

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, OCTOBER 15, 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, and Councilmembers Bill Rappleye, Jeff Stenquist, Alan Summerhays, and Troy Walker

STAFF PRESENT: David Dobbins, City Manager; Russ Fox, Assistant City Manager; Doug Ahlstrom, City Attorney; Rachelle Conner, City Recorder; Keith Morey, Community Development Director; Glade Robbins, Public Works Director; Garth Smith, Human Resource Director; and Bob Wylie, Finance Director

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**Study Meeting**

**1.0 Tour of Aquarium**

**2.0 Adjourn to Closed Meeting**

**Business Meeting**

**1.0 Call to Order**

[7:13:50 PM](#)

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

**2.0 Comment/Prayer and Flag Ceremony**

[7:14:33 PM](#)

2.1 The prayer was offered by Pierce Bradley, and the pledge was led by TJ Neyman. They are both with Scout Troop #1515.

**3.0 Citizen Comments**

There were no citizen comments.

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**4.0 Consent Items**

- a. Approval of Minutes of September 17, 2013, and October 1, 2013
- b. **Ordinance #1072**, Amending Chapter 7-2, Sewer Disposal
- c. **Ordinance #1073**, Amending DCMC Section 6-4 Re: Alcohol Licenses
- d. **Resolution #13-52**, Declaring 1514 E. Pioneer Road and 13177 South Fort Street Surplus Property

- e. **Agreement #13-228, Assessment-in-Lieu with Madison Draper LLC, Storm Drain Improvements Related to Mattress Firm Development.**

[7:18:30 PM](#)

- 4.1 Councilmember Summerhays moved to pull off Items C & D from the Consent Calendar. Councilmember Walker seconded the motion.**

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- 4.2 A vote was taken with Councilmembers Rappleye, Summerhays, Stenquist, and Walker voting in favor. The motion carried unanimously.**

[7:19:26 PM](#)

- 4.3 Councilmember Stenquist moved to approve the consent calendar as slated. Councilmember Summerhays seconded the motion.**

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- 4.4 A role vote was taken with Councilmembers Rappleye, Summerhays, Stenquist, and Walker voting in favor. The motion carried unanimously.**

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- 4.5 Councilmember Summerhays explained Item C is for the aquarium. The only problem he has with this is that the City gave the aquarium a lot of money in terms on a bond, which the residents voted to approve. This item would allow the aquarium to compete with the businesses that serve food in this town. He said it is unfair to the rest of the businesses that work hard and do not get any help, while others get financial aid and compete with those businesses. He said he wants it known that, if they do something down there, the aquarium should look at a local business to be the commissary.

Mayor Smith noted they all recognize that concern. However, the difference is that portion of the business will occur after hours, and they will have weddings and corporate events. The tens of thousands of customers that will come into the aquarium will benefit the other restaurants and retail stores in the city. The Council and staff toured that facility today, and it will be a phenomenal place. The City wants to see the aquarium be successful and business sense tells them that they will have to have additional revenue to make it work.

Councilmember Stenquist noted the food and alcohol sales at that location will be taxable, so it will bring in sales tax revenue.

Mr. Dobbins clarified that the consent item is just to add banquets to the Code. The approval of the liquor license is later on the agenda.

Councilmember Rappleye indicated he would like to see this facility pull some events from the Salt Lake area. They will be able to fit about 1,900 throughout the whole building. Councilmember Rappleye said he does not want this to compete with local

business, and he does not foresee that happening. It would be fairly expensive to rent the aquarium facility.

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**4.6 Councilmember Summerhays moved to approve Item C. Councilmember Walker seconded the motion.**

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**4.7 A role vote was taken with Councilmembers Rapple, Summerhays, Stenquist, and Walker voting in favor. The motion carried unanimously.**

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4.8 Doug Ahlstrom, City Attorney, explained the City owns the house on Pioneer Road, and they have entered into an agreement with ReNae Ballard for the purchase of her home on Fort Street. Before the City can sell any of those homes or any portion of them, they have to hold a public hearing and declare these properties as surplus. Yellow signs have been posted on the properties advertising tonight's public hearing. Notices were mailed to neighbors, and the City needs to take public comment on any reason the City should not sell or dispose of any part of these properties.

Mr. Dobbins clarified that this action is not for the Council to decide to sell the property. It is just to allow it in the future if that is what they want.

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4.9 Mayor Smith opened the public hearing.

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4.10 Councilmember Walker asked whether this item had been noticed correctly. He was told that it had been.

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4.11 Suzanna Hansen, 13263 South 1162 East, indicated this house is on Fort Street and 13200 South. She wanted to make sure the use of the land, if it is declared surplus, is duly studied with neighborhood input. There has been talk of a roundabout in that area, and she thinks it deserves considerable input from everyone who would be impacted by this.

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4.12 Don Ballard, 911 East Pioneer Road, stated this action is premature because the City has not determined what portion will be available for sale.

[7:31:00 PM](#)

4.13 Mayor Smith explained this item is on the agenda because it is the first step in the process to allow the City to sell the property. The City does not know what portion would be sold or how much will be used depending on what happens at that intersection.

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4.14 Mr. Ahlstrom advised there will be a discussion later in the meeting regarding the roundabout versus the signal light in that area. In regards to Mr. Ballard's comment, Wayne and Melvin Ballard have expressed an interest in whatever portion might be surplus with this property. However, before the City can entertain an offer to purchase, the City must declare it surplus. The majority of the property will be kept as City property because it is needed for widening that intersection.

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4.15 Councilmember Stenquist clarified that the City does not necessarily have to know exactly what portion could be sold at this time. They are declaring the entire parcel as surplus, and when they determine which segments are not needed, they can sell it. This is the first step the City must go through before they can start discussing what they will sell.

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4.16 Councilmember Summerhays asked whether staff has spoken with the parties about both of these parcels. Mr. Ahlstrom indicated they have; however, staff has not yet determined how much property they will need for the street widening.

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**4.17 Councilmember Stenquist moved to suspend the rules, and Councilmember Summerhays seconded the motion.**

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**4.18 A vote was taken with Councilmembers Rappleye, Summerhays, Stenquist, and Walker voting in favor. The motion carried unanimously.**

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**4.19 Councilmember Stenquist moved to approve Resolution #13-52. Councilmember Walker seconded the motion.**

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4.20 Councilmember Stenquist clarified that regardless of what they decide to do at that intersection, this is the first step they need to take to sell the property that is not needed for the street widening.

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4.21 Councilmember Summerhays noted this does not say they have to sell any of it. This is just the first step in the process if the City decides to.

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

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**5.0 Discussion Item: 13200 South Street Widening Project.**

[7:38:23 PM](#)

5.1 David Dobbins, City Manager, explained there is a need to widen 13200 South Street because of the new schools in this area. In the past, they have looked at different configurations and different needs for the cross sections. They have heard a wide range of ideas, which included having no sidewalks, sidewalks on only one side of the road, turning lanes, bike lanes, no park strips, etc. When the City Council discussed this a few months ago, they felt the best option was to have a sixty-six foot cross section with two lanes of traffic but have it wide enough to allow for a future center turn lane if needed. This would also provide for a good width on the road for each shoulder to allow for parking. The City has heard comments from the neighbors by the schools questioning why the road was not done in time for the start of school. They do not like their children walking on the road without a sidewalk. The neighbors want to know when the sidewalk will be put in and the road widened. Since the schools have opened, they have been able to see the traffic patterns at the intersection of Fort Street and 13200 South. Staff has been able to get a better handle on what they think the traffic demands are. The City needs to determine what is best for future capacity at that intersection. Many people consider Fort Street to be a historic part of Draper, and they like the feel without the curb, gutter, and sidewalk. They also hear from people who are concerned about the safety of the pedestrians, mainly students, as they walk through that intersection. Staff will give the Council a quick summary of options they have considered.

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5.2 Todd Hammond, Engineer, briefed the City Council on the various options, which included:

- Option 1
  - 66-foot width
  - Center Median
    - 2-way left turn lane
    - Assists left turns onto and off of 13200 South Street
    - Improves traffic flow at peak times
    - Helps prevent rear-end collisions
  - 5-foot shoulders to allow for parking
- Option 2
  - 66-foot width without median
    - Elimination of median for traffic calming
    - Designated bike lanes and parking lanes
    - Constructed to same width as Option 1
      - Allows for median in the future
- Option 3
  - 61-foot width without median
    - Allows for 10-foot shoulders

- Future addition of median would result in 4-foot shoulders
  - No parking will be allowed
- Trades park strip for front yard easements
- Residents could keep or buy back 2.5 feet of property and improvements
- Additional cost to redo survey, title, appraisals, and utility relocation designs
- Additional staff hours for new roadway design
- This would reduce the cross section by 60 feet.

Mr. Hammond stated the City sent their consultant out to do traffic counts for three days. Staff also asked them to use that data to compare different intersection options and how they would perform. Mr. Hammond reviewed the results of the study, which showed the traffic signal functions best during the peak hours. There are a large number of students walking to school. They counted seventy-two during the peak hour. The consultant advised a traffic signal would be the safest option for the pedestrians. Mr. Hammond explained a roundabout is a safer option for motorists because it lowers speeds; however, it does not work well during the peak hours. The traffic signal works well during the peak hour but not well for the rest of the day. The traffic signal is also more expensive than a roundabout.

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5.3 Mr. Dobbins explained if the City puts in the traffic signal, the residents that have small children will like it because it is a little safer for them to cross. However, the neighbors will not like having to stop at a light at night when there is no traffic. The roundabout is better during the day for traffic other than during the peak hour. There are benefits and downsides to every option.

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5.4 Councilmember Stenquist noted if they are concerned with the aesthetics of Fort Street, the roundabout is better; however, the traffic signal is better from a safety standpoint.

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5.5 Mr. Dobbins noted he met with all of the District's schools last week, and they had mentioned that their preference is for the traffic signal. From a student safety perspective, that is the better option. The District is not concerned about the other hours of the day or the historical character of the area. That is not their primary objective.

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5.6 Councilmember Stenquist clarified that, in terms of property acquisition, the options are generally about the same. However, if they go with the traffic signal, they will have to shift the intersection slightly north and take out a little more property from the north side of the street. Mr. Hammond stated that is correct.

Mr. Dobbins indicated that is because the City has to align with what has already been built on the west side of the road.

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5.7 Councilmember Stenquist indicated they have already taken out so much of the property on the corner house, so the City had to purchase the entire property. He asked whether they would have to take more from the house next door. Mr. Dobbins explained it changes the property acquisition. The total square footage is about the same; however, it changes where they take the property from.

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5.8 Councilmember Summerhays asked how a roundabout would affect the Carlson's home on the southeast corner. Mr. Hammond advised the roundabout would come very close to their home. Councilmember Summerhays then questioned whether the City would have to purchase that home as well. Mr. Hammond replied they would not. The reason they have to take the home on the northeast corner is because adding the right turn would actually clip the home. They do not expect to have a right turn lane on that corner based on the traffic volume projections.

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5.9 Mr. Dobbins advised staff has struggled with finding a consensus among all the residents. Some like a mix of Options 1 and 2, and others like Options 2 and 3. Over time, the City has heard different concerns. Some people do not want a center turn lane or sidewalks on both sides of the street. Another suggestion has been to push the side up to the curb; however, that pushes the power poles into people's yards. Staff has yet to find any option that meets everyone's expectations.

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5.10 Mayor Smith noted a decision has to be made some time with the best vision possible. In 1990, there were 7,500 residents in Draper, and now there are over 44,000. He noted 10 years ago there was 1 school, and now there are 10 schools. The City has changed a lot in 10 years. The growth comes with growing pains and challenges. The City wants input from the residents that will be affected the most, but at some point, the City has to make a decision that will be best for the city as a whole. The City needs to determine what is best with the future in mind in terms of the road width, turn lane, and intersection safety. Mayor Smith then indicated they are going to open the meeting for public comment.

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5.11 Councilmember Stenquist asked for the width of the portion of the road that has been widened from 1300 East to Bear Hollow. Mr. Dobbins indicated it is sixty-six feet. Councilmember Stenquist noted it is helpful to know that, because when they first started talking about this street, they did not have that section constructed. Now, it is easy to visualize what a sixty-six foot road width would look like going all the way to Fort Street. Councilmember Stenquist then asked Doug Ahlstrom, City Attorney, whether that

is the width the City has been using while working on the property acquisitions based on previous Council direction. Mr. Ahlstrom replied it is.

Mayor Smith stated that is a good point. If anything, the City can say that the right-of-way has been set at sixty-six feet wide. The City does not want different widths along this roadway.

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5.12 Shari Moore, 1083 East 13200 South, thanked the Council for giving the residents another opportunity to speak. She thought they had come in with a consensus from the neighbors, but she has not heard everything that Mr. Dobbins has heard. The neighbors remain very opposed to the center strip down the road. She walked down that street today delivering flyers to the neighbors from 2:15 p.m. to 4:00 p.m. She noticed that it does get busy, and there is a slight wait on the corner; however, it moves through pretty quickly. When the traffic is gone, the street is empty. They are going to widen the street and take away the charm of the area for a street that is only busy a short time during the day. She asked the Council to consider what the city is about. They should be allowed to keep the charm of Draper and still provide for the safety of the children with the sidewalks. With some careful consideration they can find something that is amenable to everyone.

Mayor Smith asked her what her preference is. Ms. Moore said a roundabout is too dangerous. She likes roundabouts, but she does not think it is safe for children in this area. She does not want to see the City get sued over this.

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5.13 Suzanna Hansen, 13263 South 1162 East, said she noticed in the Draper paper recently that a public study for the 1300 East expansion was being conducted. That is a great idea. They are getting input from the community prior to giving it to engineering or sending it out for bid. She noted she does not think that happened on this street. She does not think there was a study session that included the residents. That has caused the neighbors a lot of time and a lot of headache. There should be a better forum or philosophy to follow where neighborhoods can come together, come to a consensus, and present a unified suggestion to the City Council. This should be done prior to defining anything, so the neighbors are not put on the defensive. Ms. Hansen then questioned whether there had been any neighborhood input for the road in front of Juan Diego High School. She said she has heard there will be a sidewalk on one side and a bicycle lane on the other side. Ms. Hansen indicated that no one is addressing the need for neighborhoods to be involved in this process with any kind of consistent basis. She noted that 13200 South is not the only corridor that can be used to provide pedestrian and vehicle traffic between the schools. They can also use 13400 South. She said she knows there are groups that work with cities and neighborhoods to help them come to a consensus on projects like this. She recommended the City explore that option for every project that is considered.

Councilmember Stenquist noted they do this with the Master Plan. Every time they change it, there is a lot of input taken. They have multiple open houses and public

hearings, because that is the guiding document that tells the City Council how to implement the Master Transportation Plan, how the cross sections work, how the zoning works, and the land use options. These things are very well understood, very well discussed with lots of input from lots of neighborhoods all over town. He expressed his belief that this is the third or fourth time the City Council has taken input on this item. They are doing as much as they can to gather as much input as possible. Ms. Hansen asked whether the Council knew where the two new schools were going to go at the last planning meeting. Councilmember Stenquist stated they have known that the District has owned those properties and has planned for a middle school or high school. There is additional property the District owns on 1700 East that is planned for a future elementary school. The City did not know when the schools would be built, and the District decided rather suddenly to do the construction, so the City had to react to that and move rather quickly with this project. Ms. Hansen then indicated that is reason enough to reconsider the validity of the Master Plan as these changes have occurred. They should look at other corridors. They cannot expect a five-block neighborhood to be the only corridor. Instead of thinking they should only look at 13200 South, they should make 13400 South another option for traffic.

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5.14 Mayor Smith noted there has been some good feedback given during the four meetings the residents have had to speak about this issue. There will always be a difference of opinion as to how many hearings there should be or how much input is given. He noted the City is trying really hard to get input from the neighbors. However, they are not getting a consensus from the neighbors as to what should be done. Ms. Hansen expressed appreciation for the time given to the residents; however, she feels that the City needs to look at other streets as well.

Councilmember Summerhays noted they do look at that. They have public study sessions all of the time. The City Council just approved the budget in June, and only one person showed up for that meeting. The City has a \$40 million budget, and no one shows up to talk about it. They talk about the money that will be spent on the streets, and no one is there to discuss it. The largest budget is for the roads. Ms. Hansen advised the common person is not going to understand the budget for a particular street, unless the plan for the street is attached to it.

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5.15 J. Michael Burrows, 1191 East 13200 South, indicated there is no reason the City cannot realign the southwest corner to dump traffic a little further south. He was originally told that the minimum standard for a sidewalk is seven feet. He recently measured a newer sidewalk in the city, and it was only six feet. He would like to get to a closer point by creating a small working group with the City Manager, a couple of Councilmembers, and a few of neighbors to work together to come up with a solution.

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5.16 Wayne Ballard, 959 East 13200 South, said during the rush hours he has had cars come within six feet of his vehicle because they are tired of waiting. That is the same time the students are going to school and coming back. He wants the children to be safe. With a red light, the pedestrian has the right-of way, but they do not have it with a roundabout. The property that has already been taken has set a precedent for the width of the street. He suggested they do away with the center lane, and put a parking lane down each side so the neighbors have a place for visitors to park. He said there should be no parking during the school hours. He asked the City to open up the dead end roads that are located throughout the city. He expressed appreciation for the staff and said the City has some very good people working there. He asked how many bicyclists or horse people pay for the use of the roads. He was told there is no tax levy placed on bikes or horses. Mr. Ballard then recommended there be a license or permit required so the bicyclists and horse riders could contribute to what they are benefitting from. The residents have to do it for the roads and the bicyclists and horsemen should be paying for it as well.

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5.17 Pierce Bradley, 13261 Cascade Glen Drive, indicated he lives on the street by the new middle school. They have an intersection similar to the one being discussed this evening. That intersection has a traffic light, and it works great. However, there is another intersection that does not have a signal, and the crossing guard has to walk out in the middle of the road. He noted a traffic light would be good at the intersection and possibly more sidewalks as well.

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5.18 Derek Coulter, 1017 East 13200 South, said the neighbors have been trying to come up with a consensus, and they are not as divided as much as has been represented tonight. The neighbors have never said they did not want the street improved. They want to have the street widened and made safer while maintaining their personal property rights. The neighbors presented several options to the City Engineers; however, that information was not passed on to the City Council. There is a good neighborhood communication network, and they can come to a consensus. The neighbors are concerned with the street width. This is a historic neighborhood, and the homes are already too close to the road. They will have to take down all of the trees, and the street will be within ten to fifteen feet of Shari Moore's door. That will destroy the neighborhood, and it will turn the homes into rentals. The City needs to make sure they preserve the integrity of this neighborhood, and there are a lot of solutions that will do that. Mr. Coulter stated he likes Mr. Burrow's suggestion of putting together a small group to come up with a one good recommendation for the Council. He also stated the City should send the neighbors a notice if there is any meeting that specifically affects them. They did that with this meeting, and it makes a difference. Mr. Coulter indicated if there is only \$100,000 difference between the traffic signal and the roundabout, the traffic signal is the better and safer option. The neighbors would also like to make the intersection as aligned as possible.

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5.19 Michele Weeks, 1873 East New River Drive, agreed with what has been said about the roundabouts. However, she would never allow her child to cross at a roundabout without her or a crossing guard there. She proposed the City install the traffic signal, and set it to flash during the off-peak hours in order to move the traffic better.

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5.20 Don Ballard, 911 East Pioneer, said he is representing Melvin Ballard tonight. He thanked Mr. Hammond and Mr. Ahlstrom for being so helpful in the negotiations. Depending on what the City does with the corner, and how much property they take, he would be interested in acquiring the additional property in order to settle a boundary dispute where an existing fence lies. Melvin and Wayne would like to acquire additional property as well. The plan he saw involves Phase 1 and Phase 2. Phase 1 would not require the removal of the existing fence, which is beneficial to Melvin Ballard. He asked the City to keep the Ballard family informed of the go forward plan.

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5.21 Matt Curland, 13260 South 1162 East, stated roundabouts do not have to be huge mountain things in the middle of the road, and they can have traffic lights around them. He works at home, and he drives through this area at different times throughout the day. He noted the City should also look at 13400 and 13800 South for options to move the traffic. The wider roadway on the east end of 13200 South is an invitation for more U-turns. He recommended not having a sixty-six foot road width from Trail Rider to Bear Hollow. It is a very curved road, and expecting and encouraging parking on the south side of the road on that curve makes it incredibly difficult to get out of those roads. He said he agrees with most of the people here that are not interested in that wide of a road there. He recommended they look at having sixty-one feet or less instead.

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5.22 Richard Ashton, 13045 Fort Street, said he was happy to hear that someone else is in favor of roundabouts. He would favor the roundabout; however, he is a team player and he will go along with what the majority of the neighbors want. He said he cannot think of anything that would destroy the feel of the neighborhood more than a traffic light would. The safety of the children is paramount, and that has to be given the highest priority. There is a roundabout at 1300 East, and it has a pedestrian walkway across there. It seems to him that something could be accomplished to make it safe for the children. He cannot conceive putting a street light in for two hours of use each day, when it will cause frustration the other twenty-two hours of each day.

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5.23 Larane Kasteler, 453 Midlake Drive, noted her children attend Summit Academy, and she makes several trips to the school every day. She likes the four-way stop, and she appreciates the crossing guards. She does not want a big roundabout there and does not want a traffic signal. She is a runner and bicyclist, and she would appreciate a wider road.

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5.24 John Hazelgren, 13151 South 1185 East, said the speed limit has been changed on 13200 South to 30 miles per hour, but to most people that seems to just be a suggestion. If the road is made excessively wide, they will have increased speed limits. He said there are two schools on that street, and it puts lives into jeopardy with the higher speeds. He would like to ensure that the sidewalks are used. With all of the bicyclists, power walkers, and joggers on the road, it is safer for him to drive on the sidewalk. He seconded Mr. Ballard's proposal about requiring a license for the bicyclists using the bike lanes.

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5.25 Jeffrey Luck 1061 East 13200 South, noted he lives in the middle of this project. He agreed that there needs to be improvements on this road. He is opposed to having a center lane. It is bad enough as it is having the vehicles race up and down the street every day. He has a live video feed that shows how many vehicles drive up and down the street every day and what times. He asked the City Council to not change the stop sign at the Fort Street intersection. The people that are the most affected are the ones that live on 13200 South. It only backs up a little bit, and it is only for a short window in the mornings and in the afternoon. His biggest concern is that his daughter walks to the high school every day. He suggested having an additional traffic study to consider the needed width. There is limited to no traffic for twenty-two hours each day. He would prefer no center lane and to keep the four-way stop. Although, he said he would prefer a traffic light to a roundabout.

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5.26 Ryan Herzog, 13207 Fort Street, said he lives on the corner, so he sees directly what is happening with the traffic and children. He seconded the suggestion of installing the traffic signal and having the flashing lights on off-peak times. This would make the intersection a four-way stop. He noted since the four-way stop has been installed, it has made a huge difference in the traffic. He has never seen more than four or five cars backed up on Fort Street. He recommended putting in a light at the intersection, or leaving it as a four-way stop.

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5.27 Councilmember Walker stated it would be a good idea to get a small group of neighbors and City staff to form a working group to determine a plan. He indicated there is a need for sidewalks in this plan; however, there might be something they can propose for the width of the street.

[8:56:45 PM](#)

5.28 Councilmember Rappleye concurred with Councilmember Walker. He said he is sorry if the neighbors do not think the City has done enough to get the word out to the residents. He expressed appreciation for the comments that were made this evening. There has been a lot of information presented. He would like to see everyone come together with a safe conclusion for what should happen on this street.

[8:57:37 PM](#)

5.29 Councilmember Stenquist expressed appreciation to staff for taking another look at this. He said he likes the idea of forming a small working group; however, they are working under a short time frame. He would like to have this done soon. He noted it has been informative to see what the traffic is doing now that the schools are open. He was concerned about not having the sidewalks in place before school started; however, it is a relief to hear that things have gotten better after putting the stop signs in place. He said he likes the idea of a roundabout because he is concerned with maintaining the aesthetics of the street, but a light would be safer for the kids.

[9:00:31 PM](#)

5.30 Councilmember Summerhays said he did not want any change at all down there. He said safety should be more important than what is aesthetically pleasing. There are ways to make roundabout more safe and functional, and that is what the City should be looking at.

[9:01:32 PM](#)

5.31 Mayor Smith thanked the residents for their comments. He said it has been good to hear the suggestions. He recommended the neighbors pick a few people to be the spokespersons for the group and get those names to Mr. Dobbins soon.

[9:02:56 PM](#)

*\*\*The Council took at break at 9:03 p.m.*

*\*\* The meeting resumed at 9:17 p.m.*

[9:17:21 PM](#)

**6.0 Public Hearing: Ordinance #1070, Approving a Zoning Map Amendment of 2.34 acres at 365 E. Steep Mountain Drive from the OS Open Space Zone to R3 Third-Acre Residential Zone. This item has been continued to November 12, 2013.**

[9:17:59 PM](#)

**7.0 Public Hearing: Ordinances #1066 and #1067, Approving Land Use and Zoning Map Amendments of 9.68 acres at 12223 S. Galena Park Boulevard by Changing the General Plan Map from Neighborhood Commercial to Residential Medium-High Density and Changing the Zoning Designation from CC Community Commercial to RM1 Multiple-Family Residential.**

[9:19:12 PM](#)

7.1 Dennis Workman, Planner, noted the applicant wishes to change the land use and zoning designations on approximately ten acres. The Planning Commission reviewed this and forwarded a positive recommendation to the City Council. Staff looked at this and recognized there are a few negatives with this application; however, there are more positives than negatives. It has not performed very well as commercial. The power substation by Jack's Place makes for a poor gateway for anything commercial.

Residential would be a lot better given the presence of the power station. The townhome development could be done in such a way that it integrates very well with the existing residential development to the north, which is also RM1. It is single-family, but this could transition well. The Galena Park Office Plaza was approved by the Planning Commission in 2008 and provided for five office buildings. To date, only one building has been constructed. This property has proven to be unfavorable for office use. Staff also felt it provides more ridership for the FrontRunner train which is nearby and would provide housing opportunities for the people who would someday be employed by the businesses at the Transit-Oriented Development. The Utah Department of Transportation (UDOT) has sent in a letter stating that there will not be any opportunity to access 12300 South. The development will have to access off of Galena Park Boulevard. UDOT is not saying no to the development. There is also a letter from Union Pacific Railroad stating that this is not the best location for high-density residential. There will be a lot of noise and vibration from the train, and there will be increased pedestrian and vehicle traffic near the tracks. They suggested, if this does get passed, that the City require certain sound proofing measures and barriers. That can all be addressed later with the site plan.

[9:25:12 PM](#)

7.2 Councilmember Stenquist noted the property to the north is RM1 also. Mr. Workman replied that is correct. The development is more like an R5. The zoning would be the same, but the look would be different.

[9:26:01 PM](#)

7.3 Councilmember Rappleye referred to the aerial map and asked what was on the north end of the property. Mr. Workman explained it is where those five office buildings were supposed to go. There is only one tenant in the office building that has been built. They have really struggled with the commercial component.

[9:26:51 PM](#)

7.4 Grant Lefgren, DR Horton, said he is excited about this piece of property. There has been quite a demand for this type of product. He loves working in Draper City and thinks this a great product with a great fit.

[9:27:43 PM](#)

7.5 Mayor Smith opened the public hearing.

[9:27:50 PM](#)

7.6 Sean Benjamin, 360 West 13165 South, asked why the property line does not line up. Mr. Workman explained the lines do look goofy; however, he does not know the history of the parcel. He will have to research it.

[9:30:09 PM](#)

7.7 Mayor Smith closed the public hearing.

[9:30:18 PM](#)

7.8 Councilmember Stenquist noted he is in favor of this; however, he questioned whether there is a problem with the property line. Keith Morey, Community Development Director, stated they can verify that the property boundaries are accurate. It should not be a problem for the City Council to approve it. They have presented what was submitted by the Engineers.

[9:31:06 PM](#)

7.9 **Councilmember Stenquist moved to suspend the rules. Councilmember Walker seconded the motion.**

[9:31:29 PM](#)

7.10 **A vote was taken with Councilmembers Rappleye, Stenquist, Summerhays and Walker voting in favor. The motion carried unanimously.**

[9:31:35 PM](#)

7.11 **Councilmember Stenquist moved, by ordinance, to approve Land Use and Zoning Map amendments of 9.68 acres at 12223 S. Galena Park Boulevard by changing the General Plan Map from Neighborhood Commercial to Residential Medium-High Density and changing the zoning designation from CC Community Commercial to RM1 Multiple-Family Residential. The motion was seconded by Councilmember Walker.**

[9:31:52 PM](#)

7.12 Councilmember Stenquist stated this zone change makes sense for this area. It is going from a more intense commercial use to a residential use. It does not have good access from 12300 South, so he can understand why it has struggled from a commercial standpoint. There is adjacent RM1 development to the north, and they have a positive recommendation from the Planning Commission and staff.

[9:32:37 PM](#)

7.13 Councilmember Walker said the letter from Union Pacific is interesting, and it is important for it to be placed in the record. He said he supports the motion. It is important to note that this is a rail corridor, and DR Horton needs to build these properties with that in mind. The buyers need to be aware that they are purchasing next to the railroad.

[9:33:45 PM](#)

7.14 Councilmember Rappleye agreed with Councilmember Walker. They have been talking with a lot of people lately about the trains, and they are a grave concern. To have a good product, which DR Horton does, they need to take that into consideration. He would also like it noted that there is a different project behind this proposal. This development should be sensitive to that.

[9:34:55 PM](#)

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

[9:35:09 PM](#)

**8.0 Public Hearing: Providing Local Consent for an On-Premise Banquet Alcoholic Beverage License for Lancer Hospitality Utah LLC.**

[9:35:26 PM](#)

8.1 Russ Fox, Assistant City Manager, stated this request is for an alcohol license for the aquarium. Lancer Hospitality will be operating within the Living Planet Aquarium. Staff is recommending approval as they meet all of the provisions in the State statute.

[9:36:39 PM](#)

8.2 Councilmember Summerhays asked who Lancer Hospitality is.

[9:36:50 PM](#)

8.3 Kent Wilcox, 10206 Loxley Road, Sandy, indicated he is the General Manager for Lancer Hospitality. They are a Minnesota based corporation, but they have set up an LLC in Utah. This is the first contract they have had in Utah. Mr. Wilcox advised he understands the concerns of Councilmember Summerhays; however, their concessions will not serve alcohol. They will only have alcohol at their private banquet events and afterhours events. The aquarium is planning to close by 6:00 p.m. each day, and their pricing will not be in competition with the local restaurants. They will be doing bigger events. The banquet space is for 450-480 people. If they seated the full lobby and banquet space, they could have 900 people.

[9:39:47 PM](#)

8.4 Councilmember Summerhays said this type of facility is needed in Draper. He would like to give Sandy a run for their money. Mr. Wilcox indicated there really is not anything like this is Sandy. The South Towne Convention Center is really all they have that brings in a lot of people.

[9:40:34 PM](#)

8.5 Mayor Smith opened the public hearing. No one came forward to speak, so he closed the public hearing.

[9:40:50 PM](#)

**8.6 Councilmember Stenquist moved to suspend the rules. Councilmember Summerhays seconded the motion.**

[9:41:04 PM](#)

**8.7 A vote was taken with Councilmembers Rappleye, Stenquist, Summerhays and Walker voting in favor. The motion carried unanimously.**

[9:41:10 PM](#)

**8.8 Councilmember Stenquist moved to provide local consent for an On-Premise Banquet Alcoholic Beverage License for Lancer Hospitality Utah LLC. The motion was seconded by Councilmember Walker.**

[9:41:32 PM](#)

8.9 Councilmember Stenquist said this makes sense, and he hopes this brings new business from outside Draper rather than competing with the local businesses.

[9:41:58 PM](#)

8.10 Councilmember Rappleye stated he hopes this becomes a place where the events can compete with the big hotels in Salt Lake.

[9:42:59 PM](#)

8.11 Councilmember Walker said the City Council makes a lot of decisions, and sometimes they get railed on things, but the decision to bring the aquarium to Draper was a great one. This will be a huge landmark draw to this community. He was so impressed with what he saw on the tour earlier that day. It is going to be fantastic. Councilmember Stenquist agreed saying they not only allowed this to happen, but they also stepped up to the plate with money to make it happen.

[9:44:23 PM](#)

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

[9:44:39 PM](#)

**9.0 Public Hearing: Ordinance #1071, Approving a Text Amendment in the CSD-SWF (Commercial Special District- Southwestern Furniture) Zone Regarding the Provision of Banner Signs.**

[9:45:31 PM](#)

9.1 Jennifer Jastremsky, Planner, noted this zoning district is a little unique in that it literally only includes one piece of property. It is 3.89 acres in size and houses the existing Ashley Furniture building. The text amendment proposes to allow a large banner mounted to the building similar to what is allowed in the adjacent zoning district, which is the CSD-DRC that houses IKEA and the future RC Willey. This change will allow a 14' by 20' banner that is mounted to the building. The proposed language does not include any restrictions on the length of time the banner would be up, which is consistent with how banners are treated in the neighboring zoning district. The existing signage in this zone is a wall sign at the front of the building and a freeway oriented sign on the rear of the structure. The applicant is proposing to place the banner underneath the freeway oriented sign; however, the language does not limit it to that location.

[9:47:31 PM](#)

9.2 Councilmember Summerhays asked what the approximate distance from the freeway would be. Mr. Dobbins responded it is about 800 feet. Ms. Jastremsky noted the Code has a freeway oriented sign standard for properties that abut the freeway. This is a separate zoning district.

[9:50:38 PM](#)

9.3 Daniel Sprengeler, applicant, said they feel the banner will attract more people from the freeway and also the customers visiting IKEA. They welcome RC Willey next door. This will be the “furniture mecca” of Utah.

[9:51:36 PM](#)

9.4 Councilmember Rappleye said Mr. Sprengeler has been very involved in Draper. He is fairly new to managing this for Ashley, and he lives in Draper, which is fantastic. This has been thought about for some time, and they realize this sign is needed to draw more people in.

[9:52:41 PM](#)

9.5 Councilmember Stenquist asked whether this banner sign would change regularly. Mr. Sprengeler replied it would change every month or so.

[9:53:28 PM](#)

9.6 Mayor Smith opened the public hearing. No one came forward to speak, so the Mayor closed the public hearing.

[9:53:38 PM](#)

**9.7 Councilmember Rappleye moved to suspend the rules. Councilmember Walker seconded the motion. The motion carried by unanimous vote.**

[9:53:59 PM](#)

**9.8 Councilmember Rappleye moved, by ordinance, to approve a text amendment in the CSD-SWF (Commercial Special District- Southwestern Furniture) zone regarding the provision of banner signs. The motion was seconded by Councilmember Summerhays.**

[9:54:16 PM](#)

9.9 Councilmember Rappleye said this makes sense. They have spent a lot of time working on this application. They have thought it through and done their homework. This is effective in bringing people in.

[9:55:03 PM](#)

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

[9:55:33 PM](#)

**10.0 Agreement #13-219, Approving an Agreement Between Draper City and Draper Irrigation Company for the South Valley Reuse Project.**

[9:56:03 PM](#)

10.1 Doug Ahlstrom, City Attorney, indicated the Draper Irrigation Company is trying to use re-use water out of the Jordan Basin Water Reclamation Facility. They need to run a line back into Draper City across the Galena Park area, a part of which is in a conservation easement. They are exploring different options for running the reuse line back into the city. They may have to condemn, so they are asking if the City would participate with them in the condemnation. Draper Irrigation has indicated they will run with it, and it should not cost the City anything.

[9:57:10 PM](#)

10.2 Craig Smith, attorney for Draper Irrigation, noted this is a unique situation, and they have been working on this for four years. They want to reuse the water from the South Valley Reclamation Plant for secondary water in Draper City and some of the other cities in this area. This is water that is not being used at this time. It is going to waste, so this gives them the ability to get “more bang for their buck.” Water is a very important resource in this state. The main issue with doing this is that a piece of property owned by the State of Utah has a conservation easement on it that is being held by Utah Open Lands. Draper Irrigation wants to follow an existing easement through there. They have been working for years to try to get this, and they are still working with them; however, they need to file a condemnation if all else fails. He reviewed the location on an overhead map. They do not want to go to court to do the condemnation; however, if they do, they want Draper City to be their partner. Draper Irrigation will work with Mr. Ahlstrom to accomplish this.

[9:59:49 PM](#)

10.3 Councilmember Summerhays noted he serves on the Sewer Board with the Mayor’s brother, and they have been working with Draper Irrigation for a long time to get this done. So far, they have not been able to do it. The Sewer District is supportive of this effort.

Mayor Smith asked the timeline they are looking at to have this available and working.

David Gardner, Draper Irrigation, replied if they get approval, they want to do a joint project in crossing the river with the State. The State has even mentioned it would be better to do a condemnation because then they would not have to say that they gave Draper Irrigation an easement. The State does not reply back to them in reference to inquiries, so Draper Irrigation is at a road block. This has to be done before they can get a grant from Central Utah Project (CUP) to do this project. CUP will not give Draper Irrigation \$4 million for this project unless they have the right-of way permit and environmental study that goes with it. They want to get the permit in the spring, and it takes several months to get the environmental done.

[10:02:48 PM](#)

10.4 Mr. Smith noted Draper Irrigation will handle all of the costs involved in this. They are just asking for the non-monetary participation of Draper City. They will be made very clear in the agreement.

[10:03:18 PM](#)

10.65 Mr. Ahlstrom noted before the City can condemn the property, they will have to hold a public hearing, and get the City Council's authorization, by resolution, to do that. He will bring this back to the City Council at a later date. This is just the first step saying they will work with Draper Irrigation to make this happen.

[10:03:49 PM](#)

**10.7 Councilmember Walker moved to approve an agreement between Draper City and Draper Irrigation Company for the South Valley Reuse Project. Councilmember Summerhays seconded the motion.**

[10:04:36 PM](#)

10.8 Mr. Dobbins asked Mr. Smith to explain the benefit of doing this. Mr. Smith noted the residents of Draper will benefit from this, because they will be getting a higher quality of water than they are getting in their secondary system right now. They are currently getting Utah Lake water, which is not very good. This water will be treated and safe for human contact. It will not be approved for drinking. Mayor Smith commented that the real benefit will come to the west side of the community where they need it the most.

[10:05:38 PM](#)

**10.9 A vote was taken with Councilmembers Rappleye, Stenquist, Summerhays and Walker voting in favor. The motion carried unanimously.**

[10:05:48 PM](#)

**Councilmember Walker moved to adjourn the meeting due to exceeding the 10:00 p.m. hour. The motion failed for lack of a second.**

[10:06:25 PM](#)

**Councilmember Summerhays moved to continue the meeting after 10:00 p.m. Councilmember Rappleye seconded the motion.**

[10:06:31 PM](#)

**A vote was taken with Councilmembers Rappleye, Stenquist, and Summerhays voting yes and Councilmember Walker voting no. Motion passed.**

[10:06:40 PM](#)

**11.0 Resolution #13-51, Authorizing the adoption of the Amended and Restated Interlocal Agreement Adding New Member Agencies to the Salt Lake Valley Emergency Communications Center.**

11.1 Mr. Dobbins indicated this will amend the agreement between the City of Draper and Valley Emergency Communications Center (VECC). All of the participating Cities are adopting this new agreement to change how voting is done. It will now include Unified Police Department and Unified Fire Association (UFA). They will be able to vote as members of VECC and will have a weighted vote. There are some other minor changes in the agreement that does not really change anything else. Councilmember Summerhays asked whether Draper's vote even counts. Mr. Dobbins replied it does, and UFA has been very clear that their vote will be representative of Draper City. They will ask Draper City how they would like them to vote. There is a push to have one dispatch center, which would push all agencies to have one software program. That would make it better in responding to 911 calls.

[10:08:55 PM](#)

11.2 Councilmember Rappleye stated he has been following this, and he is on board with making this change. There has been some good information on the news about this and a lot of discussion.

[10:09:07 PM](#)

**11.3 Councilmember Rappleye moved, by resolution, to authorize the adoption of the Amended and Restated Interlocal Agreement adding new member agencies to the Valley Emergency Communications Center. Councilmember Summerhays seconded the motion.**

[10:09:18 PM](#)

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

## **12.0 Council Manager Reports**

[10:09:45 PM](#)

12.1 Councilmember Summerhays said he did not bring up the penalties and violations earlier when they were talking about amending Section 6-4-180 pertaining to alcohol licenses. He expressed his opinion that if a business was not able to sell alcohol for thirty days, it would put them under. He asked staff to bring this back to the City Council with a lighter penalty. He noted Councilmember Rappleye supports him in this, and there is no big rush to bring this back.

[10:11:48 PM](#)

12.2 Councilmember Rappleye noted Bill Becker recently spoke with him about reopening the dog area up on the mountain. Mr. Becker has done a lot of leg work in reference to this. He will probably come to speak to the Council about this issue before he formally gets it on an agenda.

Mayor Smith asked whether the Parks and Trails Committee were all in favor of this. Councilmember Rappleye responded that they are.

Councilmember Summerhays stated WaterPro did not have any objections to this area either. It was just getting them back on leash. This is a great place for a dog park.

Councilmember Rappleye continued saying Mr. Becker is recommending some minor changes that would be very inexpensive that would clarify the area. There has been some discussion about having a dog park in the city. One of the areas that has been identified is the one in Smiths Fields.

10:13:50 PM

12.3 Mr. Dobbins said he has made the changes to the crossing guard locations they talked about in the last meeting. He has notified the schools, and they have prepared a flyer for the students to take home. This is the last week there will be a guard at those crossings.

10:14:32 PM

12.4 Mr. Fox indicated staff sent the letter to the property owners on 700 East in reference to the fence reimbursement. The City has signed agreements with the Vance and Wilde families.

12.5 Mr. Fox then reminded the Council that with the SunCrest purchase there were six properties subject to greenbelt tax. The cost of the taxes was approximately \$700,000. Mr. Ahlstrom was able to get an extension on the taxes last fall. Mr. Fox noted he and Mr. Robbins went to Utah County, and they were able to get the properties listed under the exempt status. The City will not have to pay those taxes.

10:16:33 PM

12.6 Russ Adair, Assistant Police Chief, noted staff was asked to look at options for the parking on 13240 South between 245 West and 420 West. They have had a neighbor come in several times wanting the ordinance changed. Mr. Adair indicated that a few years ago the neighbors living in that area did not like the overflow parking from the apartment complex on their street. It caused traffic issues and noise, which is why the parking restrictions were put in place. It has been this way for three to four years, and it seems to keep most people happy. There are twenty-one residences on this roadway that are affected by this parking ordinance, and they have only had a complaint by one of the property owners. Mr. Adair then presented the options as follows:

- Leave the parking restrictions as they currently exist.
  - No parking on either side of street from 9:00 p.m. to 7:00 a.m.
- Change the no parking on both side of the street from 11:00 p.m. to 7:00 a.m.
- Institute some type of parking permit or a neighborhood pass to the residents in the area to park on the street.
- Remove the no parking signs on the north side of the street.
- Remove all of the no parking signs.

Councilmember Summerhays asked which option is the most popular. Mr. Adair responded the current ordinance appears to be working the best.

Mr. Dobbins noted that years ago when this was a problem, the residents asked for the current ordinance. He advised if the City was thinking of changing it, they would have to notify all of the neighbors to allow them to weigh in on it.

Councilmember Summerhays said that would be the fair thing to do. He expressed his opinion that if it is not broken, they should not fix it.

Mayor Smith stated it is important for the City to communicate with the resident that wanted the change. The City has listened to him and recognizes his concerns; however, they still think this is the best solution.

Mr. Dobbins said staff will contact the resident and make him aware of this decision. Staff will let the resident know that if he is able to get a consensus from the neighbors saying they want it changed, the City will consider another option.

[10:22:39 PM](#)

12.7 Mayor Smith indicated they do not have a meeting next week but there will be a town hall meeting on Tuesday, October 29, 2013. The topic will be "Preventing Child Abuse."

[10:24:19 PM](#)

**13.0 Adjournment**

**13.1 A motion to adjourn was made by Councilmember Stenquist and seconded by Councilmember Walker. The motion carried unanimously.**