

Approved 3.15.16

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MARCH 1, 2016, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

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

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

Dinner

Planning Commission Appeal

[6:04:09 PM](#)

1.0 Appeal: Emery Site Development

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1.1 Councilmember Weeks recused herself from the discussion. She advised she had listened to the Planning Commission meeting where this was discussed and had spoken with parties on each side of the issue and had asked for some addresses.

** *Councilmember Weeks left the meeting at 6:04 p.m.*

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1.2 Jennifer Jastremsky, City Planner, reviewed the PowerPoint presentation that was shown in the Planning Commission meeting on January 14, 2016.

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1.3 Councilmember Stenquist asked whether the non-buildable areas on the lots were designated as non-buildable because they were a disturbance or due to the slope. Ms. Jastremsky explained it is her understanding it was based on the slope, and no one can build in that area. It is a restriction that is placed on the plat. Staff has found there is a conflict between what the GIS map is showing today as opposed to what it showed on the plat from 1994. She said she can only assume the difference is due to the technology used at the time. Given the difference between the two, it is the City's position that the deviation is required for the entire property and not just the plat defined non-buildable area. It could be possible to build outside that non-buildable area but not based on the City's contours and slope map.

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1.4 Ms. Jastremsky continued with her presentation. Draper City Code Section 9-16-040(a) requires a deviation to build on slopes greater than thirty percent. The section allows the

Planning Commission to approve the construction if they can find no significant harm will result, the proposed modification will result in a more functional plan, and the developer and builder agree to comply with any conditions or requirements to help mitigate possible effects. As part of the City's review, the site plan deviation applicant was required to provide a geo technical report and a slope stability analysis. These documents were reviewed by the City's consultants, Taylor Geo Engineering LLC and Simon and Associates LLC. Both of the consultants have approved the reports and stated that the reports demonstrate the development will not negatively impact the slope stability or negatively impact adjacent property stabilization. The slope stability analysis specifically states the site is suitable for the proposed residence and its plan location assuming the slope to the west of the home will remain in its current condition. When the Planning Commission reviewed the information, along with asking questions of the City's geo tech consultant, they reviewed the reports and discussed the comments brought up by the neighbors. The Planning Commission approved the site plan and deviation with a 4 to 0 vote and added the following conditions:

- The site needs to be in full compliance with the geo tech report and slope stability analysis
- The home would be built as shown on the site plan that was reviewed
- The slope west of the home shall remain similar to current conditions as recommended in the geo report and slope stability analysis
- A geo technical engineer shall inspect the construction of the building at all necessary phases and certify compliance with those reports and analysis.

When approving the site plan deviation, the Planning Commission stated they were comfortable relying on the expertise of the geo technical engineers, and they felt there was no basis for denial of the application.

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1.5 Councilmember Summerhays questioned whether this was counted as a lot when the subdivision was approved. Ms. Jastremsky stated it was.

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1.6 Tom Bowen, representing Mr. Brendle and Mr. Cook, stated the purpose of the appeal is not to stop Mr. Emery from building his home. They just want to make sure it is built in a responsible and proper manner. They do not feel that the Planning Commission had sufficient information to make the decisions and findings that they made. The two findings were that no significant harm would come from building the house and there must be mitigation from any adverse affects that may result. The Planning Commission made a decision based on inadequate information. They said it was a thirty percent slope; however, Mr. Cook said there is a thirty-four percent slope. Mr. Taylor said he could not find a thirty percent slope, but he did not have an accurate topographical map to determine what the slope actually is. Mr. Bowen stated it is their position that they need a topographical map with five-foot increments so people would know what they are talking about and where the areas for potential problems are. Before any dredging, there should be some sort of shoring plan. The Planning Commission said if there is a problem, the geo technical engineer can rush in and fix it during construction. The geotechnical

engineer is not a shoring expert, and they may not be available to fix a problem until it is too late. Mr. Bowen noted that Mr. Morey had said that if something happened and if the retaining wall comes down during the course of construction, it is the responsibility of the neighbors to work it out with each other. Mr. Bowen expressed his opinion that the City has to take an active role in this to make sure things like that do not happen. Mr. Bowen then indicated the current site has dense scrub oak that stabilizes the lot. The report said that the scrub oak should remain where possible. The appellants feel it should be required to remain intact. It is also disturbing to them that the variance is for the entire lot. They feel it should be limited to the necessary area. He asked the City Council to send this back to the Planning Commission and have this item worked out with a shoring plan and an accurate topography map. He expressed his opinion that it is reasonable to do this. This is a difficult piece of property to develop, but it can be done if it is done right. The Planning Commission did not require a shoring plan, and they did not have an accurate topography map.

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1.7 Mayor Walker requested clarification that the Planning Commission was unaware that there was a thirty percent slope. Mr. Bowen explained that Mr. Taylor had said they could not find a thirty percent slope, and the City's position was that there are thirty percent slopes all over. Mr. Cook felt it was a thirty-four percent slope. No one has an updated topography map, so they do not know for sure.

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1.8 Councilmember Rappleye said the report states that there was some prior construction of a foundation and retaining wall on the site that showed damage from earth movement. Mr. Bowen noted the retaining wall is down at the bottom, and that is another issue. Things are different from when it was platted in the 1980s. Everyone is more interested now in making sure there are no problems. Draper and North Salt Lake have dealt with land slippage, and it is ugly. The appellants want to make sure that they have everything in place because this is a tough lot. They want to make sure the construction is done responsibly.

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1.9 Alvin Emery, property owner, stated he and his wife were married last year, and they decided to build a house together. They chose Draper because they like the city. They found this lot and paid a lot of money for it. They are well over \$250,000 into this process already. There is a specific area of this lot that is buildable. They threw away the plans they had drawn up and worked with an architect to design a home that would fit on this lot. He submitted the plans to the City and was told they would need to go through engineering and the geologist. He stated they were happy to do that. He met with Mr. Cook and Mr. Brendle, and Mr. Brendle recommended an engineer to work with. Mr. Emery took his advice and hired the recommended engineer. As he worked with the City's geologist, he found out that Applied Geotechnical Engineering Consultants (AGEC) did all the engineering work, and the geologist preferred working with them. Mr. Emery stated he then hired AGEC to work on the project too, so he had two engineers working on it. He has done everything the City has asked him to do, and he has received

every approval that was needed. He also agreed to have the engineer on site as they are doing construction and has ordered an advanced shoring plan to further protect the neighbors. Mr. Emery requested the City Council approve what was passed by the Planning Commission.

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1.10 Councilmember Stenquist noted that Mr. Emery has ordered a shoring plan. Mr. Emery indicated that is correct; however, the plan will not be ready until tomorrow.

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1.11 Mr. Bowen noted the problem with the shoring plan is that no one has seen it, and it was not presented to the Planning Commission.

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1.12 Joe Cook, neighbor, stated he owns the lot east of the lot in question. There is a retaining wall near the boundary and there is a three to one slope along the boundary and where it intersects the street. His concern is that there is a slope greater than thirty percent, and they should try to not impact that. Slope stability is an issue. He has a sidewalk in his backyard that has moved three inches over the past ten years. The hillside should be left intact to maintain the integrity of the neighborhood. He stated the City should first determine where the thirty percent slope is and find out where it is being encroached upon. The comment of not removing the scrub oak is a concern because the working document states they can remove them as necessary. Mr. Cook indicated he has experience working for Kiewit and has worked with many slope issues.

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1.13 Councilmember Summerhays asked whether Mr. Cook's home has a thirty percent slope. Mr. Cook stated it does. Most of the scrub oak area has the thirty percent slope.

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1.14 Councilmember Rappleye said there is a retaining wall on the side of Mr. Cook's property. He asked how tall it is. Mr. Cook replied it is four feet. He has radiant heat in his driveway next to the retaining wall, and the tubing is pretty sensitive. It could rupture the lines if there is a lot of movement.

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1.15 Mayor Walker asked whether Mr. Cook was the engineer on his own home. Mr. Cook indicated he was the engineer that made the cross section. He believes there will have to be shoring on Mr. Emery's lot in order to make it stable.

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1.16 Mr. Bowen stated the issue here is just to make sure that the construction is done the right way. There is potential for problems, and they should mitigate any possible problems that may come.

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1.17 Mike Barker, City Attorney, indicated the Council's role of the Appeal Board is to determine whether the Planning Commission made the correct decision in approving this deviation. The Planning Commission approved a site plan with a deviation. Mr. Barker indicated he had advised the Planning Commission that issues of engineering, design, building permits and shoring are all items that apply once the site plan is approved. It is not this Board's role to determine what engineering needs to be done or what shoring needs to be done during construction. The role is to determine whether or not the evidence presented to the Planning Commission was interpreted and applied to the ordinance correctly.

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1.18 Councilmember Summerhays noted there are a lot of other homes up there that were allowed a deviation on the thirty percent slope. Mr. Barker stated that is correct; however, the Appeals Board needs to analyze this deviation as it pertains to this particular lot. It cannot be influenced by what the Planning Commission may have done on other lots. Each lot is unique and has unique geology and issues.

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1.19 Mayor Walker asked Mr. Barker whether the City Council can deliberate and issue a written opinion. Mr. Barker stated they are welcome to deliberate tonight, but if they feel they need extra time to consider the information, they can take the time.

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1.20 Councilmember Rappleye said there seems to be a lot of concern about a shoring plan and a mitigation plan. He asked whether it is typical for these things to be provided at some point. Mr. Morey explained the question that came before the Planning Commission was whether or not a deviation could be granted on the lot that would allow it to be built on. City staff and the geologist review the information to make sure that building is something that could safely occur without impacting the surrounding properties. The information that was given to the Planning Commission showed that it could be accomplished. The Planning Commission does not review the engineering or structure of homes or the construction plan. They just make a determination of whether a deviation can be approved. It is up to the architect and engineer to design something that is safe.

Councilmember Rappleye asked whether there was a building envelope drawn up for that lot. Mr. Morey noted there was and it was provided to the Planning Commission.

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1.21 Councilmember Summerhays asked whether the City Council has considered anything on this lot in the past six to seven years. Ms. Jastremsky stated she does not think so. Applications were submitted for this lot in 2007. It went before the Planning Commission but they did not make a decision. The application was withdrawn shortly after that.

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1.22 Councilmember Stenquist moved to direct the City Attorney to write an opinion denying the appeal request and upholding the Planning Commission's decision. Councilmember Vawdrey seconded the motion.

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1.23 Councilmember Stenquist stated he understands the concerns of the adjacent property owners; however, there are ordinances and requirements in place for protections. In this case, the Planning Commission weighed the analysis that was done by the experts, and they felt satisfied that all of the requirements had been met. He does not see any reason to overturn their decision.

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1.24 Councilmember Vawdrey expressed her opinion that the Planning Commission handled the process appropriately.

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1.25 Councilmember Stenquist noted that he spent two years on the Planning Commission, Councilmember Rappleye spent ten years on the Planning Commission, Councilmember Vawdrey was there for nine years, and Councilmember Summerhays also served as a Planning Commission member. They all understand how these applications are reviewed.

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1.26 Mayor Walker restated that the motion is to deny the appeal based on the reasons stated by Councilmember Stenquist and for a written opinion to be written and approved by the Appeals Board.

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

Business Meeting

[7:02:16 PM](#)

1.0 Call to Order: Mayor Troy K. Walker

[7:02:26 PM](#)

2.0 Thought/Prayer and Pledge of Allegiance

[7:02:45 PM](#)

2.1 The prayer was offered by Jack Draney, Scout Troop #0256.

[7:03:16 PM](#)

2.2 The pledge was led by Sam Wright, Scout Troop #0256.

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3.0 Presentation: Deer Population Control, Division of Wildlife Resources

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3.1 Russ Fox indicated the City has talked about the deer issue a few times over the past few years. He has spoken with the Division of Wildlife Resources (DWR) several times about the problem, and they agreed to come to speak with the City Council about options.

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3.2 John Fairchild, DWR Regional Supervisor, indicated Steve Gray is the staff member that works with cities to determine if they have an urban deer problem.

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3.3 Steve Gray, Urban Wildlife, gave a brief history of the program. Several cities are already implementing this program right now. In order to be considered, a municipality must do the following:

- Demonstrate deer are causing significant damage or threatening public safety
- Pass an ordinance prohibiting deer, elk and moose feeding
- Provide proof of \$1,000,000 general liability insurance
- Agree to provisions of the Utah Governmental Immunity Act
- Provide estimate of population of resident deer, and target number of deer after removal efforts

Mr. Gray then indicated the municipality is responsible for developing a deer control plan with input from the Utah Division of Wildlife, the public, interested businesses and organizations, and local, state, and federal governments. The plan must address the following:

- Lethal methods that may be used to remove deer and conditions under which each may be employed
- Conditions and restrictions of baiting and spotlighting
- Persons eligible to perform deer removal activities and requirements imposed on them
- Locations and time periods of deer removal activities
- Tagging requirements
- Protocols for carcass removal and disposal
- Procedures for returning antlers to Division of Wildlife
- Seek Division authorization on any live capture and relocation component of the plan
- Estimate of current population and target population objective

The municipality must hold a public hearing to consider input on the draft plan prior to its implementation.

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3.4 Councilmember Stenquist stated he thinks this is something the City should look at. The city has over 4,500 acres of open space in the canyon, and there are also homes up there. The SunCrest area will present a unique challenge to figure this out.

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4.0 Presentation: Parks and Recreation Department Annual Report

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4.1 Rhett Ogden, Parks and Recreation Director, highlighted some of the things his department has accomplished this year. The accomplishments included:

- Recreation Program and Classes
 - 66 Adult Teams (Spring/Fall)
 - \$21,435 Total Revenue
 - Youth Basketball
 - 1,417 Participants
 - \$96,216 Total Revenue
 - 156 Draper Teams
 - 6 Schools Rented
 - Arts and Crafts
 - Youth Tennis
 - Adult Kickball
 - Coach Pitch
 - Youth Mountain Biking
 - Youth Fishing Program
 - Adult Tennis
 - Start Smart
 - 7 on 7 Football Passing Tournament
 - Youth Soccer
 - T-ball
 - Flag Football
 - Evil Scientist Summer Camps
 - Youth Wrestling
 - New Programs for 2016
 - Youth Golf
 - Cross Country
 - Girls Softball
 - Machine Pitch Leagues
 - Glow Run City 5k Fun Run
 - Strider Bike Races – Draper Days
- Special Events
 - Draper Community Events
 - Draper Days
 - Easter Egg Hunt

- Art and Crafts Festival
- Daddy Daughter Dance
- Haunted Hollow
- Veterans Day Ceremony
- Candy Cane Hunt
- Tree Lighting Ceremony
- Park Facility Report
- Trails and Open Space
 - Restarted the Trail Ambassador Program
 - Continue Patrol, Signage, and Cleanup of Suncrest Purchase Area
 - Completed Bear Canyon Suspension Bridge
 - Upgraded ½ Mile of Rush Trail
 - Opened the Bike Park
 - Opened Little Valley Instructional Trail System
 - Completed Potato Hill Trailhead
 - Blasted the Boulders Section of the Bonneville Shoreline Trail
 - Worked with Thin Air Cycles to Groom Winter Biking Trails
 - Completed the Draper City Open Space Master Plan
- Amphitheater
 - Scheduled for 73 Dates in 2015
- Park Field Scheduling and Rentals
 - Draper Park North
 - 118 Reservations
 - \$5,280 Rental Revenue
 - Draper Park South
 - 113 Reservations
 - \$4,795 Rental Revenue
 - Galena Park
 - 49 Reservations
 - \$2,520 Rental Revenue
 - Smith Fields Park
 - 52 Reservations
 - \$2095 Rental Revenue
 - Steep Mountain Park
 - 30 Reservations
 - \$1,110 Rental Reservations
 - Historic Park
 - 28 Reservations
 - \$4,250 Rental Revenue
 - Day Barn
 - 189 Total Reservations
 - \$57,975

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5.0 Public Comments

To be considerate of everyone attending the meeting, public comments will be restricted to items not listed on this or a future agenda and limited to three minutes per person. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.

5.1 No one came forward to speak.

[7:51:52 PM](#)

6.0 Consent Items

- a. **Approval of February 16, 2016, City Council Meeting Minutes**
- b. **Approval of Resolution #16-13, Appointing Nate Crowther, Doug Anderson, and Mel Pollard Jr. as members of the Parks, Trails, and Recreation Committee**
- c. **Approval of Agreement #16-42, Assessment-in-Lieu for Rasmussen Subdivision**
- d. **Approval of the Park Place Bungalows Final Plat, a 20-unit single-family subdivision located at 1230 East 13200 South**

[7:53:01 PM](#)

6.1 Councilmember Weeks asked to remove Item D from the consent items for discussion.

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6.2 Councilmember Summerhays moved to approve consent items A-C. Councilmember Weeks seconded the motion.

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6.3 Mayor Walker stated for the record that he interviewed all three individuals for the Parks, Trails, and Recreation Committee, and each of them were very enthusiastic about serving on the committee.

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

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6.5 Councilmember Weeks noted as she looked at the Park Place Bungalows final plat, there are several issues on it that she is not comfortable approving. She would like to amend the ordinance to change the requirements pertaining to the narrowness of the driveways and private roads.

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6.6 Councilmember Summerhays said he is of the same mindset. The City will have to go through and change the ordinance. It is too late to make changes with this item, but it should be done for future developments. He would like staff to bring it back for Council consideration.

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6.7 Councilmember Rappleye moved to approve consent item D. Councilmember Vawdrey seconded the motion.

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6.8 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.

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7.0 **Public Hearing: Ord. #1192, Dana Subdivision Phase II Zone Change, Request for Approval of a Zone Change From RA1 to RA2 on 1.71 Acres, Located Generally at 1553 East Conrads View Lane**

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7.1 Keith Morey, Community Development Director, stated this is Phase 2 of the project. The Land Use Map designates the area as RA2. The Planning Commission voted 5 to 0 to send a positive recommendation to the City Council.

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7.2 Troy Dana, applicant, stated he does not really have anything to add to the staff report. The staff has done a great job on this.

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

[8:00:24 PM](#)

7.4 Councilmember Rappleye moved to approve Ordinance #1192. Councilmember Vawdrey seconded the motion.

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

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8.0 **Public Hearing: Resolution #16-11, Authorizing the Filing of Eminent Domain Actions to Acquire Real Property for the Purpose of Widening and Improving 300 East Street**

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8.1 Mayor Walker explained the City was able to come to terms with the property owner, so no further action is needed.

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9.0 Public Hearing: Willowbrook Estates Lot 4 Plat Amendment, On the Request of Layne Wright to Amend Lot Four of the Willowbrook Estates Plat in Order to Split the Approximately 2.25 Acre Lot into Two One-Acre Single-Family Residential Lots Located Generally at 1015 East Country Lane

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9.1 Mr. Morey noted this property is currently zone RA1, and the applicant would like to split this lot into two lots. The Planning Commission voted 5 to 0 to approve this request. This is in harmony with the General Plan.

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

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9.3 Councilmember Summerhays moved to approve the Willowbrook Estates Lot 4 Plat Amendment. Councilmember Rappleye seconded the motion.

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

[8:04:24 PM](#)

10.0 Public Hearing: Maverik Phase 2 Zone Change, Request for Approval of a Zone Change From A5 to CI for a 1.63 Acre Parcel Located Generally at 14817 S. Minuteman Drive

[8:04:45 PM](#)

10.1 Mr. Morey stated this is a parcel the City Council is very familiar with. The Maverik gas station has struggled with the site due to the I-15 project. Their intent with this action is to add more asphalt for semi trucks. The Planning Commission voted 5 to 0 to send a positive recommendation to the City Council.

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10.2 Elizabeth Hunt, applicant, introduced herself.

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10.3 Councilmember Rappleye asked the applicant whether there will be a compressed natural gas (CNG) or liquefied natural gas (LNG) fill up area. Ms. Hunt indicated there would not. This is mainly for the big semi trucks.

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

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10.5 Councilmember Weeks moved to approve the Maverick Phase 2 zone change. Councilmember Rappleye seconded the motion.

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

[8:08:18 PM](#)

11.0 Action Item: Resolution #16-12, Cable TV Franchise with Comcast of Utah II, Inc.

[8:08:45 PM](#)

11.1 Mike Barker, City Attorney, briefed the City Council on the key points of the franchise agreement. The previous agreement expired in November, and they have been working on a month-to-month basis while they were drafting this new agreement. The agreement grants Comcast a non-exclusive franchise agreement for a term of ten years that is capped at five percent of gross revenues.

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11.2 Kirk Nord, applicant, introduced himself.

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11.3 Councilmember Summerhays noted he has a business in a shopping area, and his high-speed internet is going down frequently. He asked the applicant whether the Comcast system is very reliable. Mr. Nord indicated there are always times when the Internet can be sluggish. Comcast, in the last six months, has invested over \$100 million to address issues like that. He is happy to take the complaints from the City Council and direct those to the correct departments to get them resolved.

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11.4 Councilmember Rappleye moved to approve Resolution #16-12. Councilmember Vawdrey seconded the motion.

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

[8:19:08 PM](#)

12.0 Council/Manager Reports

[8:19:13 PM](#)

12.1 Councilmember Vawdrey noted she visited a community garden when she was in St. George last weekend. She asked what the City had decided in reference to having the County assist in doing a community garden. Glade Robbins, Public Works Director, stated his staff has contacted the County in reference to removing the farm lease from Wheadon Farm to make that available as a community garden. They have not heard back yet, but he will have staff contact them again.

Councilmember Vawdrey then advised they had also talked about having a farmer's market. She asked whether the Council would be agreeable to holding a farmer's market in the parking lot of the arena.

Councilmember Rappleye stated there is an organization that does this in most communities in the valley. He has spoken with them, but he has not heard anything recently. He indicated the arena would be a good spot; however, if there are events that fall on those weekends, it could displace the farmer's market vendors. They do not like to be displaced.

Councilmember Summerhays asked why they could not use the Wheadon Farms area. It is a good location and already has the gravel parking lot. The more accessible the area is the better.

Mr. Ogden indicated he will speak with the County to see what he can come up with.

Councilmember Vawdrey recommended Councilmember Summerhays speak with the Arena Board about it as well.

Councilmember Weeks noted she is in favor of a farmer's market as well. She pictured having one in the Kohl's parking lot, as that space is not always utilized. However, the Arena would work fine if they have enough parking.

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12.2 Councilmember Rappleye noted there is a pothole at 700 East Meadow Woods Drive. He asked staff to go look at it.

[8:23:45 PM](#)

12.3 Councilmember Stenquist said he has received a few complaints about traffic on Vestry Road. There are people drag racing and speeding on this road, which is a twenty-five mile an hour speed zone. There was also an incident on the frontage road where a driver was being aggressive with a group of cyclists. He asked the officers to monitor those areas.

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12.4 Councilmember Weeks said she would like to look at changing the ordinance pertaining to the length of driveways and the widths of private roads in private subdivisions. She expressed her opinion that it is a safety issue. Councilmember Summerhays stated he has been interested in looking at an ordinance change to address these issues as well.

Councilmember Weeks then noted at the last meeting she brought up the Fitzgerald property. She was told to speak with Darwin Fitzgerald and to look at the history of what has previously been put together for this area. She did that, and Mr. Fitzgerald suggested they draw up a plan of what could happen on this land. She said she would like the City to draw up a plan to present to Mr. Fitzgerald and asked whether the Council is in favor of putting City funds toward this.

Councilmember Summerhays noted Mr. Fitzgerald did not want his property included in this. Councilmember Weeks replied that Mr. Fitzgerald did not object to his property being included.

Mr. Morey indicated he sent information out to the City Council regarding this area. The most recent information was from 2010. It looks like the information is more zoning standards and philosophy rather than land planning.

Mr. Fox stated the information for the Town Center started in 2005. The Council at the time made decisions based on how they wanted the Town Center to be developed. It included plans for the IFA and UTA station.

Councilmember Stenquist stated it is the role of the City to put zoning in place to help facilitate the City's vision for specific areas. It is not their role to plan and architect the land development itself. They have the zoning and guidelines in place for that. One of his concerns is that if the City were to take steps and put money towards a plan, the landowner and any potential developer would have absolutely no obligation to actually build that plan. He would not want to be that specific in codifying the zoning ordinance to require specific development. It is the responsibility of the developer to come up with a plan. If they wanted to do something that the zoning did not allow, they could come up with a development agreement. He does not think it is the best use of taxpayer money to pay for a plan for this property.

Councilmember Weeks explained the Town Center is pretty much the heart of Draper. The City needs to create an atmosphere that will be happy for the residents. As a Councilmember, she would like to create a community place for people to gather. The Fitzgerald's want to get the most money they can from their property, and she understands that. However, it is difficult to sell land for \$300,000 an acre without it being high-density housing. It is not zoned for high-density housing, and the residents she has spoken with would be very upset with her if she zoned that as high-density.

Councilmember Stenquist clarified that he does not believe any of the Councilmembers would support high-density on that property.

Councilmember Weeks stated if they are going to get the amount of money they want without high density, they will have to look at something commercial. There are many cities, such as Farmington and Riverton, that have drawn up an idea of what they are thinking should go in specific areas, and with that they can find developers that have similar thinking.

Councilmember Summerhays said he can see where she is coming from, but Councilmember Stenquist explained it exactly right by saying that it is not the Council's role. He is not comfortable taking the taxpayers money to spend on a plan before they have a developer willing to join with the City on this plan.

Councilmember Weeks indicated the City already did this with the prison property, and it has been a great benefit to the City. The Town Center is the heart of the city, so she feels it would be easier to do it for this property. She gave the example of a recreation center and indicated she feels the best location for that is behind the Senior Center.

Councilmember Rappleye indicated they are discussing property the City does not own, and this is completely different than the prison property. The City was trying to maintain some voice in the prison relocation process, and the concept plan showed that it could develop as something other than homes and shopping centers. The City has no say at all in how the prison property will develop. The City should not try to tell people how they have to develop their property in reference to providing a fountain, etc. The City cannot tell the property owner what to do. The General Plan guides it, and the zoning can determine how the buildings are faced and what materials are used.

Councilmember Weeks indicated she understands she is not going to get the votes she needs on this; however, Councilmember Rappleye summed it up perfectly by saying that when they drew up the plans for the prison they wanted to show that it would not be all housing, and they wanted to give the people an idea of what could happen. That is what she is trying to do with the Town Center.

Councilmember Vawdrey stated she understands Councilmember Weeks wanting to plan and have a vision, but that is what the Council did when they created the Town Center zone. That is the tool that will be used when the time comes to develop it. The prison property was not private property. It belongs to the State, and that is different from the Town Center property.

Councilmember Weeks then advised she would like to look at the City Code in terms of nepotism and hiring. She said she does not think a Councilmember's family should be hired as a Department Head, but it would be fine to hire them as a laborer. She has six children and two grandchildren. Her family is going to keep growing, and she would like to see if the Council is open to discussion on changing the Code to allow this.

Councilmember Summerhays agreed to look at an ordinance change. Councilmember Stenquist said he is open to discussing it as well.

Councilmember Summerhays noted this is not for a big job; it is for laborers and not for any leadership type role. The Parks Department is in need of laborers in the parks.

Councilmember Stenquist stated his son currently could not be hired to mow lawns in the park.

Councilmember Weeks then noted at the retreat they had discussed the landscape issues along Highland Drive, There are a lot of black cords along the south side of the roadway. She asked whether they can start burying those cords in the winter when there is not snow. Mr. Ogden stated he would look into it.

[8:52:06 PM](#)

13.0 Adjourn to a Closed-Door Meeting to Discuss Property Acquisition, Litigation, and/or the Character, Professional Competence, or Physical or Mental Health of an Individual

[8:52:15 PM](#)

13.1 Councilmember Stenquist moved to adjourn to a closed-door meeting to discuss litigation, property acquisition, and the character, professional competence, or physical or mental health on an individual. Councilmember Summerhays seconded the motion.

[8:52:34 PM](#)

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

13.3 The meeting adjourned at 8:52 p.m.