

Approved 10.18.2016

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, OCTOBER 4, 2016, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy Walker, and Councilmembers Bill Rappleye, 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; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; Bryan Roberts, Police Chief; Clint Smith, Fire Chief; and Bob Wylie, Finance Director

Dinner

Study Meeting

[5:56:22 PM](#)

1.0 Training: Harassment Free Workplace

[5:57:03 PM](#)

1.1 Hazel Dunsmore, Human Resource Director, presented a training video regarding having a harassment free workplace. The Councilmembers then answered questions about the training.

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2.0 Discussion: Pioneer Road 600 to 900 East

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2.1 Scott Cooley, City Engineer, stated staff has been working on Pioneer Road from 600 to 900 East, and they have come across some problems with the original proposal. The two main factors driving this project are the condition of the road and the fact that the City already has the right-of-way.

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2.2 Mr. Dobbins reminded the City Council that the budget for this project was based on the current Master Transportation Plan.

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2.3 Robert Markle, Engineer, indicated staff was anticipating a sixty-six foot residential/commercial minor collector. The Town Center starts at the canal crossing and goes past City Hall. He displayed a picture of the cross section that was adopted by resolution in June of 2007. The adopted plan did not have a lot of detail, and the size of the park strip and sidewalk were not determined at that time.

Mr. Dobbins explained the City Council adopted a cross section for the Town Center that is different from anywhere else in the city.

Mr. Markle reviewed the issues he has with the current proposal, which includes:

- No clear direction about which way cars will be parking
- No safe pedestrian access from the center parking
- Left turns are prohibited
- Landscape maintenance costs
 - they will have a difficult time requiring the property owners maintain the center park strip
- Side street parking on the north already exists, and it would now become curb and gutter
- There will be difficulty plowing this portion because there is nowhere to push the snow
- At 900 East they are taking away all of the turn lanes, which will make the level of service poor
- The alignment does not center appropriately on the east side of the road, so this would increase right-of-way costs
- There is a utility pole in the middle of the pavement, which would be in the middle of a travel lane
 - The Council will need to decide if they want underground utilities in this area
- There is a roundabout proposed at Fort Street, which is not needed anymore since Trax came through

Staff has come up with a different proposal to try to obtain on-street parking and keep the intersections at a functioning level. He displayed a concept plan for Council review.

Subsequent to Council and staff discussion, staff will go ahead with the proposed construction from 600 East to the canal. They will bring back options for the section from the canal to 900 East for Council review. The concept will include good traffic flow, median with trees, bike lanes, and on-street parallel parking.

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*** **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**

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*** **Councilmember Summerhays moved to adjourn to a closed-door meeting to discuss property acquisition and personnel. Councilmember Rappleye seconded the motion.**

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

Business Meeting

[7:00:14 PM](#)

1.0 Call to Order: Mayor Troy K. Walker

[7:00:27 PM](#)

2.0 Thought/Prayer and Pledge of Allegiance

[7:00:42 PM](#)

2.1 Clint Smith, Fire Chief, offered the prayer.

[7:01:25 PM](#)

2.2 Bryan Roberts, Police Chief, led the Pledge of Allegiance.

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3.0 Public Comments

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

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3.1 Adrian Dybwad, resident, stated he is with the organization PurpleAir. His organization conducts citizen air monitoring, and they have an opportunity to submit a bid to the U.S. Environmental Protection Agency (EPA) for a \$40,000 grant as part of an effort to help roll out 250 to 500 air quality sensors. PurpleAir already has 150 of these air quality sensors in Texas, Florida, Utah, California and British Columbia in Canada. They are hoping to garner support from Draper City in submitting the bid to EPA, and by joining PurpleAir as a partner in this application. Draper City would benefit from having air quality sensors in the area, and he asked for locations where PurpleAir could host sensors as part of community involvement in the initiative. Mr. Dybwad said the exact terms of the agreement would be up for discussion. He noted they already have several partners including the Utah Physicians for a Healthy Environment, Heal Utah, and the South Coast Air Quality Management District, based in southern California. He noted that the South Coast Air Quality Management District has tested PurpleAir sensors and seen good results.

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3.2 Robin Perry, resident, addressed the Mayor and Council on the street widening project planned for 13200 South. She noted that, along with several other citizens, they are opposed to the three-lane road that is being proposed. She said she didn't understand why there was a need for widening to take place, especially when 13200 South up through 1300 East is only a two-lane road. She doesn't understand why such a short section of the road is being proposed as a three-lane road. She asked if it was appropriate

to request a Q&A period with the Council on the matter. Mayor Walker responded that the open session period was not a Q&A period, but noted there is an upcoming open house on the issue.

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3.3 Derek Coulter, resident, expressed concern about the street widening project taking place at 13200 South and 1300 East, and the proposal to open the road up to Highland Drive. He said it appeared this was a situation where the City Council or others in the City made decisions behind closed doors without involving the public. He compared the situation to a similar project which took place three or four years ago. Rather than working with the affected property owners, the City made decisions behind closed doors. He asked the Council to consider doing more than just having an open house after they've already made a decision on the matter. Rather, he requested that the Council open the proposal up for public comment, which is what should have happened in the beginning. Making decisions behind closed doors is not the proper way of handling matters, as it creates hard feelings with property owners. He noted the City has already hired an appraisal company to make offers for purchasing the easements and rights-of-way on private property, before deliberating on alternatives to the project. As such, the City risks losing hundreds of thousands of dollars on a project that will not provide benefits to the public.

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3.4 Ben Michel, resident, said his property backs Draper City Park, and noted there is a significant amount of traffic and/or vagrancy during certain hours in the night which directly affects his property. Currently there are juniper bushes and a white picket fence, but these buffers don't prevent a sufficient barrier from the beer cans and loitering pointing towards the back of his home. It becomes a more serious problem during the Christmas tree lighting when people are in and out of the park all night long. He has had issues with drug paraphernalia showing up on his property. He hopes to have a discussion with the City in reference to a fence, wall or some kind of solution to provide a better buffer zone.

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3.5 Michael Akagi, resident, said he also wished to comment on the widening project planned for 13200 South. He posed several questions for the Mayor and Council's consideration:

- (1) Does the projected traffic warrant three lanes;
- (2) Is the City planning for a mixed use at 13200 South and Highland Drive;
- (3) He questioned the placement of the proposed horse trail, stating that it would make more sense for the trail to be on the north side rather than the south side.

Mr. Akagi stated his neighbors to the north have horses and their properties back up to the canal trail; therefore, he wondered why they couldn't access the canal trail from their back yards. If this were the case, they wouldn't even have to worry about being on the street. By adding the horse trail to the south side, the City would be adding the extra expense of having to move fences, which would not need to be moved if the horse trail was located elsewhere. Furthermore, he wondered where on 13200 South those neighbors

with horses would cross the street in order to access the horse trail. He also pointed out that the proposed horse trail would start on the canal trail and end on Akagi Lane; it wouldn't even continue up to the Porter Rockwell Trail.

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3.6 Brian Webber, resident on Akagi Lane, said he also wished to speak on the widening project on 13200 South. His primary concern was that he has never been given any information about the primary scope of the project until a neighbor called him yesterday on the matter. The only correspondence he received from the City was a letter in which he was asked to choose the type of landscape for his side yard. The City never indicated they would be constructing a three-lane road, putting in a sidewalk, and a horse trail. He thinks the City should have communicated their intents to the residents beforehand. He said according to the current plans, the City wants several feet of his property, and noted that a brand new vinyl fence was recently installed down his side yard. Mr. Webber mentioned a grass berm on his property which the City owns and waters, but he mows. He doesn't have a problem with the City utilizing property they own, but was concerned if the City's intent was to begin eminent domain proceedings. He reiterated previous remarks about involving the public more on these matters.

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3.7 Josh Stika, resident, expressed gratitude for the time and service of staff and elected officials. He was also concerned about the process pertaining to the project on 13200 South. He received the same letter from the City, as was referenced by Mr. Webber, which indicated their intent to purchase some of his property to make room for this expansion. He explained that he looked through previous sets of City Council minutes to understand the origin of the project, and it was hard to find. He said it hasn't felt as if this has been a conspicuous process and stressed the importance of public engagement on such matters. In his opinion, there are a lot of people who would be willing to work with the City on the project, and at the same time ask additional questions on other ways by which the City's objective could be accomplished. Mr. Stika asked if there were any studies that suggested this course of action, and if so how recently they were conducted. He wanted to know if the City was moving forward with the best information available.

He has small children that cross over into the Akagi subdivision every day. When he was approached by the individual overseeing this project, he voiced safety concerns. He was told by the individual that his children just 'need to learn how to be safe', which he found to be a frustrating response. The project would entail three lanes, no stop signs, and the traffic from the east would have poor visibility coming down the hill. There are schools in the area, and residents in the area have a vested interest in the safety threats posed by the proposal.

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4.0 Consent Items

a. Approval of September 20, 2016, City Council Meeting Minutes

- b. **Approval of Resolution #16-55**, For the Interlocal assignment, assumption, and consent agreement transferring the rights and obligations from the Mountain Accord to the Central Wasatch Commission.
- c. **Approval of Resolution #16-56**, Appointing David Dobbins as a voting member of the Unified Fire Authority Board
- d. **Approval of Resolution #16-57**, Appointing Andy Andrelczyk and Melissa Prince to the Historic Preservation Commission.

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4.1 Councilmember Weeks moved to approve the consent items. Councilmember Vawdrey seconded the motion.

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

[7:22:04 PM](#)

5.0 Action Item: Resolution #16-50, Appointing a Member to Serve on the Traverse Ridge Administrative Control Board

[7:22:44 PM](#)

5.1 Councilmember Weeks moved to appoint Paul Tonks to serve as a member of the Traverse Ridge Administrative Control Board. Councilmember Rappleye seconded the motion.

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5.2 Councilmember Rappleye stated they looked at two different candidates for this position, and they each had solid qualifications. He noted Mr. Tonks lives in the Suncrest development and currently serves as the HOA President, which the Council felt would benefit his role as a member of the Traverse Ridge Administrative Control Board.

[7:24:00 PM](#)

5.3 Councilmember Summerhays asked the other applicant not to give up, as there will likely be another opening on the board in the near future. The City needs volunteers to fill these roles in Draper.

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

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6.0 Public Hearing: Ordinance #1230, Vacating a portion of the Sprague Lane right-of-way between 13820 South and 13830 South

[7:24:53 PM](#)

6.1 Mike Barker, City Attorney, displayed an aerial map of the subject property. He explained that back in 1994, a gentleman wanted to move the subject property and at the time the City needed a total of 30-foot of right-of-way for future development on Sprague Lane. Therefore, the gentleman created two deeds; one with a 13.5-foot right-of-way and the other with a 30-foot wide lot. The City only needs the 13.5-foot of right-of-way in order to widen Sprague Lane. As per State Code, the surplus property would then revert back to the original property owner. This action is a correction of the error made in 1994.

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

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6.3 Councilmember Rappleye moved to approve Ordinance #1230, vacating a portion of the Sprague Lane right-of-way. Councilmember Weeks seconded the motion.

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6.4 Councilmember Rappleye said this would show up as a correction. There were some ideas of development in the past; however, since development didn't occur the former action needed to be corrected in order to create continuity on the Sprague Lane right-of-way.

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6.5 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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7.0 Public Hearing: Resolution #16-54, Declaring Approximately 0.113 Acres as Surplus at Approximately 12135 South 500 West

[7:28:02 PM](#)

7.1 Mike Barker, City Attorney, displayed an aerial map of the area and identified a triangular piece of property owned by the City. The two homeowners adjacent to the property are requesting the City declare it as surplus because they are interested in purchasing it from the City. Mr. Barker said from the City's point of view, there isn't a lot of use for maintaining the parcel in question, as it creates more maintenance for the City. The homeowners are proposing to extend the sidewalk on their properties to connect to the trail, which would become an important part of the trail system as the properties to the north get developed. He asked the Council if they wanted to delve into the offer on the property tonight, or simply deal with the issue of surplussing the property first.

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7.2 Councilmember Summerhays asked whether or not the surplus of the property would be sufficient for tonight. Mayor Walker stated it is.

Mr. Barker said the resolution would declare the property surplus and authorize the Mayor to sign a real estate purchase contract, if an agreed upon price is met.

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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.

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7.4 Councilmember Vawdrey moved to approve Resolution 16-54, declaring approximately 0.113 acres as surplus. Councilmember Summerhays seconded the motion.

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

[7:31:25 PM](#)

8.0 Public Hearing: Little Dixie Downs Zone Change, Request for Approval of a Zone Change from RA1 to R3 on 2.21 Acres Located at 13280 and 13306 South 300 East

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8.1 Keith Morey, Community Development Director, displayed an aerial map of the subject property as well as a current zoning map. He noted the Bellevue project is located adjacent to the subject property. The current land use map designates future zoning for this area as residential medium density, and it's been determined that at this point this area might be appropriate for higher density than what is currently there. Mr. Morey explained that the City classifies medium density as third acre to quarter acre lots. This was the thought when the general plan land use map was adopted 10 years ago. He reviewed the surrounding parcel acreage and presented several site photos. The Planning Commission voted 3 to 2 to send a positive recommendation to the Council on September 22, 2016.

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8.2 Mayor Walker opened the public hearing.

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8.3 Roy Wasden, applicant, stated he was representing Dee Hansen, the property owner. Mr. Wasden complimented City staff, noting he spent the last 40 years working in city government in various capacities. Dee and Dan Hansen purchased the subject property in 1979, and at the time it was literally in the middle of nowhere. They built their dream home on the property where they raised their family. Mr. Wasden mentioned that the youngest Hansen son was his son-in-law, which was how he was connected to the applicant.

Mr. Wasden explained that Mrs. Hansen is a widow and has reached the point in her life when she wants to do some retirement planning, of which this development is a part. She

has been approached by several developers who wanted to push for quarter acre lots, but she did not feel that a quarter acre lot would accurately reflect the character of the neighborhood. She was most comfortable with third acre lots. It's a desirable community and those would be valuable lots. Mr. Wasden noted that there are also third acre lots to the north. Mrs. Hansen's proposal would be for a small development with only four or five lots, depending on whether or not the rezone is approved. Mr. Wasden explained there is still much work to do in order to bring a subdivision proposal forward to the Council for review. He asked the Council to review this rezone request favorably.

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8.4 Dave Ricks, resident, made mention of an email he sent to the Mayor and Council which included four photos. In looking at the photos, Mr. Ricks indentified where he lives in relation to the subject property. He said he attended the Planning Commission meeting during which this proposal was reviewed, and heard the argument that this rezone would fit well with the rest of the neighborhood. However, he felt the information had been misrepresented. Mr. Ricks explained that 300 East is a major arterial road. The Bellevue subdivision is behind a six foot tall cement wall and is dissimilar to the subject property. His neighborhood is older and has very little lighting at night, and Mr. Ricks reaffirmed this point by presenting photos of said neighborhood. Furthermore, the subject property is surrounded by half acre lots. While Mr. Ricks was supportive of Mrs. Hansen selling and developing her property, he felt maintaining half acre lots would be more consistent with the rest of the area. In conclusion, he presented the Council with a petition containing 17 signatures from residents living on the same street as the applicant.

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8.5 Mayor Walker closed the public hearing.

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8.6 Councilmember Weeks moved to deny the Little Dixie Downs zone change. She stated she would prefer to keep half acre lots. Councilmember Summerhays seconded the motion.

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8.7 Councilmember Summerhays agreed with Councilmember Weeks. He noted there are half-acre lots all around the subject property. He said a petition was an effective way to communicate to the Council their position on the matter.

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8.8 Councilmember Rappleye expressed concern with the loss of animal rights, and raised several compatibility issues related to mixing zones which do or do not allow animal rights. Potential issues included flies, smells, noises, etc. He felt there wasn't a significant difference between lot sizes in either zone; however, compatibility was a concern worth considering. Councilmember Summerhays agreed.

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8.9 Councilmember Vawdrey stated that overall she has been very supportive of this rezone request. However, she agreed with the positions of Councilmember Rappleye and Councilmember Summerhays.

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8.10 Councilmember Stenquist observed that normally apartments and commercial developments are up against the freeway, whereas the densities become lower farther away from I-15. He mentioned the Bellevue subdivision was zoned for quarter acre lots, which occurred before he was elected to the Council. He anticipated homeowners would opt to build bigger houses on the half acre lots instead of utilizing the animal rights. He opined that third acre lots were sufficient in size. A rezone from half to third acre lots would only be a difference of about one or two homes property. Either way, he didn't feel a rezone would change the nature of the neighborhood. The developer will also be required to put in curb, gutter and sidewalk which don't currently exist, and these improvements alone will benefit the neighborhood.

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8.11 Councilmember Summerhays again stressed the issue of animal rights, saying that there are large animal rights all around the subject property. For this reason, he felt that half acre lots would be more appropriate.

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8.12 Mr. Wasden expressed an understanding for the concerns raised, but assured the Council that the development would not detract from the neighborhood. Most importantly, Mrs. Hansen is seeking better understanding of what her options are for the property. Mr. Wasden felt the difference between third and half acre lots would be minimal. However, regardless the area will be reflective of a nice area with decent sized yards that will enhance the value of the neighborhood.

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

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9.0 Public Hearing: Grange Subdivision Plat Amendment, Request to Amend the Draperville Plat to Create Two Residential Lots in the RA2 (Residential Agricultural, 20,000 Square Foot Lot Minimum) Zone on 1.01 Acres Located at 581 East 12000 South

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9.1 Mr. Morey displayed an aerial map of the subject property and explained the current Land Use Map designates the area as low to medium density. The current zoning for the site is RA2. Since this is part of the old Draperville Plat it precludes it from being a normal, minor subdivision; therefore, the plat needs to be amended. Mr. Morey identified the area

within the Draperville Plat of the subject property, which includes two lots. One of the lots will be accessed off of 12000 South and the other from a small stub street. The Planning Commission unanimously recommended approval, as did staff.

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9.2 Steve Caldwell, applicant, expressed his excitement to be presenting this proposal. They currently live in the Cranberry Hill area of Draper City.

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9.3 Mayor Walker opened the public hearing.

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9.4 Nikki Ferguson, resident, mentioned she lives west of the subject property. In reviewing the plat, she expressed concerns with a drainage ditch. Her yard floods every time it rains because it's an older neighborhood which lacks curb, gutter and sidewalk. Ms. Ferguson also wanted to know how the project would be laid out. Mayor Walker said if the Council approves the applicant's request, the aforementioned issues would be addressed in a different process later.

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9.5 Mayor Walker closed the public hearing.

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9.6 Mayor Walker asked Mr. Morey to address the drainage issue. Mr. Morey said this would be a better issue for Public Works to address. He didn't have a drainage plan for the subject property on-hand.

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9.7 Councilmember Summerhays explained that there are several old drainage ditches down through Draperville. Several property owners along the East Jordan Canal continue to use those ditches for small gardens and other similar uses. He explained that they needed to determine a way to prevent flooding from occurring in neighbors' yards.

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9.8 Mr. Morey noted Ms. Jastremsky did not believe that there actually was a drainage ditch on the property. However, code requires property owners take care of their own drainage and do whatever retention is necessary. The applicant would have to submit a site plan which addresses those needs; i.e., whether water is detained or if it would flow into the City's storm drain system.

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9.9 Councilmember Weeks inquired as to who Ms. Ferguson would need to contact regarding the drainage issues on her property.

Mr. Morey replied that if it's an existing problem and the City's not involved, then it's an issue between private property owners. The City doesn't get involved in mitigating

matters which exist between private property owners. If the City had a ditch there and had maintenance obligations they weren't fulfilling, then the issue would need to be resolved with the Public Works Department.

Councilmember Weeks asked if after the Council approves the plat amendment Ms. Ferguson has a drainage issue, who would be responsible for addressing the problem.

Mr. Morey explained that ultimately what has to happen is a site plan has to be reviewed by the City's Engineering Department to ensure it meets the City's standards for discharge into the City's storm drain system, or some other system to prevent water runoff from negatively impacting an adjacent property owner. If these requirements are not met, then during the City's final inspection of the property staff notifies the property owner about making the corrections. Typically once these final inspections are completed, property owners frequently make additional changes to their property which sometimes inadvertently creates problems. At that point the City is no longer involved, and it becomes an issue for the private property owners to resolve.

Councilmember Weeks asked who Ms. Ferguson would need to contact on the matter if she discovered drainage issues on her property after the Council approved the plat amendment. Mayor Walker answered that in this case Ms. Ferguson should contact her lawyer.

Mr. Morey agreed with Mayor Walker. Councilmember Weeks asked if she could contact anyone in the City. Mr. Morey said until a plan is submitted to the City for review and approval, the City would not be involved in the matter. Councilmember Weeks asked if it would be a different situation once a site plan is reviewed and approved by the City. Mr. Morey answered affirmatively, but added that the City would only be involved up to the point that they conduct a final inspection. Once staff certifies that the system was installed to the City's specifications, then it's no longer the City's responsibility. Basically at that point staff will have signed off on the site as having met City standards, and thereafter it would be a private property issue.

Councilmember Summerhays asked if there is an active ditch on the property; if there's water being taken from someone downstream, something needs to be done to address the matter. Mr. Dobbins recommended the Council move this item to the next meeting.

Councilmember Stenquist stated if there's an existing problem then the City's not going to go in and force a resolution. However, if they approve this plat amendment, then the City will require some sort of resolution. Mr. Morey agreed with Councilmember Stenquist. Councilmember Weeks said she'd like more information before making a decision.

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9.10 Mr. Caldwell indicated he was not aware of any ditch on the subject property. His engineering firm, Wilding Engineering, has made drainage notations in the actual plan

itself, as well as accesses to public utilities. Mr. Caldwell said he'd be more than willing to work with staff on the matter.

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9.11 Mayor Walker clarified that staff and Council are not saying there is a ditch on the property.

Seeing no motion, the item was continued to the next Council Business Meeting where it will appear on the agenda as an action item.

[8:01:12 PM](#)

10.0 Public Hearing: Lone Peak Condominium Plat Amendment, Request to Convert a retail building into commercial condominiums, located on 0.994 acres at 126 West 12300 South

[8:01:33 PM](#)

10.1 Mr. Morey said these types of proposals have come forward before where one developer builds a project and then condominiumizes the office space so that the individual tenants can own their own space. He presented aerial photos of the subject property. The Land Use Map currently defines the future use of the area as community commercial, and the zoning map defines it as part of the commercial business park. The applicant wants to take the building and condominiumize the spaces so that retailers could purchase the property. The Planning Commission unanimously recommended approval, as did staff.

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10.2 Mayor Walker opened the public hearing.

10.3 John Felt stated that he owns a business in this development, which he opened eight years ago. By working with the landlord and taking advantage of SBA 7(a) loans, as tenants they are able to purchase each of these condominium spaces, which will help them to continue making their businesses successful. For him and his business, this is a matter of financial survival. Mr. Felt has already paid \$600,000 to the landlord for the last eight years being in that building. In the next 10 years he can pay the same amount and own the building. He and the other tenants are anxious for this to be approved so they can move forward.

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10.4 Mike Staton, applicant, noted he was representing US Development, and was available to answer any questions.

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10.5 Mayor Walker closed the public hearing.

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10.6 Councilmember Rappleye moved to approve the Lone Peak Condominium plat amendment. Councilmember Weeks seconded the motion.

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10.7 Councilmember Rappleye said having been involved in the Draper business community for a number of years he knows this is much needed. He recognizes the need for small business owners to have retail spaces which fit their needs. He thinks this proposal would give a business owner the chance to own a piece of the building, because leasing is expensive. He was excited about the proposal, noting it as a new type of project for Draper.

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10.8 Councilmember Summerhays reiterated Councilmember Rappleye's and Mr. Felt's remarks.

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

[8:06:42 PM](#)

11.0 **Public Hearing: Vista Station Office Park Plat Amendment, on the request of Andrew Black, representing BG Vista Station for approval of a Plat Amendment of the Vista Station Office Park Plat located generally at 12832 South FrontRunner Boulevard**

[8:07:05 PM](#)

11.1 Mr. Morey displayed an aerial map of the subject property, as well as the land use and zoning maps. The applicant is proposing to shift some of the boundary lines slightly so that one of the parcels can be slightly larger to accommodate future development. The Planning Commission unanimously recommended approval, as did staff.

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

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

[8:08:09 PM](#)

11.4 **Councilmember Vawdrey moved to approve the Vista Station Office Park plat amendment. Councilmember Weeks seconded the motion.**

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11.5 Councilmember Vawdrey commented on how the City needs this flexibility for the area, and felt the proposal made sense.

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

[8:08:47 PM](#)

12.0 Public Hearing: Ordinance #1231, Clarifying the number of members, duties, and responsibilities of the Tree Commission

[8:09:06 PM](#)

12.1 David Dobbins, City Manager, said the City Council asked to have this item brought before them in order to revise the current code relating to the Tree Commission. He walked through the changes that have been proposed as follows:

- The current Code says that the Tree Commission shall be comprised of up to 11 members; staff proposes this number be changed to five, as well as eliminating the language of “up to” a certain amount.
- Modified language clarifies that the Tree Commission is a Commission, with a Chair appointed by the Mayor. No other specific officers are necessary, and as such certain language will be removed.
- The Tree Commission may hold monthly meetings in accordance with the approvals and regulations of the Commission.
- The Tree Commission needs to comply with the Open Meetings Act.
- The duties of the Tree Commission are advisory only. The Tree Commission may recommend policies related to the care, maintenance and removal of trees or shrubs currently planted or hereafter to be planted upon all City owned properties. The Tree Commission can also make recommendations to the Council on public relations matters, including programs related to Arbor Day and cleanup days.
- The Tree Commission may prepare and recommend for approval by the City Council an official street tree guide. This will include details on what trees shall be planted and how they should be planted within the City.
- Staff proposes that language be removed which relates to the Tree Commission making recommendations on qualifications for persons desiring to become licensed to engage in the business of pruning trees or shrubs. Mr. Dobbins said staff doesn’t believe it’s the Commission’s or the City’s place to recommend qualifications for individuals doing private work.
- The Tree Commission may develop standards and specifications regarding the planting of trees for new developments, including site plans and subdivisions. Currently code says the Commission may review landscape and tree plans, but staff doesn’t believe this fits within their scope; rather, landscaping should be reviewed by the Planning Commission.
- The Tree Commission can make recommendations for the adoption of standards for trees on public property.

[8:14:04 PM](#)

12.2 Mayor Walker was concerned with making sure the Tree Commission understood the ethical guidelines related to conflicts of interest. He asked if this was handled in the general plan or within specific commission ordinances. Mr. Barker said under the City’s ethics code, members of boards or commissions are defined as appointed officials; the City’s current ethics rules apply to elected and appointed officials, as well as staff.

Mr. Dobbins said they'd clarify what a conflict of interest was for any board or commission member within the general ordinance as well.

[8:15:02 PM](#)

12.3 Councilmember Rappleye asked if the Council needed to repeal the old ordinance in order to put these changes into place, or if it was a matter of amending the language of the ordinance. Mr. Dobbins said they would be amending the existing code.

[8:16:05 PM](#)

12.4 Councilmember Summerhays indicated he wanted to read a statement related to the Tree Commission pertaining to federal funds which were received for the 1300 East project. Mayor Walker said he could read the statement at the end of the discussion.

[8:16:37 PM](#)

12.5 Mayor Walker opened the public hearing.

[8:16:52 PM](#)

12.6 David Cloward, Tree Commission Chair, felt the amendments made sense and better defined the Tree Commission's role. The other members of the Commission were also supportive of the proposed changes, with the exception of the number of members. He explained that as Commission Chair, he has made individual assignments to each member as a way of improving their efficacy as a Commission. In looking at the amendments, he has identified 10 different key responsibilities. As such, he'd prefer to have eight or nine members rather than cutting the number back to five.

[8:19:46 PM](#)

12.7 Mayor Walker closed the public hearing.

[8:20:00 PM](#)

12.8 Councilmember Weeks asked Mr. Cloward to walk the Council through each of the individual responsibilities.

[8:20:20 PM](#)

12.9 Councilmember Summerhays asked if the total number of members also included a representative from the City. Mayor Walker answered that the total number only represented appointed individuals; the City's representatives would add to the overall number of participants.

[8:20:56 PM](#)

12.10 David Cloward presented the following list of responsibilities:

- Tree inventory
- Plans for various public areas
- Recommending the policies, requirements, codes, specs, etc.
- Any public relations, events, Arbor Day, scout projects, clean up days, etc.
- Tree guide
- Pruning – City, residential, education with neighborhoods

- Interface with the City Council
- Water quality issues and interface to Water Pro
- Development of plan reviews (a duty which will likely be eliminated)
- Interface with City staff

[8:22:11 PM](#)

12.11 Mr. Dobbins reviewed the Tree Commission’s current membership, and noted the current code states “up to 11 members”. Right now there are eight people who are active and three of those members’ terms have expired; therefore, the Commission technically only has five members currently. The Council needs to decide how they would like to move forward.

Councilmember Stenquist said it was interesting for the Tree Commission’s ordinance to state “up to [a certain number]” because no other boards or commissions had that same language in their respective ordinances. Both Councilmember Stenquist and Mr. Dobbins agreed that this language made it difficult to specify a certain number of members needed in order to constitute a quorum.

[8:23:37 PM](#)

12.12 Councilmember Summerhays read a statement from the Construction Superintendent regarding the project on 1300 East. Robert Markle, City Engineer, was in charge of the 1300 East project, which received federal funding. The Tree Commission changed the types of trees for the project without consulting with Mr. Markle, which caused issues due to the nature of the federal funding used for the project. Councilmember Summerhays said he did not want this to happen again in the future with this or any other commission in the City.

[8:24:41 PM](#)

12.13 Councilmember Stenquist moved to approve Ordinance #1231, amending the text for the Tree Commission with the change to allow nine members of the commission. Councilmember Weeks seconded the motion.

[8:26:15 PM](#)

12.14 Councilmember Vawdrey amended the motion to have staff prepare a clear conflict of interest guideline and make it applicable to all boards and commissions. Councilmember Stenquist stated he is happy to add that to his motion. Councilmember Weeks agreed that her second stands.

[8:28:23 PM](#)

12.15 Mr. Barker asked for a point of clarification for staff. He wanted to know if the Council was contemplating having conflict of interest provisions in each commission ordinance, or just amending the City’s current ethics ordinance to make it clear that the ethics ordinance applied to all boards and commissions.

Councilmember Vawdrey explained it might be good if it were in each board and commission’s ordinance for clarity purposes.

Councilmember Stenquist said the conflict of interest provisions already apply to appointed officials, so the language may already exist. They might just need to highlight or cross reference it in other ordinances.

[8:29:47 PM](#)

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

[8:30:07 PM](#)

13.0 Action Item: Approval of Contract for Police/Parks and Recreation Storage Building

[8:30:21 PM](#)

13.1 Glade Robbins, Public Works Director, explained the City sold the old Park School, which included police storage garage on the east side of the property. Staff has decided to replace that building with a storage area next to the animal control facility, which will have additional bays for the Parks and Recreation Department. Mr. Robbins presented architectural renderings of the building. He identified the location of the animal control facility. Staff received seven bids on the project; the high bid was \$879,000, and the low bid was \$608,000 from Patriot Construction, LLC. He requested the Council authorize the Mayor to sign the contract to construct the building.

[8:31:39 PM](#)

13.2 Councilmember Summerhays asked if the City was going to allow youth sports organizations to continue parking storage trailers for their equipment on the City's property which is in the same area. Mr. Robbins clarified that the sports trailers are not on the same property where the proposed Police/Parks and Recreation Storage building will be located.

Mr. Dobbins said they had decided earlier that the sports storage trailers were not compliant to code and would not be allowed to remain on City property. Councilmember Summerhays said they would need to deal with the trailers at some point. He asked for clarification on what types of storage will be stored at the new proposed building. He wondered if it would be available for any of the sports leagues.

Mayor Walker explained that the problem is the youth sports leagues are private organizations; they aren't part of a government entity. Therefore, the City doesn't have an obligation to them. Mayor Walker said it would become a legal problem for the City to provide special access to them.

Councilmember Summerhays argued that these were City sponsored programs, and they didn't have anywhere to store their sports equipment. Mayor Walker clarified that they are private organizations. The organizations rent fields owned by the City, but the City does not sponsor the organizations. Councilmember Summerhays continued to express the challenges local youth sports organizations have in finding adequate storage space for

their equipment. Mayor Walker explained there are problems in providing storage space for certain organizations and not others; legally, they could be challenged from a discriminatory stance. After further deliberation, Councilmember Summerhays wondered if the City could provide storage space for youth sports organizations to rent.

[8:40:38 PM](#)

13.3 Mr. Barker said he'd be happy to look into the legal issues on the matter and report back to the Council. Mayor Walker asked if the proposed storage building will be located on existing City property, to which Mr. Dobbins answered affirmatively.

[8:41:53 PM](#)

13.4 Councilmember Summerhays argued that the City recently paid for a multi-million dollar project to build a new Police Department wing at City Hall. Furthermore, the City recently purchased property near one of the City's sports parks. He reiterated the need for storage space for local sports organizations.

[8:43:17 PM](#)

13.5 Councilmember Weeks recalled the City had a storage facility close to Draper City Hall. Since the City sold the school and storage garage on the property, they now need to replace it in order to meet the City's storage needs.

[8:45:00 PM](#)

13.6 Councilmember Rappleye moved to approve the contract for the Police/Parks and Recreation storage building. Councilmember Vawdrey seconded the motion.

[8:45:24 PM](#)

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

[8:45:45 PM](#)

14.0 Action Item: Ordinance #1232, Enacting a Temporary Land Use Ordinance that Prohibits the Establishment of New Wireless Telecommunications Facilities for a Period not to Exceed Six Months While Staff Evaluates and Amends Chapter 9-41 of the Draper City Municipal Code

[8:46:08 PM](#)

14.1 Mr. Barker said according to State Code, the City Council can place a six-month moratorium without Planning Commission consideration or a public hearing. The ordinance may prohibit or regulate the construction of buildings or any subdivision approval; however, it requires a finding of either a compelling, countervailing public interest or the area is unregulated. In essence, this Temporary Land Use Ordinance allows the City to catch up in modernizing its ordinances.

Over the last year the City has received several applications and the Council has been asked to approve several franchise and licensing agreements for various types of cable companies, internet service providers, and fiber optic cable. Currently Draper City Code

Chapter 9-41 regulates wireless telecommunications facilities. This chapter was adopted back in 2001, and except for a small amendment made a couple years ago has remained largely unchanged. However, there has been change in technology over the last 15 years that has outpaced this ordinance and the City's ability to address proposals. The City has received recent applications that do not fit neatly into any of the current regulatory schemes.

[8:49:59 PM](#)

14.2 Councilmember Weeks asked whether the Council is being asked to amend the ordinance. Mr. Barker explained they would be adopting ordinance #1232 which would freeze any applications for cell towers or other related technologies for a six month period, thereby allowing staff a chance to evaluate the City's ordinance. Councilmember Weeks and Mr. Barker discussed an appropriate motion to make on the matter.

[8:50:57 PM](#)

14.3 Councilmember Rappleye moved to approve Ordinance #1232, enacting a temporary land use ordinance that prohibits the establishment of new wireless telecommunication facilities for a period not to exceed six months while staff evaluates and amends Chapter 9-41 of the Draper City Municipal Code and to include language as a direction to staff that the City Council will make it a policy to review and update all of these agreements periodically, due to the active changing landscape, as is particularly the case with cell towers. Changing needs with collocation, roads and rail lines all have an effect on the telecommunication lines within the City. Councilmember Weeks seconded the motion.

[8:52:26 PM](#)

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

[8:52:35 PM](#)

15.0 Council/Manager Reports

[8:52:43 PM](#)

15.1 Councilmember Rappleye made reference to loitering and other activities taking place at Draper City Park at night. He has an office over in that area, and the debris left behind suggests bad activities taking place. He said it was an issue which needed to be addressed. The resident had suggested putting a wall over there, but Councilmember Rappleye wasn't sure that was the appropriate action. While there has been some police patrolling in the area, perhaps better lighting would also help solve the problem.

Councilmember Summerhays also made reference to current police patrolling.

Councilmember Rappleye explained the area has changed due to increased traffic, and some of these activities have only recently started to occur. He wasn't sure if loiterers are staying in the park overnight.

Mr. Dobbins clarified the gentleman previously requested to install a wall or fence. Councilmember Rappleye said he wasn't sure this would help mitigate the problem. However, he was willing to discuss all possible solutions.

Chief Roberts added they'd been meeting with the gentleman for over a year; they've gone to his home, been in their back yard, and had Police Sergeants frequently patrol the park all summer. Occasionally they'd come into contact with folks after hours in the park, but rarely did they find anything significant. However, the complaints from this citizen are on their radar. Councilmember Rappleye explained that most incidents reported to him have occurred during the day.

[8:58:17 PM](#)

15.2 Councilmember Summerhays said the 13200 South project has been in place for a long time, and he discussed the interactions which have taken place with former property owners. He didn't see any problem with the current project proposal, including the placement of the horse trail. He then inquired on the status of filling the Ranger position.

Mr. Dobbins explained that staff had several options they could present to the Council on the matter.

[9:00:48 PM](#)

15.3 Councilmember Vawdrey asked Councilmember Summerhays to clarify whether the Ranger position would be for Parks and Recreation or the Police Department.

Councilmember Summerhays said he'd prefer the position to work exclusively through the Police Department. He wants the position to be filled by someone who is passionate about protecting the canyon.

Mr. Dobbins asked for clarification, and wanted to know if Councilmember Summerhays wanted someone who was certified to make arrests if any illegal activity was found taking place on the trails. Councilmember Summerhays said he wanted someone who was at least able to ticket people. Mr. Dobbins asked if he wanted the position to focus primarily on trail maintenance and wild land education, or if he preferred a law enforcement officer. Councilmember Summerhays suggested that a Park Ranger would be sufficient, as long as they could issue tickets and had a two-way radio to call for back up in the event that an arrest needed to take place.

Chief Roberts disagreed with Councilmember Summerhays's assessment. He explained it would be difficult for police officers to have a sufficient response time if they were called to make an arrest in the canyon. Furthermore, the Park Ranger would be put in a very precarious, potentially dangerous position. If they came across someone doing illegal activity, they'd need to conduct a search for other evidence, and a Special Function Officer or Park Ranger is not going to be trained in that area. Chief Roberts said he envisioned this person as being both a law enforcement officer as well as an ambassador for the canyons. Part of their position would include promoting a healthy lifestyle of all the trail users, as well as a community outreach and educational component.

Councilmember Summerhays agreed with Chief Roberts, and stressed that he wanted someone who had a strong love for the canyons. He suggested Lisa Caddy as a candidate. Mayor Walker summarized the discussion which had taken place up to that point.

Councilmember Stenquist agreed that what they lack in the position is the law enforcement side. Much of the community outreach and educational component is already taking place; however, they don't have the ability to address criminal activity by way of arrests, especially when considering the time it takes officers to get up into the canyon. His understanding was the new position was to fill this particular gap.

Mr. Dobbins explained in the event of ordinance violations, rangers are SFO certified and have the ability to issue a citation; however, beyond minor violations a law enforcement officer is needed in order to make an arrest.

Councilmember Weeks explained that a better definition of the position was needed, and asked if managing criminal activity or preserving wild lands/animals was to be the primary focus.

Councilmember Stenquist didn't feel that an officer would be needed all the time, but rather during certain times of the day and at different times throughout the year. As such, the shifts would vary from that of a regular police officer. Mr. Dobbins added that during summer months they might need to spend some weekend and evening hours. They would need someone who was flexible with scheduling. During the winter time they could focus more on community outreach and education. He asked staff for their recommendation based on the matter.

Councilmember Weeks agreed with Councilmember Stenquist's comments. Mr. Dobbins said he'd bring back recommendations for the Council to consider in the next meeting. Mayor Walker, Councilmember Summerhays, Councilmember Weeks, Councilmember Rappleye, and Councilmember Vawdrey were in favor of looking at a Ranger position as the primary focus. Councilmember Stenquist was interested in looking at a Police position as the primary focus.

Councilmember Summerhays asked what it would take for Ms. Caddy to be a police officer. He said she has a passion for the mountain, and that is what he wants and envisions for the position.

Chief Roberts explained she would have to attend a law enforcement academy. She has already completed the SFO certification, and the LEO certification is about another 340 hours worth of training. She'd have to find a venue by which to obtain this certification. She'd then have to pass all the physical requirements as required for that certification. In all, it would take about six months to complete.

[9:17:27 PM](#)

15.4 Councilmember Weeks advised she received a call from a resident who had concerns with a crosswalk next to the Bellevue Park and a school. The resident has seen several near misses with small children. The crosswalk is a brownish color and when it was repaved with new oil it became less visible. She is requesting the City take a look at it and repaint the lines white. Furthermore, the speed limit is currently 30 miles per hour, and the resident mentioned there was a speeding problem in the area.

Councilmember Weeks then reported that the home with the distinctly bad odor she previously brought up has recently received neighbor reports of large rats coming from the garage. She had photos of them, noting that 14 rats have been caught in total. The Health Department has been called in on the issue. In posting about the matter on Facebook, Councilmember Weeks was surprised to learn that several other residents in the city also had rat problems.

Councilmember Weeks then indicated the trees on 300 East are looking beautiful; however, the Tree Commission was concerned with whether or not they were getting enough water since it was shut off two weeks ago. Mr. Robbins said his department would make sure they were watered.

Councilmember Weeks discussed the partnership with Smart City Air Challenge, EPA and PurpleAir. She expressed excitement about this project because kids in schools are excited to learn how to read air monitors. In Draper, air quality is a major issue, and the organizations are willing to work with the City on a level that is most comfortable for them. She was of the opinion that this partnership would be a great way to address this concern. PurpleAir isn't asking for any money from the City.

Councilmember Summerhays inquired as to what the City's role would be in the partnership.

Mayor Walker asked whether the partnership would require an RFP. He also wanted to know if there was any potential litigation, especially in connection with the Geneva Rock operation. Mr. Barker stated that until tonight he wasn't sure who Purple Air was in terms of principles, and he is still unsure where it's organized. He conducted a business entity search in the State of Utah and could not find the organization as being registered in Utah. He wasn't sure if an RFP process would be required since they are not making a purchase.

Mr. Dobbins clarified they are asking for a letter of support on their application for a grant. Mr. Barker added that they are also looking for a commitment on a host location for one of their monitors within the City.

Mayor Walker asked the Council whether or not the majority of members wanted staff to further pursue this item and review it again on a future agenda. Councilmember Vawdrey, Councilmember Rappleye, and Councilmember Stenquist were not interested in further pursuing the issue.

[9:26:42 PM](#)

15.5 Mr. Dobbins said they needed to have a closed session to discuss property acquisition.

[9:26:43 PM](#)

16.0 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

[9:26:48 PM](#)

16.1 Councilmember Summerhays moved to adjourn to a closed-door meeting to discuss property acquisition. Councilmember Vawdrey seconded the motion.

[9:27:04 PM](#)

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

16.3 The meeting adjourned at 9:27 p.m.