

Approved 11.21.2017

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 14, 2017, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

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

EXCUSED: Councilmember Bill Rappleye

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

**** Tour: Mount Jordan Middle School Auditorium and American Preparatory Academy**

The Mayor and City Council toured the Mount Jordan Middle School auditorium and then drove to American Preparatory Academy to see their plans for an auditorium. The Draper Arts Council has presented a proposal to the City Council to have the City partner with the school to help fund a fly system for the auditorium. No decisions were made.

Dinner

Study Meeting

[6:01:00 PM](#)

1.0 Update: Public Works Capital Improvement Projects

1.1 Glade Robbins, Public Works Director, presented the capital improvement project update as follows:

- Completed Projects (previous quarter)
 - 13200 South – Boulter to Highland (\$3 million)
 - Suncrest Drive – 75% (\$4 million)
 - Pioneer Road and 700 East (\$1.3 million)
 - 13800 South/Bangerter (\$3.9 million)
 - Pavement maintenance (\$1.2 million)
 - Upper Corner Canyon Connector (\$550,000)
 - Willow Springs reconstruction (\$300,000)
 - South Mountain retaining wall (\$80,000)
 - Total cost \$14,330,000
- Projects in Progress – Roads
 - Traverse Ridge Rehabilitation
 - New storm drain and asphalt

- Construction April-October 2018
 - \$5 million
 - 13800 South Storm Drain
 - Widen culvert
 - December 2017 –March 2018
 - Curb and gutter –Spring 2018
 - \$940,000
 - Lone Peak Parkway
 - 12650 to 12300 South right-of-way
 - Ongoing negotiations
 - \$778,000
 - 11950 South State Street to 150 East
 - Complete Construction September 2018
 - \$1 million
 - Lone Peak Parkway Extension II – Ikea to Golden Harvest
 - Culvert construction – December 2017 – March 2018
 - Roadway construction – April – October 2018
 - \$3.2 million
 - Lone Peak and 12200 South
 - Widen Lone Peak and shift 12200 South – Summer 2018
 - \$650,000
 - B&C Reconstruction and Maintenance
 - Summer 2018
 - \$2.3 million
 - Suncrest Drive
 - Complete remaining 25% - Summer 2018
 - \$2 million
 - Total Cost \$15,868,000
- Projects in Progress – Storm Drain
 - Fort Street improvements
 - Complete November 2017
 - \$51,000
 - 700 West improvements
 - Complete Spring 2018
 - \$61,500
 - Detention Basin maintenance
 - Complete Summer 2018
 - \$100,000
 - Lone Peak Storm Drain at 12200 South
 - Complete Summer 2018
 - \$650,000
 - Total cost \$862,500
- Projects in Progress – Water
 - Suncrest water pumps – zones 3 & 4
 - Complete June 2018
 - \$300,000

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2.0 DISCUSSION ONLY: DRAFT SunCrest Conservation Easement

- 2.1 David Dobbins, City Manager, advised the City Council needs to vote on the conservation easement at the City Council meeting next week if they want it approved before the end of the year.
- 2.2 Rhett Ogden, Parks and Recreation Director, displayed a map showing the following:
- Corner Canyon Conservation Easement - 2005
 - 1,020 acres
 - Little Valley Conservation Easement - 2009
 - 142 acres
 - Property excluded from easement
 - 241 acres
 - City property potential development
 - Deer Ridge Drive
 - 250 acres
 - Proposed Traverse Range Conservation Easement – 2017
 - 2,913 acres
 - Conservation Easement – back country
 - Conservation Easement – front country
- 2.3 Mr. Ogden then reviewed the list of proposed uses that would be allowed in the conservation easement:
- Permitted
 - Non-motorized trails and recreation
 - Equestrian
 - Hiking
 - Mountain Bikes
 - Trail heads
 - Passive recreation
 - Disc golf
 - Off leash
 - Temporary event structures
 - Tents
 - Finish lines
 - Stage
 - Restrooms, picnic tables and shelters
 - Natural playgrounds, rock climbing, off-leash designated area
 - Maintenance of property (Including use of allowed chemicals)
 - Fire suppression methods
 - Non-permitted
 - Subdivisions
 - Construction structures (human habitation or industrial use)
 - Wildlife disturbance or harassment (excluding Division of Wildlife Resources (DWR) programs)

- Alteration of waterways or topography
- New road construction (except near Hog Hollow or previous City-owned 110 acres)
- Non-native species (cannot introduce new species to area)
- No dumping
- Billboards
- Mineral activities (no mining)
- Hazardous waste
- Require additional study for use
 - Chair lifts
 - Ropes course
 - Zip lines
 - Nature centers
 - Alpine slides
 - Hunting (not interfere with DWR practices or programs)
 - Utilities and connections (additional work needed on this)
 - Ridge Road for hang-glider access

2.4 Councilmember Summerhays stated he would like to add camping as a permitted use. Councilmember Weeks and Councilmember Vawdrey agreed to look at that option. Councilmember Stenquist was not in favor of adding camping in the conservation easement.

2.5 Mr. Dobbins indicated the City Council received an email from Dave Mast in reference to purchasing some property bordering the Hidden Canyon Estates development. That property is already in the Corner Canyon Conservation Easement. In order to sell it, the City would have to approach Salt Lake County and ask them to release that portion from the easement. The City Council was not comfortable with that proposal.

3.0 Council/Manager Reports

3.1 These were taken care of at the end of the Business Meeting.

Business Meeting

[7:01:59 PM](#)

1.0 Call to Order: Mayor Troy Walker

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2.0 Thought/Prayer and Pledge of Allegiance

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2.1 Johnny Richardson, Scout Troop #630, offered the prayer.

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2.2 Ashton Brunt, Scout Troop #630, led the Pledge of Allegiance.

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3.0 Presentation: Crowning New Miss Draper Whitney Carr and 1st Attendant Bree Hayes

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3.1 Lisa Armstrong, Miss Draper Pageant Director, thanked Whitney Carr for accepting the Miss Draper position and Bree Hayes for her willingness to serve as the 1st Attendant.

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4.0 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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4.1 Reed Gibby, resident, said based on the City's Transportation Master Plan, a traffic signal is recommended at the roundabout on 1300 East; he believes this improvement is needed. Second, he reviewed the City's General Plan and there are about 22,000 homes projected to be built over the next 23 years. He said these homes will add 170,000 car trips according to the ITE trip generation rates. He said the conditions of the City's arterial and collector road systems are weak, and the matter needs to be taken into consideration as the City continues to develop. He thanked the Mayor and Council for their service to the City.

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4.2 Brandon Watson, Edge Homes, presented a proposal from David Mast to purchase a parcel of land presently owned by Draper City. Mr. Mast would like to purchase the property in question in order to widen the existing lots in Hidden Canyon Estates. Mr. Mast would also like to pave the upper portion of Corner Canyon Road, which leads over to the Peak View trailhead. Mr. Mast would pay for this paving, and the project would not be completed at the City's expense. Mr. Watson said Mr. Mast emailed the Council regarding the matter yesterday. Lastly, as the City considers the Suncrest Conservation Easement, Mr. Watson said Mr. Mast agreed with the direction the City was taking in order to preserve the open space in the area. Mr. Mast wants the City to look into specific language that might allow for the granting of easements for utilities, access roads, slopes, etc. Mr. Mast would also like the City to consider other potential opportunities for acquiring additional land through land swaps.

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5.0 Consent Items

- a. **Approval of October 17, 2017, City Council Meeting Minutes**
- b. **Approval of November 1, 2017, City Council Tour Minutes**
- c. **Approval of Draper Creekside Townhomes Phase 2 Final Plat.** Staff: Dennis Workman

- d. **Approval of Amendments to the Consolidated Fee Schedule Pertaining to Fire Inspection, Permits and Hazardous Materials Permit Fees.**
Staff: Bob Wylie

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- 5.1 **Councilmember Summerhays moved to approve Items A-C on the Consent Items and remove Item D for discussion. Councilmember Vawdrey seconded the motion.**

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

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- 5.3 Councilmember Summerhays asked whether any of the public safety fees would cross over for joint calls that are received by both the Fire and Police Departments. Chief Smith responded in the negative. He explained the consolidated fee schedule reflects fees that are charged outside of the normal 9-1-1 response fees. Most of the fees are associated with hazardous materials permits, as well as inspections for new construction by the Fire Marshal. Councilmember Summerhays wanted to be cautious the City didn't charge fees that were unnecessary. Chief Smith assured him the public safety department heads did their due diligence in developing a fee schedule that was in line with surrounding entities. For the most part, the proposed fee schedule reflects fees that had previously been charged by the Unified Fire Authority (UFA).

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- 5.4 **Councilmember Summerhays moved to approve the Consent Item D. Councilmember Weeks seconded the motion.**

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

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- 6.0 **Public Hearing: Mountain Park Estates Master Planned Community Rezone and Text Amendment**

- 6.1 At the request of the applicant, this item has been continued to a date uncertain.

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- 7.0 **Public Hearing: Steps Recovery Center Zone Change, request for approval of a zone change from RA1 (Residential Agricultural) to CN (Neighborhood Commercial) for a 1.11-acre parcel located at 12039 South 700 East**

- 7.1 This item will be continued to December 5, 2017, as the proper noticing had not taken place.

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8.0 Public Hearing: Oak Vista 5 Lot #428 Plat Amendment, on the request of Blake Barkell for the approval of a plat amendment for lot 428 of the Oak Vista 5 subdivision for the purpose of adjusting the boundaries of the limit of disturbance. The property is zoned RM (Multiple-Family Residential) and is located at 14848 South Saddle Leaf Court

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8.1 Dan Boles, Planner, presented the staff report as well as an aerial map of the subject property. He presented images of the current plat that was recorded back in 2001, and identified the limits of disturbance. He noted the limits of disturbance are primarily in Suncrest; however, there are other locations throughout the City with limits of disturbance as well. Mr. Boles described the applicant's proposed boundary adjustments, and said based on where the home would be situated it would encroach upon the non-disturbance area. In return for the boundary adjustment, the applicant is proposing to dedicate other portions of land as non-disturbance areas.

Mr. Boles stated the staff report included several emails from residents; many residents voiced support for the applicant's proposal whereas one resident was opposed to the boundary line adjustment. Staff believes the proposal meets the requirements of the ordinances that are in effect in the Suncrest area.

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8.2 Councilmember Weeks wondered whether there would be a significant amount of grading that would need to take place on the subject property due to the slope. Mr. Boles said some of the Suncrest lots are graded whereas others are referred to as "natural" lots; the subject property is identified as being natural. He said there were minor incursions made to the natural lots to create roadways, and not much was done in order to try and save the vegetation and the slope. If the application is approved, the applicant would be able to disturb a portion of land presently classified as a non-disturbance area; however, in so doing he would be preserving a different area of natural landscape. Councilmember Weeks asked what the grading is for the area the applicant would be disturbing. Mr. Boles said he did not know the exact slope. However, if approved the applicant will be required to submit to the City geotechnical and geo-hazard reports, which is part of the building permit process. Councilmember Weeks asked if all the lots within this particular subdivision are natural, to which Mr. Boles responded in the affirmative.

Councilmember Summerhays asked whether the other property owners in the subdivision cut into the slope in order to build their homes. Mr. Boles said he did not have the slope map readily available; however, he believed many of them did cut into the slope in order to build their homes. Councilmember Summerhays asked if cutting into a 30 percent slope area was against City ordinance. Mr. Boles said Suncrest has its own development agreement, and it contains some adjustments to the ordinance guidelines that were in place at the time the agreement was established. Councilmember Summerhays asked if the applicant's proposal was in line with the Suncrest development agreement, to which Mr. Boles responded in the affirmative.

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8.3 Councilmember Stenquist said many years ago there were limits of disturbance that were challenged, which revealed to the City that non-disturbance areas were not strictly enforceable. He asked if it was possible a similar situation could occur to the non-disturbance areas within the Suncrest development agreement. Mike Barker, City Attorney, said he was unfamiliar with any rulings relative to 30 percent slope easements. Councilmember Stenquist said the situation to which he was referring took place near the LDS Temple property. Mr. Barker explained the situation pre-dated his time considerably, and deferred the question to another member of staff.

Russ Fox, Assistant City Manager, in speaking to Councilmember Stenquist's concern with a previous subdivision, explained the limited disturbance was not drawn in a 30 percent slope area. As a result of that particular legal challenge, the City adopted a practice wherein new limits of disturbance could not be established. Councilmember Stenquist questioned what would happen if the City was challenged legally on the application presently under consideration. Mr. Fox said there are provisions within the Suncrest development agreement that allow for encroachment into the slope. He explained that the applicant's proposal is below the maximum allowable encroachment percentage.

Mr. Barker said the City has taken the position that if a lot is platted, then it is buildable; it is the property owner's responsibility to put in whatever work is necessary to ensure the residence is safe.

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8.4 Councilmember Weeks asked if there is open space below the lot in question. Mr. Boles answered affirmatively.

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8.5 Blake Barkell, applicant, identified his lot on the aerial map shown earlier. He said when he purchased the subject property, he noticed it was one of the last undeveloped pieces of land on the street. The home will be single-level and have a large garage. In order to make the home visually appealing in the front and the rear, Mr. Barkell designed an L-shaped garage. He explained the other option, should his proposal not pass, will be to situate the house further north and construct a taller home. Mr. Barkell said based on his conversations with the neighbors, the majority preferred a single-level home. He then further described what sections of the boundary line he wishes to change as part of his application. Mr. Barkell said he has completed a topographic survey, as well as geological and soils reports. The final architectural drawings will be completed if the proposal is approved. He briefly mentioned some concerns a neighbor had expressed to the City in response to this proposal.

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8.6 Councilmember Weeks asked Mr. Barkell how he planned to build on the steep slope in a way to where the structure blends in with the surroundings. Mr. Barkell stated the sloped area isn't any steeper than the rest of the lot that is considered to be buildable. In order to accommodate the overall landscape, the home will have a walkout basement and a staggered foundation. The landscape will remain natural in the back of the house.

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8.7 Mayor Walker opened the public hearing.

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8.8 Alan Walsh, resident, identified his home located south to the subject property. He said he had no objection to the applicant's requested amendment. Mr. Walsh mentioned there are also some areas of non-disturbance on his property as well, and he was interested in seeing the direction the Council takes on this matter. He recollected discussions he had with the City in the past regarding the non-disturbance areas on his property, and indicated that these types of boundary adjustments were often difficult to make. Many of the property owners in the area were unsure as to what was trying to be accomplished by having the non-disturbance areas in the first place.

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8.9 Michael Scott, resident, said in looking at other homes with a satellite view, there are other homes that comply with the existing standards. He was concerned with fire safety hazards associated with maintaining a natural landscape so closely to the home.

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8.10 Mayor Walker closed the public hearing.

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8.11 Councilmember Summerhays moved to approve the Oak Vista 5 Lot #428 plat amendment. Councilmember Stenquist seconded the motion.

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8.12 Councilmember Summerhays concurred with Mr. Walsh's comments regarding the other lots with non-disturbance areas in this subdivision. He said the City has approved similar adjustments for other property owners in the past.

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8.13 Councilmember Weeks said she feels comfortable approving this request. She appreciated Mr. Barkell's willingness to do a land swap as part of this boundary line adjustment. Furthermore, Councilmember Weeks liked that the lot in question wasn't extremely steep and would not require additional grading.

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

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9.0 Action Item: Approval of an Interlocal Agreement with Salt Lake County for Transportation Funding

[7:54:05 PM](#)

9.1 Mr. Dobbins said during the legislative session the City received \$5.8 million in transportation funding from the State, which first went through Salt Lake County for approval. This approval took place at last week's Salt Lake County Council meeting. The \$5.8 million will be distributed as follows:

- \$3.2 million for the extension of Lone Peak Parkway down by IKEA
- \$2.6 million for the Traverse Ridge Road project

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9.2 Mayor Walker said the approval of this funding was a difficult process this year.

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9.3 Councilmember Summerhays moved to approve the Interlocal agreement with Salt Lake County for transportation funding. Councilmember Vawdrey seconded the motion.

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

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10.0 Recess to a Redevelopment Meeting

[7:55:55 PM](#)

10.1 Councilmember Summerhays moved to recess to a Redevelopment Agency Meeting. Councilmember Vawdrey seconded the motion.

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

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**** Council/Manager Reports**

[8:27:13 PM](#)

****** Councilmember Weeks said she researched other cities that offer health insurance for City Council Members and Mayors. She asked whether any members of the Draper City Council would be interested in seeing whether or not this was a viable option for Draper. Councilmember Summerhays answered affirmatively and recalled they had looked into this provision in the past.

Hazel Dunsmore, Human Resource Director, said presently elected officials have access to be on the Draper City group plan; however, they are required to pay 100 percent of the premium. Ms. Dunsmore said there are other cities that offer health insurance to elected officials at the same cost as employees. In Draper City, employees pay 10 percent and the City pays 90 percent. Councilmember Weeks asked which other cities offer health

insurance at the same rate to elected officials as they do employees. Ms. Dunsmore said Murray, Salt Lake, Sandy, South Jordan and West Valley are several local cities that have extended this benefit to elected officials. Ms. Dunsmore said she had a list of 18 cities in total.

Councilmember Stenquist said in the past, the Council did not want to use taxpayer money to subsidize health insurance for the City's elected officials. Councilmember Weeks said she believed Councilmembers should be offered health insurance, a request which she felt was reasonable. At the least, she was interested in reviewing how much this benefit would cost the City.

Councilmember Summerhays agreed to look into the costs. Councilmember Weeks stated she would like this added to a study meeting.

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** Councilmember Stenquist said a point was made during the study session with regards to naming the conservation easement. He suggested the name of the easement be called Traverse Ridge Conservation Easement. There were brief deliberations on whether or not to go with Councilmember Stenquist's suggestion or to adopt other alternative titles. Mayor Walker suggested holding a name submission contest.

Councilmember Stenquist then indicated he would like to change the winter parking restrictions. Presently, the restriction period is from November 1st to March 30th; however, rarely is snow an issue in March and November. He suggested this item be placed on an agenda to modify the time frame. Councilmember Summerhays concurred.

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11.0 Adjourn to a Closed Meeting to Discuss Personnel and Litigation

[8:36:45 PM](#)

11.1 Councilmember Summerhays moved to adjourn to a Closed-Door Meeting to discuss personnel and litigation. Councilmember Stenquist seconded the motion.

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

11.3 The meeting adjourned at 8:37 p.m.