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14.18 Mayor Walker advised this item will be considered on September 2, 2014.

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15.0 Council/Manager Reports

[8:37:47 PM](#)

15.1 Councilmember Rappleye noted there is an area behind Candlelight Homes on 100 East where the landscape was never completed. He asked staff to determine who is responsible to complete that job.

Councilmember Rappleye then advised the Day Meadows subdivision has a street that has never been resurfaced and is in really bad shape. He asked staff to look at it to see the practicality of fixing the road sooner rather than later.

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15.2 Mayor Walker noted he had some neighbors call him to request speed enforcement done on Stokes Ave. It is especially a problem on Sunday afternoons and seems to be a favorite drag racing spot.

Mayor Walker then mentioned that Mr. Ogden, Mr. Roberts, and himself had the opportunity to ride in the Fallen Officer Ride along with 5,977 others last Sunday from Timpanogos Harley Davidson in Lindon to the Law Enforcement Memorial. They rode up through SunCrest and down through the community. This was a fun opportunity, and they raised money for the families of fallen officers.

Mayor Walker advised 13200 South is now open, and it looks great.

Mayor Walker advised this Friday night is the kickoff of the football season. Juan Diego and Corner Canyon are playing each other that night. Mayor Walker said he has been invited to do the coin toss for that game, and he plans to take the memorial coin for Sergeant Derek Johnson to use. He will present each of the head coaches with one of the coins. He invited everyone to come out to the game.

Mayor Walker then mentioned that he, Mr. Dobbins, and Mr. Wylie recently returned from San Francisco where they met with Standard and Poors to improve the City's bond rating. He commended Mr. Dobbins and Mr. Wylie for their excellent presentation. The City of Draper has received a bond rating on AA+, which is a great rating.

[8:47:41 PM](#)

15.3 Councilmember Stenquist asked whether the City has received the pricing information on the demolition for the Park School. Mr. Dobbins indicated the cost came in at \$315,000,

which is higher than anticipated. The City is prepared to move ahead with an RFP to see if they can get a better cost.

The City Council then discussed how they wanted to proceed. Subsequent to their discussion, the City Council decided to research how far in the process the charter school is in expanding their charter to a different location. If the group does not have anything for the City Council within the next two weeks, the Council will proceed with the demolition process.

[9:02:19 PM](#)

15.4 Mr. Robbins updated the Council on the various road projects. He advised 13200 South is complete. The waterline on 1300 East is nearing completion. The reconstruction on 1300 East will take place next summer. The project on the 13800 South and Bangerter intersection will happen in the summer of 2016. There were some environmental delays on that project.

Mayor Walker asked whether the contractor hit all of their bonuses on the 13200 South project. Mr. Robbins advised they did, and the City saved quite a bit of money on that project.

Councilmember Rappleye noted he spoke with Mr. Burrows on Sunday, and there are still many neighbors that are unhappy with the road. The road looks fantastic, and there is not a lot of impact to the houses.

[9:04:41 PM](#)

15.5 Mr. Dobbins noted the City will demolish the Ballard home on Fort Street next week. They will be putting in some landscaping where the house is currently located. The City will be creating a park-like setting on the lot, and there will be some impact to the property owners to the east and to the north. The property owners have asked the City to split the cost of fencing the property, and it is well within the budget to do that. The Council was not interested in pursuing this at this time.

[9:09:15 PM](#)

16.0 Adjourn to a Closed-Door Meeting to Discuss the Character and Professional Competence or Physical or Mental Health of an Individual.

[9:09:18 PM](#)

16.1 Councilmember Stenquist moved to adjourn to a closed-door meeting to discuss personnel. Councilmember Vawdrey seconded the motion.

[9:09:26 PM](#)

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