

Approved October 21, 2014

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 30, 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, 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; and Garth Smith, Human Resource Director

Study Meeting

Dinner

[5:32:16 PM](#)

1.0 Discussion: Resolution #14-54, Adoption of New Rules and Procedures for City Council Meetings.

[5:32:45 PM](#)

1.1 Mayor Walker indicated that Councilmember Vawdrey suggested they add to the procedures that the applicant would be allowed to speak before the public. After the public hearing, they would have the chance to speak again.

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1.2 Councilmember Stenquist questioned whether the Council would be allowed to respond to a comment made by a resident if they wanted to. Mayor Walker stated yes.

Mr. Dobbins clarified that the public should address the Mayor with comments and questions. The rules allow a response; it would just have to go through the Mayor.

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1.3 Councilmember Stenquist indicated that people generally think they are attending an open meeting and will be able to give input. They do not realize that some items do not allow public comment.

Mr. Dobbins responded that Mayor Walker would like an information sheet to be included with the agenda that talks about the rules of the meeting. That would help the public understand when they would be able to give public comment.

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1.4 Councilmember Summerhays advised the Mayor could close the meeting right down if he wanted to. He expressed concern that the Councilmembers should have the opportunity to comment on items if they want to. These rules make it seem like the Mayor does not have to allow the Councilmembers to speak.

Mayor Walker indicated there could be a time where it makes sense to do that. There might be a situation where a meeting is out of control.

Councilmember Stenquist stated this Council gets along really well; however, there might be a situation someday where that is not the case.

Councilmember Colbert noted the rules can be changed anytime if the Council feels they are not working right.

Mayor Walker advised it is not his intent to stifle the Councilmembers in any way. He is just trying to get away from the Councilmembers having a dialogue with the people making comments.

Councilmember Summerhays noted he does not want the meetings to be too rigid.

Councilmember Colbert indicated if they come to a point where they feel this is a problem, they can change the rules.

Councilmember Stenquist remarked if the Councilmembers ask to be recognized, it is a courtesy. They are not asking permission. It just helps maintain order.

Councilmember Colbert agreed saying Congress uses a similar process.

Councilmember Rappleye noted it keeps the residents from putting specific Councilmembers "on trial".

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** **Council/Manager Reports**

[5:46:32 PM](#)

** Councilmember Rappleye stated he would like to petition to have the Tower Signs in Sign Zone A item brought back for Council consideration. Councilmember Summerhays seconded that request.

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2.0 **Appeal of the Wasatch Product Development, LLC/Lone Peak Manufacturing Park Site Plan**

[6:02:05 PM](#)

2.1 Doug Ahlstrom, City Attorney, noted the City Council will be acting as judges for this appeal and not as Councilmembers. Their decision must be made based on the record only, which includes the Planning Commission minutes, the Planning Commission decision, the argument submitted by Kirton McConkie, and the City's response.

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2.2 Loyal Hulme, Kirton McConkie, noted there are five issues with the site plan he is asking the City Council to look at tonight, which are as follows:

- This is not a legal subdivision. The Draper City Code and the State Statute require a subdivision in order for it to be legal. The staff has said it is okay that this is not a legal subdivision because they have conditioned it upon subdivision approval; however, the Code says it has to be a legal subdivision. Otherwise, they are giving the developer vested rights that they do not want to do before the subdivision is approved. It is bad public policy.
- The applicant's building orientation is illegal. Section 9-22-205 states that all buildings shall be located with the main façade facing the main street. The main street is to the east; however, this building faces north.
- The applicant's site plan fails to include the required landscape buffer. Section 9-23-110 requires a sixty-foot buffer. This plan only has 18.5 feet. The purpose of the buffering is to provide a distance between the residential nature of the property to the north and the commercial nature of this development.
- The internal road on the northern boundary does not include the required landscaping. There should be twenty feet of landscaping on each side of the road to serve as a buffer.
- The location of the streets needs to be modified. The Code requires the streets in a subdivision to be placed where they can connect to the adjacent land if they are zoned residential.

Mr. Hulme advised this site plan approval should be overturned. The applicant can fix these items and then it can be approved. If this site plan stands approved as it is, the City runs the risk of being accused of giving this applicant more rights than is appropriate. The applicant should fix these issues prior to receiving authorization to move forward.

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2.3 Jennifer Jastremsky, Planner, noted this application is in the Lone Peak Manufacturing Park. It has public access off 11950 South. Ms. Jastremsky then explained the City's position on Mr. Hulme's concerns as follows:

- This property was illegally subdivided. When staff was made aware of the illegal subdivision, staff advised the property owner they had to come in and apply for a subdivision. The applicant submitted the application on September 10, 2014, and it is going through the review process. As part of the approval for the site plan, the Planning Commission included a condition of approval that requires the City to approve the subdivision before any building permits can be issued on the property. The applicant has one year to obtain that subdivision or their site plan approval will expire. The Code prohibits building permits from being issued on

illegally created lots; however, it does not prohibit site plan approval. The Planning Commission does have the ability to add conditions to site plan approvals, so staff believes adequate protections have been put in place to prevent a building permit from being issued prior to the subdivision approval.

- The property is located in a Commercial Special District (CSD) zone. The Code states that CSD zones supersede the other requirements. The landscaping, buffer standards, and other issues the appellant brought up do not apply to this property. The CSD language does not require a building to be located in a specific location or have a specific orientation. It does address how to treat the side of the building facing the street in terms of whether it has an entrance on the street or not.
- The landscape requirement would be sixty feet if this were in a manufacturing zone; however, the CSD zone requires it have a forty-foot setback from the property line, three shade trees, eight evergreen trees, and twenty-two shrubs for every one hundred linear feet of buffer. The setback refers to the distance from the building to the property line. The eighteen and one-half feet of landscaping along the north property line meets the requirements for the site plan.
- The CSD requires twenty feet of landscaping adjacent to the roads, and the site plan has approximately twenty-five feet of landscaping between the building and the road on the side adjacent to the road. The north side does not have a road. It is a driveway going into the development, so that does not have to meet the twenty-foot landscape requirement.
- The Code requires cross access between commercial properties in the General Design Standards and Guidelines section of the Code, which is a normal design standard and is not part of the CSD. The CSD zone supersedes that requirement. The subject property is served by a private road system, and the property to the north, which is the petitioner's property, is also serviced by a private road system. There is nothing that would require a public street within a private development for either of the developments, and the City cannot require a private property owner to provide access on their private street system. The subdivision ordinance specifically excludes commercial developments from meeting street frontage requirements if cross access is given. This section allows for private street systems in the development, and it is not intended to mean cross access to properties outside of the development. Staff believes this property meets the intent of frontage requirements within the Subdivision Code. The property does have legal cross access through the manufacturing park.

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2.4 Mr. Hulme clarified that he made five arguments this evening, and if any one of them are met, this appeal needs to be overturned. The City staff already advised that the subdivision is illegal, so that should be enough reason to repeal the site plan approval. He indicated there is some confusion with staff thinking the new CSD zone supersedes all of the other ordinances that are applicable here. The honest answer is that it cannot and it does not. The commercial zone is 10-15 pages long. It is a special zone created for that area. It only applies for the sections that it specifically addresses. If it does not address a specific concept, then by default it has to default to the regular Code. That is how all Cities do it, including Draper. There are specific things that the staff has tried to

creatively argue that it applies. For example, there is nothing with regard to the orientation in the commercial zone. With regard to the commercial zone, there is no way the staff can say it overrides the normal statutes with regards to building orientation. Staff makes some points to say the buffer does not apply to the east; however, there is nothing that shows they have adequate buffers to the north. The requirement is at a minimum 40 feet, and he believes it should be 60 feet. There is no way an 18.5 foot buffer works between a residential and a commercial zone. Section 9-23-110(d) states if there is a landscaping issue, they need to go to the specific section that addresses it. There is a specific section, but it does not describe the nature of that landscaping in any different way than to require at least 40 and possibly 60 on the north side. The other argument is that the streets can work within the subdivision; however, the City Code states that streets shall be located within a subdivision so they connect with existing streets. It continues that if the adjoining land is zoned for residential use, streets shall be located so the adjacent land may be most efficiently subdivided. The Code is very specific. They cannot have a private developer that wants to come in and prohibit an appropriate access. They should not have site plan approvals until there is a legal subdivision. They need the City staff to look at those issues and get them right before they move forward with other actions that arguably vest those rights. He respectfully disagreed with staff's interpretation and urged the City Council to look at the five points he has made this evening.

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2.5 Councilmember Colbert stated the illegal subdivision concerns him, but staff has said the Code does not require that the subdivision is complete for a site plan approval. That might be something they look to change in the future. However, he does not see that as a basis to disallow this site plan from moving forward. The Planning Commission addressed that by included in the approval that the subdivision must be made legal before any work can be done on that parcel.

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2.6 Mr. Dobbins indicated they deal with site plans all of the time at the Planning Commission level, and they regularly put conditions on them. The approval of the site plan was conditioned upon something being done. If that is not done, the approval is not valid.

Councilmember Colbert noted they might want to look at changing this in the future. This property looks like it was illegally subdivided not that long ago. He does not know why they did not just go through the process at that time. However, that is not something that is before them at this time. The Planning Commission addressed the subdivision as part of their approval, so he does not see anything that the Planning Commission has done wrong in that regard.

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2.7 Councilmember Summerhays asked whether the City is confident on the setbacks as far as the landscape requirement goes. Mr. Dobbins responded that is staff's position. It is difficult to write code that is so black and white that no one will ever question anything.

Staff does their best to take what was intended and written and apply it as judiciously and fairly as they can.

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2.8 Councilmember Rappleye expressed his opinion that the CSD zone does create a separate zone. That means that it does not fall under the other rules.

Mr. Dobbins stated this is not an overlay zone. It is an actual zoning designation.

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2.9 Councilmember Stenquist noted the CSD zone does not specifically have the cross access requirement. He questioned whether the property to the north would have access or if they would have to come in with their own subdivision.

Mr. Dobbins replied it would have to be addressed at the time they came in with their request; however, there is private access in this case. The City has typically tried to be very careful to not put themselves in the position of taking property. There are plenty of attorneys that would love to take on a case of property takings, and the City has tried to be very careful with private property rights.

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2.10 Councilmember Colbert stated the City would not approve a subdivision that would land lock another parcel that did not at least have a private easement. Mr. Dobbins stated that is correct; however, if they do not have access before that subdivision the City would not be denying them access that they would have already had.

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2.11 Councilmember Colbert moved to deny the appeal. Councilmember Stenquist seconded the motion.

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2.12 Councilmember Colbert noted the point he was most concerned with was the illegal subdivision, but he feels that the staff addressed that issue. The other issues are moot based on the CSD zoning requirements. The CSD requirements take precedence.

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2.13 Councilmember Stenquist agreed with Councilmember Colbert. He stated he would include the staff report in the findings.

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2.14 Councilmember Summerhays requested clarification that this motion is to deny the appeal and have the City Attorney put it in writing for the Council to vote on at a later date.

Councilmember Colbert said they are giving instructions to legal counsel to write the opinion letter to support the denial.

Mr. Dobbins clarified that the Council will vote on this item tonight, so there is no need to have it on a future agenda.

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2.15 Councilmember Rappleye noted he appreciates both party's presentation tonight. He believes this was a case of misinterpretation of the City Code.

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2.16 **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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** *The meeting recessed at 6:40 p.m.*

** *The meeting resumed at 6:48 p.m.*

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3.0 Discussion Item: Edelweiss Text and Zoning Map Amendments and Development Agreement for the Edelweiss Master Planned Community. Request is being made by Nate Shipp representing DAI for 9.02 acres located at approximately 2025 East Stoneleigh Drive.

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3.1 Mr. Morey reviewed the history of this property. He indicated this project originated in 2006. After going through some portion of the process, it was determined that there was no water available, so the application stopped. There is now a possibility of fixing the water issues, so the applicant is interested in moving this application forward. This is an opportunity for the City Council to hear the proposal and ask whatever questions they have of the applicant and staff. Mr. Morey then reviewed the proposed application as follows:

- Development Agreement
- Permitted and Conditional Uses
- Standards for Single-Family Residential
 - Cottage Lots
 - 5,000 ft² minimum lot size
 - Setbacks – Front 15 feet, Side 5 feet, Rear 20 feet
 - Building Height 35-foot maximum
 - Estate Lots
 - 8,000 ft² minimum lot size
 - Setbacks – Front 15 feet, Side 5 feet, Rear 20 feet
 - Building Height 35-foot maximum
- Street Trees Required
- Accessory Buildings to meet current Draper City Standards
- Two parking stalls required per dwelling unit
- Road Sizes – 46 and 41-foot rights-of-way

- Development Standards for Townhomes
 - Setbacks and minimum lot sized determined at site plan stage
 - Variety of unit sizes and heights (maximum 35 – 40 feet)
 - Design criteria and colors/materials
 - Design Review Committee
 - Outdoor social area
 - Lighting required to comply with section 9-20 of DCMC
 - Two off-street parking stalls required per dwelling
- Other Standards
 - 30 percent open space of entire project
 - Edelweiss Trailhead – Minimum 16 parking stalls
 - Metropolitan Water District Trail
- Allows minor deviations from the Master Plan – Master Plan is an exhibit
- Requires compliance with engineering standards (with the exception of right-of-way cross-sections)
- Allows concurrent preliminary and final plat approval
- CC&Rs required
- All standard fees will apply
- No building permits may be issued until water system has capacity
- Development to be part of Traverse Ridge Special Services District (TRSSD)

Mr. Morey indicated the Parks Department has asked to have a hand in maintaining the trail system that goes through that project and to maintain the trailhead. The rest of the open space within the development would be maintained through the homeowners association. The developer has agreed that this is appropriate. He indicated the current zoning is A5, which is the default zoning that falls into place for projects. He displayed the Land Use Map and the site plan. Mr. Morey reviewed the proposed access points, which may change. He also advised that the Fire Department is looking at recommending many of the homes have fire sprinklers. That is an ongoing discussion at this time.

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- 3.2 Councilmember Colbert indicated that most of the development on that hillside was set at 1.3 units per acre. Mr. Morey replied the original agreement expired, so the default zoning went back to A5. The developer has now come forward with a new Master Planned Community concept, and because he meets the City's requirement of 50 acres or more, the density is a little different than was originally planned.

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- 3.3 Mr. Dobbins stated this property is now a part of SunCrest.

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- 3.4 Councilmember Colbert advised a key public safety interest is that now the primary access to this is from Traverse Ridge Road through the Stoneleigh Heights subdivision. That road is very narrow. It is a public street, but he is concerned about egress and ingress into this development with this number of units. He said he is not sure if it is the intent of the applicant to put in a deceleration lane or add an additional lane for these

people to merge into traffic. Mr. Morey stated he understands the concerns, and those types of issues are typically addressed more specifically with the actual site plan application. The way the developer is contemplating addressing these issues is to have approximately three to four accesses.

Councilmember Colbert stated that living up there, having a second or third access to get to Stoneleigh Heights will not be convenient. People are not going to be driving around a maze to legally have access. They will go to the direct route, which is Suncrest Drive. The City will have to do something to make the ingress and egress safe for the additional traffic.

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3.5 Mr. Morey displayed different sites of the development to give the Council a perspective of the property.

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3.6 Councilmember Colbert asked the width of the existing streets. Mr. Morey noted the one displayed is approximately twenty feet.

Councilmember Colbert advised that is why he has a great deal of concern.

Don Buckley, Fire Marshall, indicated the road width in Stoneleigh Heights is a little wider. They might be twenty-two to twenty-three feet wide.

Councilmember Colbert questioned whether staff has a concern with that. Mr. Morey replied it is not a matter of whether or not staff is concerned. It meets the City standard that the City Council has set in the City Code for what is required. That is why the staff has allowed this to move forward.

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3.7 Councilmember Summerhays noted he has the same concerns as Councilmember Colbert. He said they should have some consistency in widths; however, staff is doing their job. He asked whether the open space is flat enough to have a park. Mr. Morey replied it is actually quite hilly. He said the applicant can address that when he speaks.

Councilmember Summerhays stated they are in desperate need of park areas in this neighborhood.

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3.8 Councilmember Stenquist asked how many units total they are proposing. Mr. Morey noted it is 181 units on 61 acres.

Councilmember Stenquist noted they are small multi-family homes. Mr. Morey agreed saying they are more like townhomes, but they are considered single-family homes.

Councilmember Stenquist then asked whether the homes in the light green on the displayed map are single-family homes on smaller lots and the pink lots are larger lot single-family homes. Dan Boles, Planner, stated that is correct. There are 63 townhomes, 81 estate lots, and 37 cottages.

Councilmember Stenquist asked whether Stoneleigh Heights is in the TRSSD. Mr. Morey stated it is. This entire development, if it moves forward, will also be in the TRSSD. It is a requirement in the development agreement.

[7:03:15 PM](#)

3.9 Councilmember Colbert asked how they will handle the construction traffic and the vehicles destroying the roads. Mr. Morey noted he is not a developer, so he does not have an answer for that. The developer will need to work that out. They will probably need to create storage areas up there.

Councilmember Colbert stated these roads are not designed for heavy construction traffic, and they will be destroyed by this development.

Mr. Morey asked how the existing homes were built. Councilmember Colbert indicated there were not that many, and the developers would have had to keep those roads maintained. Now there will be more truck traffic coming into an existing neighborhood.

Mr. Morey stated he understands what Councilmember Colbert is saying; however, it is an existing public road, and he does not know how they would tell people they cannot drive on it.

Councilmember Colbert suggested the City require the development to pay a bond so they can fix the road when the development is done.

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3.10 Councilmember Summerhays stated he shares Councilmember Colbert concerns. However, staff is doing their job. They need to get with the developer to see what they can do to mitigate the damage to the roads. If they can address something to help the residents and the City out, that would be good.

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3.11 Councilmember Colbert asked what the vote of the Planning Commission was. Mr. Morey explained there were only three members of the Planning Commission in attendance for this discussion, so it was a two to one vote in favor of the development. It still moves forward to the City Council regardless of the Planning Commission vote.

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3.12 Nate Shipp, applicant, indicated they could go back and look at the past; however, he would prefer to move forward with this application. The reality is they are where they are. Mr. Shipp reviewed how he has worked with staff on this application to make the proposed changes. They have a sixty-acre parcel with two public roads that are sized to

City standards. They have tried to determine the best use for this ground, and they have spent a long time working on this specific plan. There are many residents that believe this property is part of Corner Canyon rather than private property. The developers have tried to mitigate the affect this development would have on the existing residents. They have rerouted roads in order to preserve areas with Gamble Oak. They are maintaining a fire access, sewer easement, and drainage easement with Stoneleigh Heights. He advised he understands the concern with the wear and tear on the roads from construction. They pride themselves on the Boy Scout motto "leaving a place a little better than when they were there". They will work with the City to make sure they do that. He indicated this development will provide thirty percent open space to the community and an access to Ann's trail with restrooms and parking. He expressed his opinion that they have been able to come up with a solution that is a win-win for everyone involved.

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3.13 Councilmember Colbert asked whether a traffic study has been done that includes the stacking distance on Traverse Ridge Road. Mr. Shipp replied they have to build something that is safe and works. They have submitted a traffic study, but it is premature for staff to give them an opinion about that study because they are not asking for a site plan. This request is for a zone change. When they get to the site plan, they will determine which units will be pulled into the various access points.

Councilmember Colbert stated he understands that they do not get into a lot of the traffic issues when they are looking at zoning; however, the zoning the developer is requesting will add approximately 150 units. He asked whether the applicant has looked at the feasibility of putting a turn lane on Traverse Ridge Road. It is a challenge right now and is worse in the wintertime. This is a significant issue especially if they add 1,000 more vehicle trips each day.

Mr. Shipp explained the traffic study that was submitted was done by Ryan Hales Engineering. The study indicated there would be no significant change in the level of service that is currently at the two intersections at full build out. That does not mean that the developer would not entertain, at staff's recommendation, some engineering changes if they are justified. There was a similar concern when they brought the Cinnamon Ridge to the Council. They worked with the staff to make sure they were ending the grade of their road coming down the hill in order to give plenty of landing for the cars to stop skidding before they came into the road. They are more confined in this location because the intersection that ties into Traverse Ridge Road is existing. However, they are open to suggestions. The last thing he wants is for someone to get hurt.

Mr. Shipp then indicated there has been some concern expressed about the use of the roads. This emergency access has been a subject of conversation amongst the existing Stoneleigh Heights residents. The residents will take the quickest route available to get out of the subdivision. The applicants are working with what they have, and they are not opposed to making the access a little bigger and putting in some kind of crash gate to prevent that from becoming the ingress and egress for the lower two-thirds of the project.

All of the roads in the project are proposed to be public roads except the road that services the townhome units.

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3.14 Councilmember Summerhays asked whether they plan to remove the temporary retention basin and put the water in detention basin 7A. Mr. Dobbins replied that is not a part of this project.

Mr. Shipp showed on a map where the retention pond would be placed in his development on the southeast corner of the property. If they could connect to the detention basin in the future, they would like to do that. It makes sense for them because it is in the natural drainage.

Mr. Ahlstrom advised he thinks they are talking about two different detention basins. Councilmember Summerhays is talking about the Stoneleigh Heights 3B at the end of Deer Park Road. That is not on this property. Mr. Shipp is just talking about the detention basin that is on the southeast corner of his property.

Mr. Dobbins clarified that those two basins do not tie together.

Mr. Shipp then explained where the various parts of his property would drain.

Mr. Dobbins stated he would like this project to tie into the new damn that will be built up there, so it all works as one system. That is the ideal scenario.

Councilmember Summerhays then noted the map shows a hash mark on a natural bike trail. He asked whether there is any way to go back to the decree in the 1900s to find out if the trail has anymore uses other than just water. Councilmember Summerhays stated he does not want to be kicked off the trail. Mr. Ahlstrom stated this property is owned by Metropolitan Water of Salt Lake. They have given approval for Mr. Shipp to construct a trail on top of it. The 1914 decree that Councilmember Summerhays is talking about came on a canal line coming out of Utah Lake.

Mr. Dobbins explained that is a valid concern, but the current property owner has given approval for this.

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3.15 Mr. Shipp indicated that Councilmember Summerhays was also interested in the parks. Mr. Shipp displayed the proposed parks they have planned on the overhead map.

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3.16 Councilmember Colbert expressed concern that there is only one gathering area up there community wide, and it is on private property in the SunCrest development. If they do not have something similar to that, the residents will be tempted to utilize the SunCrest parcel. However, it looks like this developer might be addressing that. Mr. Shipp replied they have agreed with the City that this property will come in under the Special Service

District. They are communicating with the SunCrest HOA to see whether they will incorporate all of this ground into that HOA. He is not sure where that will go; however, at the very least it makes sense that the townhomes figure out a way to join with the Stoneleigh Heights townhomes and manage that association together. They would like to be sensitive to how the open space is used and to coexist together.

Councilmember Colbert questioned whether they will be collecting for impact fees. Mr. Dobbins replied that because they are out of the SunCrest development, they are subject to the normal impact fees.

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3.17 Mr. Dobbins explained that in the past the City had insufficient capacity to provide water to any new development. The City Council has budgeted for a new pump station, and they have awarded that contract. They are moving ahead with the construction that will provide the water for this and other developments up there. It does have limited capacity, but staff believes it has sufficient capacity to provide water for this property, Mr. Mast's property, and some additional units. They will certainly maximize how much they can get out of this system. That process is already underway.

Councilmember Stenquist requested clarification that the City can reclaim some of those expenses through impact fees. Mr. Dobbins said that is correct.

Councilmember Stenquist noted the City is not spending any taxpayer funds to enable the developments. They will pay for that infrastructure.

Councilmember Colbert asked whether the water impact fees will be sized adequately to cover the cost to provide the water. Mr. Dobbins replied they will be. The City Council just approved the contract last month, so the City will adjust the impact fees to reflect that cost. The City collects impact fees with the building permits.

Mr. Dobbins then stated this is an unusual process; however, given the complexity of this project, staff felt it might be beneficial to have some upfront discussion. Staff plans to place this item on the October 21st agenda to receive public input. There will be notices sent out.

[7:28:56 PM](#)

3.18 Councilmember Stenquist noted the current zoning on this property is A5, so they can build one unit per five acres. He asked whether there are any other vested rights in terms the number of lots or density. Mr. Morey explained that anything that was discussed in the past has expired.

Mr. Dobbins stated the old Estes agreement has never been fully vetted.

Business Meeting

[7:30:09 PM](#)

1.0 Call to Order

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

[7:31:44 PM](#)

2.0 Thought/Prayer and Pledge of Allegiance

[7:33:10 PM](#)

2.1 The prayer was offered by Glade Robbins.

[7:33:59 PM](#)

2.2 The pledge was led by Keith Morey.

[7:34:33 PM](#)

3.0 Presentation: Animal Control PetPoint Software.

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3.1 John Eining, Deputy Police Chief, explained that currently the Animal Control Shelter processes the entire animal intake and outtake information on paper, and it is stored in binders. This causes a problem when they try to compile statistics. Staff researched options for electronic programs, and the most applicable and cost-effective option was PetPoint. PetPoint is a web-based program, so the City does not have to purchase the software to have it loaded on City computers. It can be accessed through the Internet. The biggest advantage with this is that all the police officers and animal services officers have laptops in their vehicles, so they can look up the information as needed. Mr. Eining then reviewed how the program works.

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3.2 Councilmember Colbert asked whether residents would be able to license their dog and enter their vaccination information on this website.

Mr. Eining explained they do not have that capability at this time.

Councilmember Colbert advised it is frustrating that they have to take their animals to animal services in order to get them licensed. It is inconvenient. He said he knows they want to check the rabies vaccinations tag; however, there should be a way to license your animal for three years based on the vaccination period.

Mr. Eining explained the residents no longer need to bring their animals to the shelter. They just need the vaccination information. The residents will not have access to this program because the City wants to be very careful that the information is not corrupted by mistakes or fraudulent information. There is a lot of private information in this system that the public should not have access to.

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- 3.3 Councilmember Summerhays stated this is mainly a utility for the City to use instead of a notebook. Mr. Eining said this brings electronic software to everything they are currently doing manually.

Councilmember Summerhays noted this is a good thing.

[7:47:05 PM](#)

4.0 Citizen Comments

[7:47:27 PM](#)

- 4.1 Jay Smith, 13530 South 300 East, stated he is here tonight about a proposed development on 13560 South by Kent and Dorothy Hansen. He gave a brief history of the area and said that this area has been set up for over forty-five years. Part of the conveyance of the road was that the owner put in a twenty-six foot wide pavement section in a cul-de-sac at the end of the road. At the time, Draper City considered this as a local residential dead-end area. It has been that way for forty-five years. There are ten lots along this road, and eight of them are built out. As they were built out, none of them put in curb, gutter, and sidewalks. The pavement section is twenty-six feet wide, and there are twelve-foot wide grass and asphalt shoulders, which are maintained by the neighbors. The width of the shoulders enables the City to push the snow from the road in the winter without being hindered by curbs and sidewalks. It also enables the neighbors to have parking spaces when they have extra visitors. He asked the City Council to consider this area on the exception list for frontage improvements.

[7:50:51 PM](#)

- 4.2 Scott Steadman, 14953 South Wingedbluff Lane, advised he had emailed the City Council asking them to have blinking lights installed into Phase III of the Stoneleigh Heights subdivision off SunCrest Drive. Mayor Walker stated staff will respond back to him in reference to this request.

[7:51:35 PM](#)

5.0 Consent Items

- a. Approval of September 16, 2014, Minutes

[7:51:46 PM](#)

- 5.1 Councilmember Stenquist moved to approve the consent item. Councilmember Vawdrey seconded the motion.**

[7:52:03 PM](#)

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

** *Councilmember Summerhays was not present for the vote.*

[7:52:22 PM](#)

6.0 Public Hearing: Redmond Place Preliminary Plat. Request for approval of a preliminary plat for a 34-lot subdivision on 9.02 acres in the RM1 (Residential) zone located at approximately 12052 South 300 East.

[7:52:56 PM](#)

6.1 Mr. Morey stated this is the project south of Juan Diego High School. The applicant is bringing forth the plat for Council approval. He reviewed the requirements of the development agreement.

[7:55:01 PM](#)

6.2 Ken Watson, Ivory Development, he noted this application meets all of the requirements in the Draper City Code. They are forming a homeowners association to take care of the detention pond and the frontages on the surrounding roads. They are looking into putting in a cinderblock wall along 300 East and 11950 South, and they will probably have some type of monument sign on 300 East. There is a variety of plans available that will fit on these lots, and the homes will have basements. They are bringing in fill to address the water table in order to have the basements. This is a typical Ivory type of development.

[7:57:21 PM](#)

6.3 Councilmember Summerhays commented that this property does have wet feet. Mr. Watson agreed that it does.

[7:57:33 PM](#)

6.4 Mayor Walker opened the public hearing.

[7:58:00 PM](#)

6.5 Nancy Cunningham, 2213 East Catania Drive, asked whether there will be a fence along the west and southern sides of the development.

Mr. Watson explained there is already a fence on the west side. There will have to be some type of fence that is compatible with the other developments that are going in next to this property.

[7:59:23 PM](#)

6.6 Councilmember Colbert said the applicant indicated they are bringing fill in. He asked whether they will be sure that anything they do will not impede the natural flow of water to the adjacent properties. Mr. Watson explained there is an irrigation ditch along 300 East that will have to be piped.

Councilmember Colbert stated this plat will have a note stating that there is a high water table, and any basement construction may be subject to flooding. The developer will also need to consult with a competent engineer. Mr. Dobbins noted that should be included in the motion.

[8:00:40 PM](#)

6.7 Mayor Walker closed the public hearing.

[8:00:46 PM](#)

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

[8:01:13 PM](#)

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

[8:01:28 PM](#)

6.10 Councilmember Colbert moved to approve the Redmond Place Preliminary Plat with the addition that the plat has a note that states the area is subject to a high - water table, and the lot owners need to consult a competent engineer. Councilmember Rappleye seconded the motion.

[8:02:27 PM](#)

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

[8:03:33 PM](#)

7.0 **Action Item: Ordinance #1124, A Draper City Ordinance Adopting Draper City Municipal Code Section 3-1-290, Traverse Ridge Special Service District Administrative Control Board; Establishing the Board; Delegating Powers for the Governance of the District to the Board; and Providing for the Number of Members.**

[8:04:30 PM](#)

7.1 Mr. Dobbins noted, at the Council's direction, staff has prepared an ordinance that will create an administrative board for the Traverse Ridge Special Service District. Mr. Dobbins then reviewed the responsibilities that would be taken over by the board, which included everything allowed by State law.

[8:06:40 PM](#)

7.2 Councilmember Colbert requested clarification that the Board would establish a budget, and the City Council would just approve the tax rate. Mr. Dobbins said that is correct.

Councilmember Colbert then asked whether a Truth in Taxation hearing would still come before the City Council, but it would only happen because the Board requested a rate increase. Mr. Dobbins agreed saying the City Council would hold the hearing and then decide whether or not they would increase the rate. If they chose not to, the District would have to operate within the tax rate the Council adopts.

Councilmember Colbert then asked whether this board would be responsible for all road maintenance and repair. Mr. Dobbins advised the City does collect B&C Road Funds for all of the lane miles, so there will be some funds available.

Councilmember Colbert agreed that the lane mile B&C money should be given to the District. He said the Board would need to understand what they are fully responsible for in order to set a proper budget.

Mr. Dobbins noted the City currently stores the TRSSD assets in the fire station, and they do not charge rent for that. The City pays about \$12,000 each month for the bonds on the fire station. The TRSSD wants to be completely separate, so they will need to find space to store all of their equipment and their salt. They will need a mechanic to repair their vehicles. They would have to have someone to provide the Human Resource functions, legal counsel, and City Recorder responsibilities, and they will have to pay bills. They could contract with someone to provide snow plowing. The City Council will have to have a discussion about how to transition this to the administrative board.

[8:11:34 PM](#)

7.3 Councilmember Stenquist indicated they will have to have this all set up and running in order to maintain the roads and snow plow within a couple of weeks potentially.

Mr. Dobbins replied the State Code is pretty clear that anything that is the subject of a referendum is on hold. Technically, there is currently no budget for the TRSSD. The City will not know if they have a budget until November 4, 2014. If the budget and certified tax rate are repealed, the new TRSSD Board would have to adopt a new budget. The complicating factor is no incoming revenue due to the repeal of the certified tax rate. State law only allows the adoption of the certified tax rate at specific times in the year. The adopted budget would have to utilize the fund balance within the TRSSD Fund to provide operation services this year.

[8:12:54 PM](#)

7.4 Councilmember Colbert stated if the referendum is successful and the Board adopts a new budget, people could refer that new budget as well if they got enough signatures. Mr. Dobbins stated that is correct. The Supreme Court decision basically said that any budget can be referred at any time.

Councilmember Stenquist said this has happened before with tax increases. They would have to revert to last year's budget and certified tax rate. He expressed his opinion that they could still function. Mr. Dobbins stated the difference is that if they are referring a tax increase, the increase is on hold but the base rate is a carryover. In this case, they are referring the budget and certified tax rate. The concern is that snow will be falling soon, and the City has a set amount of money for snow removal in the General Fund. That money covers just the valley area. There has been discussion about incremental costs in the TRSSD. The City is working on a calculation that will determine how much of the property tax goes toward snow plowing. That amount will barely cover the cost of doing Traverse Ridge Road and SunCrest Drive.

Councilmember Colbert indicated the City should continue plowing Traverse Ridge and SunCrest because they are more of a regional arterial road that connects to Utah County. The snow is likely going to fall before the election, and right now there is no means to provide services to the District at all.

[8:16:42 PM](#)

7.5 Councilmember Summerhays recommended the City Council appoint the TRSSD Board and turn this over to them. He would like to proceed with the application process and get people on the board.

[8:17:52 PM](#)

7.6 Councilmember Rappleye noted the action before the City Council tonight is to adopt an ordinance that would allow for an administrative board. The discussion is going really wide right now. The problem of whether they have a budget or not will exist regardless, and this is a separate matter.

[8:18:44 PM](#)

7.7 Councilmember Stenquist noted he wants to make sure if the City sets up this board, that they have a budget to work with. There is a fund balance the TRSSD could use to provide the services until next year.

Mr. Dobbins stated that is correct; however, they cannot adopt another budget until after the vote. The entire budget, including the fund balance, is a part of the referendum.

[8:20:18 PM](#)

7.8 Councilmember Summerhays noted he would like to have five boardmembers on the TRSSD board. The other Councilmembers agreed.

[8:20:26 PM](#)

7.9 Councilmember Summerhays then indicated they could split up the city evenly for snow plowing and split the time evenly between SunCrest and the valley because they do not have any funds to plow up there. Councilmember Colbert disagreed. He said his property tax is \$160 per year for the Draper City tax, and that does not even cover the fire station.

Councilmember Summerhays said all he is trying to do is to be fair to all of the residents. He wants to come up with a figure.

Mr. Dobbins stated staff is working to come up with a proportionate share of property tax paid for snowplowing.

[8:22:29 PM](#)

7.10 Councilmember Colbert noted he made a mistake by getting this discussion off track. Councilmember Rappleye is correct in saying the City Council needs to take care of what

is before them right now. They can have a general discussion about services at a later time.

[8:23:27 PM](#)

7.11 Councilmember Vawdrey questioned the powers that are listed in the ordinance. It states that some are reserved for the City Council. Mr. Ahlstrom explained that there are eighteen powers that are delegated to the new administrative control board. In section C, it lists powers that would stay with the City Council. Mr. Dobbins has asked the City Council to allow the board to have the powers in 1 and 2. State law does not allow the Board to have the powers listed in items 3 through 10. Those powers must remain with the City Council.

[8:24:59 PM](#)

7.12 Councilmember Stenquist said the City Council can decide not to allow the Board to have eminent domain authority. Mr. Dobbins said that is correct.

Councilmember Colbert said they may need to build a public works annex. He questioned whether they could condemn property from the City.

Mayor Walker expressed his opinion that they should be given that power. If they are going to operate as a District, they probably need that option.

[8:26:23 PM](#)

7.13 Councilmember Colbert moved to adopt Ordinance #1124 with the change that there would be five boardmembers, that the effective date is when it is signed by the Mayor, and they will strike paragraphs 1 and 2 from 18c. Councilmember Rappleye seconded the motion.

[8:28:04 PM](#)

7.14 Councilmember Summerhays asked how they would pick the boardmembers. Councilmember Colbert stated they can talk about that during the Council/Manager reports.

[8:28:22 PM](#)

7.15 Councilmember Rappleye expressed appreciation that this Council was able to come together to make these changes. The City has spent a lot of time working on this. They have a good framework to work from in moving forward. Even if they did not have the referendum, he would support moving in this direction.

[8:29:04 PM](#)

7.16 Councilmember Stenquist agreed with Councilmember Rappleye and added that this will hopefully reduce some of the confusion as to how the District funds are managed. He does not want there to be an impression that this is solely in response to the referendum. Now that the City understands the issues, this makes sense. He expressed his hope that they can get people in place on the board that can manage the District well and can be accountable directly to their neighbors in the TRSSD.

[8:30:05 PM](#)

7.17 Mayor Walker added that it is important to remember that in creating this board, they are giving the residents the opportunity to have control and to do better than the City has done. It is also important to note that as the new developments come into the District, the costs will be divided among more people. He said the City needs to hammer out what the costs are, and the resolution is what determines the services. He asked that the resolution be placed on the website for the residents to review.

[8:31:52 PM](#)

7.18 Councilmember Rappleye said he would like to see a narrative added to the website that explains the resolution.

[8:32:22 PM](#)

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

[8:32:36 PM](#)

8.0 Council/Manager Reports

[8:33:00 PM](#)

8.1 Councilmember Rappleye noted he has had a problem recently with someone camping on the front steps of the Chamber of Commerce office. He asked the police officers to give the area extra patrol.

[8:34:40 PM](#)

8.2 Councilmember Vawdrey noted she talked with people about community gardens at the Rail-Volution conference. She said the City should look at doing this in Draper. She said she also went to a farmer's market during the conference, and it was held in the parking lot of businesses that were closed on the weekends.

Councilmember Vawdrey stated she has received two more complaints about deer in the city. The first was on Boulter Street and the second was near IKEA.

Councilmember Vawdrey advised the Council had received the email about the crosswalk in SunCrest and questioned what they can do about that.

Councilmember Colbert said it is where the sidewalk has been restriped a few times by Stoneleigh Heights to the south where the sidewalk is. Mr. Robbins asked whether it needs restriping again.

Councilmember Colbert indicated it is a high traffic area with high speeds, and there are some blind areas. It would be nice to have some type of flashing signal for people desiring to cross the street. Mr. Robbins stated staff will look into that.

[8:36:46 PM](#)

- 8.3 Councilmember Summerhays noted he would like to make some of the trails wider to better accommodate biking and walking. He said he is talking about the trails that are not steep. He has had some residents ask for this.

Councilmember Stenquist advised that the newer trails that have been constructed have been built wider. The Parks and Trails Committee is aware of the issues, and they are taking very proactive steps to address the concerns.

[8:39:55 PM](#)

- 8.4 Mr. Dobbins reminded the Council of the EDCU luncheon on October 7th.

The City is working with Sandy City on turning the old canal the City owns into a trail. Sandy will construct the trail, and Draper will maintain an easement.

Mr. Dobbins said there has been a lot of discussion with the hang gliders about the Geneva Rock processes. He has an update on that he will provide to the Council.

[8:42:56 PM](#)

- 8.5 Mr. Fox indicated he is working with the school district and the SunCrest Owners Association about the school bus stop. Through the discussion, they found there are a couple of trailheads that could be turned into bus stops. They would have to remove landscape islands at either spot, which would cost \$8,500 for one and \$8,000 for the other. The problem is that the TRSSD funds have been frozen, so the City cannot use that money to remove the island. The City Council agreed to use General Fund money to do this.

Mr. Fox then advised Metro Water is going to be removing trees along their corridor. If the City Council receives calls from the residents, they should be referred to Metro Water.

[8:46:21 PM](#)

- 8.6 Mr. Morey noted the City Council adopted a moratorium on residential developments in commercial zones. He asked them when they would like to set up a work session to discuss that. Staff has up to six months to work on this; however, they would prefer not to take that long.

Mr. Morey then noted they are working on moving the General Plan update forward. In the next couple of months, staff would like to have a General Plan kickoff meeting. It would be an open house for the public. They will have the consultant there to provide information.

Mr. Morey stated the Code Enforcement Officer is doing a great job, and he is documenting the work he has been doing. He pulled 151 illegal signs in August and 323 signs in September.

[8:48:23 PM](#)

8.7 Mr. Robbins indicated he spoke with a resident in SunCrest that is concerned about the site triangle along Autumn Fields Lane and SunCrest Drive. There is a fence that obstructs the view. A consultant came up with some recommendations that include:

- Increase site distance to the left by relocating or removing the fence
 - This would be costly and would cause problems with the homeowner
- Prohibit left turn movements onto SunCrest Drive
 - That would not be favorable for the residents that live along there

Councilmember Colbert questioned whether they could put up mirrors to see the oncoming vehicles or whether there is a light or something that could flash to signal a vehicle coming up to that intersection.

Councilmember Rappleye suggested they slow the speed down at that curve.

Mr. Robbins noted staff will look into all of those options.

Mr. Robbins then stated they will have the first public meeting about the dog park tomorrow night. The residents have been invited. The meeting will be held at City Hall at 7:00 p.m., and the Council is welcome to attend. This is the first of many information meetings the City will hold in reference to the dog park.

[8:53:34 PM](#)

8.8 Mayor Walker stated he had the opportunity to attend the Rail-Volution conference in Minnesota. Minneapolis is really bike friendly, and they have done a phenomenal job there. He said he would like to take some of the things they learned at the conference and apply them in Draper. Mayor McAdams would like to get the Cities in Salt Lake County together to come up with ways to make the communities more cycling friendly. Mayor Walker said it is interesting that Minnesota is just as cold in the winter as it is here; however, people will bike there all year long.

Mayor Walker then indicated the City Council has talked about making SunCrest Drive a toll road. He asked staff to look into the feasibility of doing that. The toll would help cover the maintenance costs of the road.

Councilmember Colbert indicated the road was designed for a capacity of 4,000. He suggested they look at restriping the road to allow for passing areas and single-turn lanes.

[9:00:04 PM](#)

8.9 Councilmember Colbert advised the City Council passed the ordinance approving the TRSSD Administrative Control Board; however, the City Council needs to decide the process they will use to appoint members to the Board. He expressed his desire to receive a half a page letter of interest from those interested.

Mayor Walker replied the City can ask for a one page letter of interest and one page resume'.

Councilmember Stenquist asked how they will advertise this. He was told they will send an email blast and post it on the City's website.

[9:02:36 PM](#)

9.0 Adjourn to a Closed Meeting to Discuss Litigation and Personnel.

[9:02:36 PM](#)

9.1 Councilmember Summerhays moved to adjourn to a closed meeting. Councilmember Rappleve seconded the motion.

[9:02:50 PM](#)

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

The meeting adjourned at 9:03 p.m.