

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 17, 2013, IN THE DRAPER CITY COUNCIL CHAMBERS 1020 EAST PIONEER ROAD, DRAPER, UTAH.

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

PRESENT: Mayor Darrell Smith, Councilmembers Bill Colbert, Bill Rappleye, Jeff Stenquist, Alan Summerhays, and Troy Walker

STAFF PRESENT: David Dobbins, Doug Ahlstrom, Angie Olsen, Keith Morey, Glade Robbins, Bob Wylie, Joe Bryant, Garth Smith, Rhett Ogden, Russ Adair, and Jennifer Jastremsky

BUSINESS MEETING

1.0 Call to Order

[7:04:24 PM](#)

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

[7:04:30 PM](#)

2.0 Comment/Prayer and Flag Ceremony

2.1 Scout Master Jeff Wilcox from Boy Scout Troop #1555 offered the prayer. Scout, Aaron Wilcox led the pledge of allegiance.

[7:07:49 PM](#)

3.0 Presentation, Swearing in of the new Youth Council & Advisors. Staff presentation by Maridene Hancock.

[7:08:24 PM](#)

3.1 David Sagae, Draper Youth Council Mayor, stated he is excited and honored to be the Youth Council Mayor and today is a special day – 226 years ago on this day in 1787 the Constitution of the United States was signed. Mr. Sagae read the preamble of the Constitution and stated it explains the purpose of the Constitution and defines the powers of the new government as originated as the people of the United States. He then introduced the Executive Board of the Youth Council including Macie Gardner, Sophie Will, Emily Paskett, Jarett Sagae, and James Gardner.

[7:09:47 PM](#)

3.2 Mr. Sagae then provided a short video presentation to display the new members of the Youth Council and the things they have been working on.

[7:14:27 PM](#)

3.3 Staff Liaison, Maridene Hancock, introduced the Youth Council Advisors, and they were sworn in by Deputy Recorder, Angie Olsen.

[7:15:58 PM](#)

3.4 Ms. Hancock introduced the new Youth Council members, and they were sworn in as well.

[7:17:41 PM](#)

3.5 Mayor Smith asked all Youth Council members present to stand so each member of the Council could shake their hand.

[7:21:30 PM](#)

3.6 Mayor Smith thanked the members of the Youth Council, past and present, and noted this position better prepares them for their future. He noted citizens likely do not know what the Youth Council does, but they are actively engaged and involved in many events throughout the city. The Council appreciates what they do very much. He stated Utah is known for volunteerism, and the Youth Council follows that theme.

[7:23:26 PM](#)

4.0 Citizen Comments

[7:24:30 PM](#)

4.1 Brad Miles, 1126 North Dutch Fields Parkway, Midway, asked how the Council would feel about a new type of development in Draper, which is a senior development with smaller lot sizes. The project would be geared towards residents aged fifty-five and older. Draper has particularly low density zoning and it would likely be necessary to change zoning to make the project possible and he wanted to know how the Council would feel about that. He stated he does not have a particular site in mind, but he is working on a couple of different sites.

Mayor Smith stated the Council is aware that many new developments have higher density levels, and his opinion is that type of development should be based upon demand. The Council considers each development on a case-by-case basis, and if Mr. Miles desires to proceed with such a development, it would be best for him to visit with staff to start the process.

Councilmember Rappleye inquired as to the proposed lot size of Mr. Miles' development. Mr. Miles stated the lots would be between 6,000 and 8,000 square feet, or .15 to .2 acres. Councilmember Rappleye stated there are lots smaller than that in the city. A short discussion regarding the potential layout and design of the development then ensued and Councilmember Rappleye noted he feels it is necessary to provide a diverse product in the city with properties available for retired individuals. Mayor Smith agreed the senior population is growing and agreed it is necessary to provide housing for them.

[7:28:33 PM](#)

5.0 Consent Items

- a. Approval of August 27, 2013, and September 3, 2013, Minutes.

[7:28:51 PM](#)

- 5.1 A motion to approve consent agenda item A was made by Councilmember Summerhays and seconded by Councilmember Rappleye.**

[7:29:08 PM](#)

- 5.2 A voice vote was taken with all in favor.**

[7:29:19 PM](#)

6.0 Action Item: Resolution #13-49, Authorizing the Mayor to Appoint Rachelle Connor as City Recorder.

[7:29:35 PM](#)

- 6.1 City Manager, David Dobbins explained City Administration has conducted interviews and offered the position of City Recorder to Rachelle Conner. He asked Ms. Conner to stand and be recognized by the City Council. He noted Ms. Conner is currently the Deputy City Recorder for the City of Orem, and he is excited for her to fill the position vacated by Tracy Norr. He stated he believes Ms. Conner will do a wonderful job for Draper City. He added he would like to thank Ms. Olsen for filling in and handling the duties of City Recorder during the vacancy. The Administration is excited to be fully staffed once again.

[7:30:17 PM](#)

- 6.2 Mayor Smith welcomed Ms. Conner.

[7:30:26 PM](#)

- 6.3 Councilmember Stenquist moved to approve Resolution 13-49. Councilmember Summerhays seconded the motion.**

[7:30:47 PM](#)

- 6.4 Councilmember Rappleye stated the City is fortunate to have Ms. Conner.

[7:30:58 PM](#)

- 6.5 A roll call vote was taken with Councilmembers Rappleye, Summerhays, Walker, Stenquist, and Colbert voting in favor. The motion carried.**

[7:31:15 PM](#)

7.0 Action Item: Agreement #13-210, Day Barn Use Agreement with Harmon Day Family. Staff Presentation by David Dobbins.

[7:31:35 PM](#)

7.1 City Manager Dobbins explained when the Day Barn was relocated, the City Council indicated a willingness to provide the Day family with use of the barn one day per year at no cost.

[7:31:59 PM](#)

7.2 Councilmember Summerhays clarified the Day family is charged a cleaning fee, but not the use fee. Mr. Dobbins stated that is correct and noted the Day family will still be required to pay the cleaning deposit to cover cleaning.

[7:32:16 PM](#)

7.3 Councilmember Rappleye explained when this agreement was put in place, there was discussion with all parties associated with the barn. He feels this action is a great idea.

[7:32:43 PM](#)

7.4 Mayor Smith stated the Day barn is used for numerous events, and it is a wonderful addition to the city. He stated he appreciates the Day family and noted Ms. Day is a member of the Historical Preservation Committee. They have contributed many great things to the city.

[7:33:24 PM](#)

7.5 Councilmember Rappleye stated he toured the clubhouse on the Day family site, and the Day family has furnished photos that hang inside the clubhouse.

[7:33:52 PM](#)

7.6 **Councilmember Summerhays moved to approve Agreement 13-210, and Councilmember Rappleye seconded the motion.**

[7:34:28 PM](#)

7.7 **A voice vote was taken with all voting in favor. The motion carried.**

[7:34:34 PM](#)

8.0 Action Item: Agreement #13-211, Day Barn Use Agreement with Tod Wadsworth Family.

[7:34:37 PM](#)

8.1 Mayor Smith stated this item is similar in nature to agenda item seven.

[7:35:18 PM](#)

8.2 **Councilmember Rappleye moved to approve Agreement 13-211. Councilmember Summerhays seconded the motion.**

[7:35:39 PM](#)

8.3 Councilmember Rappleye stated he feels this agreement is a great idea. The Wadsworth family has spent a lot of money and time on the Day Barn Project, and it is used very

regularly by the community. It is an asset to the park and the entire community. Councilmember Summerhays agreed. He stated he was apprehensive about the project in the beginning, but he has changed his mind.

[7:36:25 PM](#)

8.4 A voice vote was taken with all voting in favor. The motion carried.

[7:36:43 PM](#)

9.0 Public Hearing: Resolution #13-50, 2013-2014 Budget Amendments.

[7:37:03 PM](#)

9.1 Using the aid of a PowerPoint presentation, Finance Director Bob Wylie reviewed a spreadsheet detailing the proposed budget amendments.

[7:38:42 PM](#)

9.2 Councilmember Summerhays asked for additional information regarding the Community Development Block Grant (CDBG) funding budget amendment. Mr. Wylie stated the action is to establish a revenue and expense line item within the budget. Councilmember Summerhays stated CDBG money is typically allocated to various groups. He asked whether that is being done tonight. Mr. Wylie answered no and stated this is simply the action to receive the CDBG funds from the County. Mr. Dobbins added the money will be used to conduct a housing study for the city.

[7:39:44 PM](#)

9.3 Mr. Dobbins explained one budget amendment item is relative to a citizen request to fix a block wall. He reviewed photographs of the wall to explain what work is necessary. Mayor Smith stated the wall was erected at the time the road was discontinued. Mr. Dobbins agreed and reviewed an aerial photograph to identify the location of the wall noting that the wall is located on City property within the right-of-way. The abutting property owners have erected structures next to the wall and that causes the appearance that the wall is actually located on private property. That is not the case. Staff's opinion is that the wall needs to be maintained, thus the request for \$4,500 in the budget to perform the necessary maintenance work.

[7:42:33 PM](#)

9.4 A short Council discussion regarding the deterioration of the wall then ensued. Councilmember Summerhays stated that it is possible to declare the property on which the wall is located as surplus property or decide to reconnect the road in the area. He asked if there is a plan or a need to reconnect the road. Mayor Smith stated the road connected Draper to Sandy, but it was abandoned and discontinued before the area was ever developed. Mr. Dobbins stated that issue has not been visited in the last ten years and a short discussion regarding the potential uses for the property and the road ensued with Mayor Smith stated this is a separate issue that should not be dealt with tonight during a budget amendment discussion.

[7:46:04 PM](#)

9.5 Mr. Dobbins then noted an additional budget amendment item is providing funding for the fencing project on 700 East. He reviewed a PowerPoint presentation to highlight the scope of the project. Each property owner will receive a reimbursement for the length of fence they have installed in the area. A Council discussion regarding the amount of money to be reimbursed to each property ensued with Mr. Dobbins explaining the City will enter into an agreement with each property owner detailing the amount of money to be reimbursed based on the money spent by the property owner for the type of fence they installed. The City will enter into agreements prior to the fence being erected and reimbursement will take place after fencing is installed.

[7:48:29 PM](#)

9.6 Mr. Wylie continued reviewing his spreadsheet to provide information about the remaining budget amendment items.

[7:49:54 PM](#)

9.7 Mayor Smith opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

[7:50:15 PM](#)

9.8 Councilmember Stenquist moved to suspend the rules. Councilmember Summerhays seconded the motion. All voted in favor.

[7:50:34 PM](#)

9.9 Councilmember Stenquist moved to adopt Resolution #13-50 amending the 2013-2014 fiscal year budget. Councilmember Summerhays seconded the motion.

[7:50:52 PM](#)

9.10 Councilmember Colbert explained he will be voting no because he disagrees with some of the expenditures included in the budget amendment.

[7:51:15 PM](#)

9.11 Councilmember Stenquist stated his overall feeling is that the budget adjustments being recommended are reasonable. Councilmember Colbert stated he feels most are reasonable, but he has concerns about the City's position on funding the installation of fences on private property.

[7:51:40 PM](#)

9.12 A roll call vote was taken with Councilmembers Stenquist, Summerhays, Rappleye, and Walker voting in favor; Councilmember Colbert voted against the motion. The motion carried on a four to one vote.

[7:51:55 PM](#)

10.0 Public Hearing: Ordinance #1061, on the request of Brad Miles for approval of a Zoning Map Amendment of 1.33 acres at 13060 S Fort Street from the RA1

Residential Agriculture zone to RA2 Residential Agriculture zone. The application is otherwise known as the Utah Cribs Fort Street Zone Change Request, Application #130815-13060S.

[7:52:28 PM](#)

10.1 Using the aid of a PowerPoint presentation and his staff report dated August 23, 2013, Planner Dennis Workman explained this is a request for a zone change from RA1 to RA2 on a 1.33 acre parcel located on the west side of Fort Street, just north of Golden Pheasant Drive. He reviewed an aerial photograph to identify the location of the subject property and noted the Planning Commission reviewed the proposal on September 5 and forwarded a positive recommendation for approval to the City Council based on the fact that the proposal is in-line with the General Plan, which calls for low-density zoning. He reviewed the General Plan Map for the area and identified the zoning assigned to other parcels in the area. He concluded his report by noting the Planning Commission and staff recommend approval of the application based on the findings and conditions listed in the staff report.

[7:54:27 PM](#)

10.2 Councilmember Rappleye stated there is a strip of land in the area of the property and he inquired as to the use of that ground. Mr. Workman stated his understanding is that is the right of way. Discussion regarding the width of the property ensued with Mr. Workman explaining he has spoken with the applicant, and the applicant realizes there are some challenges with developing the property due to setback requirements for flag lots. He understands the type of home that will fit on the lot will be unconventional in nature.

[7:56:02 PM](#)

10.3 Mayor Smith opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

[7:56:29 PM](#)

10.4 Councilmember Stenquist moved to suspend the rules. Councilmember Summerhays seconded the motion. All voted in favor.

[7:56:45 PM](#)

10.5 Councilmember Stenquist moved to approve Ordinance #1061, on the request of Brad Miles for approval of a Zoning Map Amendment of 1.33 acres at 13060 S Fort Street from the RA1 Residential Agriculture zone to RA2 Residential Agriculture zone. Councilmember Walker seconded the motion.

[7:56:59 PM](#)

10.6 Councilmember Stenquist stated his motion is based on the recommendation of Planning Commission and staff as well as the findings included in the staff report and the zoning requested conforms to the General Plan for the area, and it will be in harmony with the adjacent zoning. He sees no reason to deny the request.

[7:57:41 PM](#)

10.7 Councilmember Rappleye commented the request for a zone change makes sense for the area.

[7:57:56 PM](#)

10.8 A roll call vote was taken with Councilmembers Stenquist, Walker, Colbert, Summerhays, and Rappleye voting in favor. The motion carried.

[7:58:14 PM](#)

11.0 **Public Hearing: Ordinance #1062, on the request of Bret Hilton for approval of a Zoning Map Amendment of 4.97 acres at 1375 E Country Oak Lane from the RA1 Residential Agriculture zone to RA2 Residential Agriculture zone. This application is otherwise known as the Country Oak Subdivision Zone Change Request, Application #130815-1375E.**

[7:59:01PM](#)

11.1 Using the aid of a PowerPoint presentation and his staff report dated August 23, 2013, Planner Dennis Workman explained this is a request for a rezone from RA1 to RA2 on approximately five acres located on the east side of 1300 East, directly east of the park. The proposed rezone anticipates the creation of five, possibly six, new residential building lots. The property owners are currently deliberating how best to realign parcel boundaries within the constraints of preserving two homes and protecting the Willow Creek Canal that runs under the property. Mr. Workman noted this application was also reviewed on September 5, 2013, and the Planning Commission voted to forward a positive recommendation to the City Council. The request is consistent with the Master Plan. Mr. Workman reviewed an aerial photograph to highlight the zoning of adjacent parcels.

[8:00:35 PM](#)

11.2 Councilmember Summerhays inquired as to which homes in the area will be preserved. Mr. Workman reviewed the aerial photograph of the area and identified the homes that will be preserved, noting that the Ballard property is not included in this zone change request. He concluded his report by noting the Planning Commission and staff recommend approval of the application based on the findings and subject to the conditions listed in the staff report.

[8:02:18 PM](#)

11.3 Applicant Bret Hilton, 1375 Country Oak Lane, stated he and another property owner have partnered to submit this rezone request application, and they have applied for RA2 zoning based on the General Plan for the area. He noted, however, the zoning of property near the roundabout is the Town Center Zone, which is a light commercial zone and behind that property is a PRUD development. He asked whether the Council would be open to RA3 zoning for the subject property and stated he and his partner will submit an application for that zone change if the Council would consider it.

[8:04:30 PM](#)

11.4 Council discussion regarding the zoning of the surrounding properties ensued with a consensus among the Council that this zoning change request may be premature based on potential future development of the area. Councilmember Walker stated he would favor RA3 zoning in the future, but that may require a change to the General Plan. Mr. Workman clarified the General Plan would not need to be amended to accommodate an RA3 zone change; although, it would be nice to amend the General Plan to ensure that zoning is in line with its guidance.

[8:08:56 PM](#)

11.5 Mayor Smith opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

[8:09:11 PM](#)

11.6 Councilmember Rappleye moved to suspend the rules. Councilmember Walker seconded the motion.

[8:09:26 PM](#)

11.7 Councilmember Rappleye noted the current application is reasonable and it is up to the applicant to determine if he will proceed with additional zone change applications.

[8:09:45 PM](#)

11.8 A voice vote was taken with all voting in favor.

[8:09:55 PM](#)

11.9 Councilmember Rappleye moved to approve Ordinance #1062, on the request of Bret Hilton for approval of a Zoning Map Amendment of 4.97 acres at 1375 E Country Oak Lane from the RA1 Residential Agriculture zone to RA2 Residential Agriculture zone. Councilmember Walker seconded the motion.

[8:10:12 PM](#)

11.10 Councilmember Rappleye reiterated he feels the application is sensible and a higher zoning density for the property will not upset the area.

[8:10:59 PM](#)

11.11 A roll call vote was taken with Councilmembers Rappleye, Walker, Stenquist, Summerhays, and Colbert voting in favor. The motion carried.

[8:11:13 PM](#)

12.0 Public Hearing: Ordinance #1063, on the request of Trace Coccimiglio for approval of a Zoning Map Amendment of approximately 1.97 acres at 12855 South & 12875 South Minuteman Drive from CR Regional Commercial to CG General Commercial. This application is otherwise known as the Valet Auto Body Zoning Map Amendment Request, Application #130723-12855S.

The applicant made a request to table this item until the October 1, 2013, Council Meeting.

[8:11:38 PM](#)

12.1 Councilmember Rappleye moved to continue the item to the October 1, 2013, Council meeting. Councilmember Stenquist seconded. A voice vote was taken with all voting in favor.

[8:12:06 PM](#)

13.0 Council/Manager Reports

[8:12:10 PM](#)

13.1 Councilmember Walker asked for an update on the weed situation at the detention basin across from the skate park. Glade Robbins, Public Works Director, stated he has received a bid of \$110,000 to install landscaping at the property, but direction was given to not proceed with that project at this time. Councilmember Summerhays stated this issue was discussed at the last Council meeting and the consensus was to let the property sit and see if natural foliage, such as reeds, would grow in the basin because it would be a waste of money to plant grass in the basin due to its depth. Discussion of the potential project ensued with a focus on how the property could be used in the future.

[8:15:15 PM](#)

13.2 Councilmember Stenquist said he sent a of couple emails regarding the Corner Canyon Mountain Biking event that took place recently. He asked whether the City received any citizen complaints regarding the event. Mr. Dobbins stated he has not been made aware of any complaints and noted the City erected signage advertising the road closures associated with the event. Discussion of the event ensued with Councilmember Stenquist providing a description of the event course and noting the event will only be held once each year and it may be possible to modify the course in future years. He added the participation in the event was record setting, and everything went very smooth.

[8:24:48 PM](#)

13.3 Councilmember Stenquist then referenced an email he sent regarding trees that had been pruned by a citizen on Vestry Road. He stated he was informed the pruning was done by someone at Highway Patrol, but the Public Works Department followed up on the issue and did what they could to make the trees look better. He thanked staff for that work.

[8:26:49 PM](#)

13.4 Councilmember Stenquist stated he wanted to discuss the City's membership on the SunCrest Owners Association Board. The City controls four seats on the board according to the development and purchase agreement, and he does not feel there is a compelling reason for the City to maintain the positions on the board at this time.

Councilmember Colbert stated he understands Councilmember Stenquist's position, but the concern he has is that if the City's seats were assigned to someone else, they could

make decisions that could cost the City money or be counterproductive to the City's interests. Discussion regarding the City's current position on the Owner's Association ensued with Councilmember Stenquist insisting there is no reason for the City to maintain its seats on the Board; the City is still the declarant according to the agreement and will not lose any power if the seats are turned over to someone new. Councilmember Rappleye deferred to legal counsel. City Attorney Ahlstrom stated it is difficult for him to advise the Council regarding the City's relationship with the Owner's Association. Discussion regarding the issue continued with the outcome being that further discussion regarding the issue is necessary.

[8:35:25 PM](#)

13.5 Councilmember Rappleye said he has noticed an increase in graffiti throughout the City, and he would like staff to respond to the problem.

[8:36:12 PM](#)

13.6 Councilmember Colbert suggested developing alternate methods to control weedy, unattractive park strips throughout the city. Mr. Dobbins agreed and advised staff is trying to determine which park strips are the City's responsibility. He noted the City currently has more work than staff to complete the work, but they will continue to work to address the problem. Discussion regarding how to address parkstrips in future projects ensued with a focus on using materials like stamped asphalt to prevent the problem.

[8:41:18 PM](#)

13.7 Mr. Dobbins then discussed the Utah Transit Authority (UTA) corridor area along the trail and stated UTA has responded to complaints regarding weeds and overgrowth in the area.

[8:42:28 PM](#)

13.8 Councilmember Stenquist said a lot of complaints have come in regarding noise along the TRAX line. He asked if UTA thought the Trex fencing would address the noise issues and will be curious to hear answers to those types of questions from UTA. Discussion regarding the noise of the rail line itself then took place with Mr. Dobbins explaining UTA has told him they are working to see if they can mitigate the noise issues.

[8:45:16 PM](#)

13.9 Rhett Ogden provided a report regarding the recent Five Browns concert.

[8:45:39 PM](#)

13.10 Glade Robbins reviewed a slide to advise the Mayor and Council that Public Works plans to remove four trees at the intersection of 700 East and Willow Springs due to the excess traffic since the opening of Corner Canyon High School.

[8:46:56 PM](#)

13.11 Chief Bacon provided an update on Unified Fire Authority's deployment of teams to assist with flooding issues in Colorado.

[8:49:58 PM](#)

13.12 Mr. Dobbins advised the Council that Vu's Restaurant and Bar has changed its name to Cliff House, and they have a liquor license for a full service restaurant and dining club; they want to convert their license to just a dining club and eliminate the restaurant portion of their business. The City cannot stop that from happening. Discussion regarding liquor licensing laws ensued with a focus on the ratio of food and liquor someone must order in order to be served alcoholic beverages.

[8:54:00 PM](#)

13.13 Councilmember Rappleve provided a report regarding the recent District meeting and changes in District leadership.

[8:55:20 PM](#)

13.14 Councilmember Walker stated he has been contacted by people regarding complaints of cars getting stuck between the crossing arms at Kimball's Lane and 700 East. Mr. Dobbins asked Councilmember Walker to forward those complaints to him so he can follow up with UDOT.

[8:56:14 PM](#)

14.0 Adjourn

14.1 Councilmember Walker moved to adjourn. Councilmember Stenquist seconded the motion. A voice vote was taken with all voting in favor.