

Approved 03/04/14

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 18, 2014, 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 Troy Walker, and Councilmembers Bill Colbert, Bill Rappleye, Jeff Stenquist, Alan Summerhays, and Marsha Vawdrey

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

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**Study Meeting**

**1.0 Dinner**

**2.0 Council/Manager Reports**

2.1 Mayor Walker stated the Leggetts previously came to a Council meeting to talk about the required improvements in their area. They are concerned that installing the improvements on their lot will cause flooding problems because the neighbors do not have the improvements installed. The Leggett’s would prefer to pay to have someone else install the improvements, because their bid was almost \$3,000 less than the City’s estimate; however, they are concerned it would lead to additional problems. Staff talked about potential options and indicated they would try to work things out with the Leggetts.

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2.2 Councilmember Stenquist noted he recently sent an email regarding the “Unplug Challenge”. This organization would partner with the local businesses in the city, and would work well in conjunction with Healthy Draper. People can earn “tags” for doing healthy things that could be used to get discounts at the local businesses. He asked whether the Council is interested in this program. The organization would be willing to come and do a presentation for the Council. The consensus from the Council was to look at the information at the League conference in April and decide if it is something they are interested in pursuing.

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2.3 Councilmember Summerhays asked about placing no trespassing signage in Suncrest near the Highland/Alpine border. David Dobbins, City Manager, noted there is signage up there.

Councilmember Colbert stated one of the problems up there is that there are gas line maintenance roads, and the small utility vehicles can drive on those.

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- 2.4 Mr. Dobbins reminded the City Council of the Retreat that weekend. They will meet for dinner and start their retreat Friday evening and will finish up on Saturday.

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- 2.5 Russ Fox, Assistant City Manager, noted they commissioned a land use firm to look at the property, and they came up with a concept land use plan to give a general idea of what could be developed on the prison property. The concepts have not been tested in the market. He then reviewed the renderings with the Council.

Councilmember Stenquist noted the GOP House Caucus was supposed to talk about the prison relocation that day; however, they talked about Medicaid expansion instead. They will talk about this on Thursday. He recommended Draper put this information out to the media by Thursday. Mayor Walker stated he plans to do that.

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**3.0 Presentation: Jordan River Best Practices**

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- 3.1 Laura Hanson, Executive Director Jordan River Commission, thanked Draper City for participating with the Jordan River Commission. She provided a Best Practices for Riverfront Communities brochure and explained the contents to those present. Ms. Hanson then noted they will be holding a two-day event on May 29<sup>th</sup> and 31<sup>st</sup> called “Get into the River”. On Thursday, the 29<sup>th</sup>, they will be having a cleanup and Saturday will be the celebration. They are working with corporate sponsors to have employees assist with the cleanup day. EBay is one of the big sponsors. She stated she would very much like Draper to be involved in the celebration. They have a small budget, possibly \$500, which can be used towards supplies if the City needed it.

Ms. Hanson advised the Jordan River Commission has applied for approximately twenty different grants, and they have a sixty-eight percent hit rate, which is really good. She noted they would be happy to assist Draper with grant writing. There are a few grants available at this time, which could be beneficial to the City. She noted they have been able to leverage every dollar contributed by the local governments into eight dollars for river corridor projects.

**4.0 Discussion: Safety of Pedestrians in the Right-of-Way**

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- 4.1 Police Chief Bryan Roberts reviewed the safety issues the City has been having with pedestrians in the rights-of-way as it relates to individuals soliciting money in the medians and along the roadways. He provided background information about this topic.

Draper City Code Section 14-6-180, *Obstruction of Traffic*, prohibits pedestrians from being in the street, which includes the median. It also states that the pedestrian cannot obstruct or prevent the free passage and use of vehicular or pedestrian traffic on the streets, sidewalks, and crosswalks of the city. The judge has said he would uphold this ordinance.

- 4.2 Glade Robbins, Public Works Director, displayed the locations and reviewed the costs for installing jersey barriers. He noted this is similar to what American Fork did to help solve their problem.
- 4.3 Chief Roberts indicated House Bill 101 is trying to address some of the Cities safety concerns. This will enact a State Code that would prohibit individuals from engaging in conduct that would impede or block traffic within certain roadways. That is consistent with Draper City's current Code. It would also prohibit individuals from soliciting money or goods in an aggressive manner on sidewalks within ten feet of an entrance or exit of a bank or automatic teller machine. Chief Roberts stated his recommendation is to enforce Draper City Code Section 14-6-180, to consider adding signage to the medians, and to potentially support HB 101.
- 4.4 Councilmember Rappleye noted he is in favor of painting the median rather than installing a jersey barrier to help mitigate the problem. Chief Roberts stated it is not his recommendation to install the jersey barriers. That is just something that another City did.

## **Business Meeting**

### **1.0 Call to Order**

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

### **2.0 Comment/Prayer and Flag Ceremony**

- 2.1 Scout Troop #931 presented the colors and offered the prayer.

[7:01:57 PM](#) - Prayer – Christian Witt

[7:02:35 PM](#) – Pledge led by Aaron Jackson

[7:04:54 PM](#)

### **3.0 Citizen Comments**

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- 3.1 Jeff Stenquist indicated that Draper resident, Kenzie Hall, is on American Idol. She will be performing tonight. He encouraged everyone to vote for Kenzie.

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**4.0 Consent Items**

- a. Approval of February 11, 2014, Minutes
- b. **Resolution #14-14**, Reappointing Brian Portman to the Tree Commission
- c. **Resolution #14-15**, Appointing Darrell Smith and Tad Draper to the Historic Preservation Commission
- d. **Resolution #14-13**, Appointing Scott McDonald as an Alternate to the Planning Commission
- e. **Agreement #14-19**, UT-WARN – Public Works Aid
- f. **Resolution #14-17**, Supporting the Relocation of the State Prison
- g. **Agreement #14-22**, Post-Closing Agreement for Steep Mt. Church

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- 4.1 Mayor Walker advised the City Manager would like to pull Item “g” from the consent calendar in order to discuss it.

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- 4.2 **Councilmember Rappleye moved to approve the consent calendar except for Item g, which has been removed for discussion. Mrs. Vawdrey seconded the motion.**

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

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- 4.4 Mr. Dobbins indicated Item g is the post-closing document that will finalize the purchase of the Steep Mountain Church property. There was a piece of information that was left out of the agreement, which needs to be added to paragraph 3. If the City Council wants to approve this agreement, that change needs to be added to the motion.

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- 4.5 **Councilmember Rappleye moved to approve agreement #14-22 with the added language. Councilmember Summerhays seconded the motion.**

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

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**5.0 Discussion: 13200 South Project – Derek Coulter**

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- 5.1 Derek Coulter, 1017 East 13200 South, noted he is here to follow up on direction from the City Council and Mayor back in October 2013. The Council directed the neighbors to meet with Council and staff to try to work on a compromise for the road width. The

neighbors were told that no final decision had been made. The City indicated they would prefer to reach an agreement with the neighbors to see if there could be a compromise that would work. The neighbors met with the City representatives and completed every issue the City had asked them to do at that point. When they concluded their meeting in November, there was an agreement that the City Engineer would provide the neighbors with an amended proposal for the road width. The neighbors were waiting to see the agreement, and the next thing they heard was that the City Engineer was going back to the original plan and would not do anything further. The neighbors are concerned that this negotiation process was not done in good faith. They have several instances in the last year where the neighbors were told that the City would work with them, but then they find out the City has already made a decision, and then later learned that the City had not made a decision. There are four instances of this. The residents are just asking to be involved with this process and try to come to a consensus. They are experiencing what they perceive as a lack of cooperation on behalf of the City. The neighbors do not want to work against the City on this issue, but they are feeling that they were ignored. The City will now have to initiate condemnation actions against the remaining property owners, which will force lawsuits and increase costs for the City. This is completely unnecessary. The neighbors would much rather work with the City than against them. He assured the Council that the neighbors have been very reasonable in what they are asking for. He asked the Council to go back with the original plan, provide the amendment to the neighbors, and see if they can work with a consensus in order to get the project started in the spring.

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5.2 Shari Moore, 1083 East 13200 South, noted her personal perspective is that the neighbors did everything the Council asked them to do, but the City did not hold up their end of the deal.

Councilmember Summerhays clarified that from day one, he has agreed with the City Engineer on this project. The City was looking in terms of safety and that is what he is focusing on.

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5.3 Mayor Walker indicated this was a discussion item. The City has held a number of public hearings in reference to this project. The item tonight was just for a discussion and no action would be taken.

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5.4 Councilmember Stenquist stated they heard one point of view tonight, and he wanted to set the record straight. The Council has held many public hearings in reference to this issue. He noted that back in October, the Council did ask the neighbors to meet with Council and staff to try to come up a proposal. There might have been a misunderstanding, but the City tried to make it very clear that this was a chance to have a few people give additional information. It was not a negotiation, and the Council and

staff that met with the neighbors did not have the authority to represent a decision on behalf of the entire Council. Their mandate was to meet with the residents and bring back that proposal to the rest of the Council for a decision. The Council discussed the proposal in an open meeting. He is not sure how that meeting was noticed or communicated to the residents, but the Council had that discussion and provided direction to staff. The City Engineer received clear direction from the Council on how to proceed with this project. The Council is glad the neighbors came back and provided additional information, but the Council chose to go in the same direction they had previously chosen. There are few issues that he is aware of, where the Council has spent as much time listening to the residents as they have on this issue. The City made sure they really understood the issues. They debated every aspect of this decision such as the stop sign or traffic light versus the roundabout in the intersection. They talked about traffic, school crossings, park strips, sidewalks, and everything else they could think of. The Council Members various opinions shifted over time. He said his opinion shifted many times over the various items, but at the end, the Council arrived at a consensus. From his perspective, that is how he sees this process has proceeded to this point. He stated he understands that not everyone is going to be happy with this decision, but Councilmember Stenquist said he feels this has been a very open process with the neighbors. The City might have failed to communicate back with the residents on what the final decision was. He apologized for that.

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5.5 Councilmember Rappleye advised this was a very difficult situation. The Council went back and looked at all of the factors involved in making this decision. He was of the understanding that the neighborhood received the information from the group of people. In the end, there were many factors that brought the Council to the final decision on the width.

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5.6 Councilmember Summerhays noted the narrower width was discussed; however, it was determined that it was not the best option for safety. The Council had a good discussion on the width, and he invited those interested to listen to the recording of the meeting.

## **6.0 Presentation: David Mast Proposal**

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6.1 David Mast, developer, stated this matter concerns the community detention dam in Upper Corner Canyon and some ground he dedicated to Draper City twelve years ago to allow access to Upper Corner Canyon for a public trail. The City at that time wanted a sixty-foot wide access, and he agreed to set aside that amount and dedicate it to the City. This area bisects another ten acres he donated to the City, which will be used for the Suncrest community dam. Mr. Mast said it is important to note that it was known that this dedication strip would have to be shifted or tweaked. He displayed pictures of the area in question. Mr. Mast then indicated the developer at the time brought in approximately \$600,000 of imported fill dirt. He suggested that the fill from the detention basin be used

elsewhere. He stated he will just give the fill to the City. However, he would like to see approximately half of the fill be used for widening the sixty-foot access he spoke of earlier. Mr. Mast indicated an engineer prepared a removal sketch, and David Decker, previous Community Development Director, looked at it. Mr. Decker had advised it was okay; however, it was missing some requirements such as a silt fence. Mr. Wolverton is aware of the other requirements. There is 25,400 yards of fill, which is worth approximately \$600,000. Mr. Mast noted it would cost the contractor building the dam about \$30,000 to move the fill to the dam and to widen the road.

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6.2 Mayor Walker clarified that Mr. Mast would like to donate the fill to the City with the condition that some of it be used to build the dam and to widen the proposed road.

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6.3 Mr. Mast agreed. He noted the proposed road is a public road. He recommended they build the top of it to the width. It makes good sense to do it all in one shot. Any of the fill left over can be used in building the community dam. This is a savings to the City.

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6.4 Councilmember Summerhays asked whether this is contingent on Zion's Bank using this. Mr. Mast said Zion's Bank did write a check out to Draper City years ago for this purpose.

Mr. Mast then displayed a map showing the area of property that he donated to the City twelve years ago. That area is recorded with both Salt Lake and Utah County. Mr. Wolverton has a problem with the proposed area. He said he would like a Memorandum of Understanding that would allow some changes to be made.

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6.5 Mayor Walker noted the Council will take this information and work with staff. The City will get back with him on it.

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6.6 Mr. Mast displayed the property he donated to the City for the community dam. He pointed out that the road will continue to the north, and connect to the existing Upper Corner Canyon road.

**7.0 Action Item: Resolution #14-11, Appointing the Draper City Treasurer**

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7.1 Mr. Dobbins indicated the prior City Treasurer left approximately one month ago for an opportunity with the Salt Lake School District. The City went through the hiring process and has offered the position to Kimberlee Beck. She has some really valuable experience that will help the City. This position helps make sure the City is compliant with State law, Government Finance requirements, monitors bonding, and assists with budgeting.

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**7.2 Councilmember Summerhays moved to approve Resolution #14-11, by appointing Kimberlee Beck as the Draper City Treasurer. Councilmember Rappleye seconded the motion.**

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

**8.0 Public Hearing: Ordinance #1084, For Approval of a Zoning Map Amendment from RA1 Residential to OR Office Residential Located at 309 East 13800 South. This application is otherwise known as the Miller Rezone.**

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8.1 Dan Boles, Planner, noted this is a request to change the zone from RA1 to the OR zone on property located at 309 East 13800 South. He displayed pictures of the area in question. The Land Use Map calls for Residential Low/Medium density in this area. He reviewed the application and listed the pros and cons in reference to this request as follows:

Pros:

- Both 300 East and 13800 South are collector streets, and the OR zone is a buffer zone

Cons:

- Does not conform to the General Plan
- Commercial cut off has always been 300 East

Mr. Boles indicated there could be a single-family residence on this property. The Planning Commission has forwarded a positive recommendation for this application.

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8.2 Councilmember Summerhays asked whether the road tapers down going east on 13800 South. Mr. Wolverton stated it does taper down approximately six feet on both sides.

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

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8.4 Lisa Wilcox, 366 East 13800 South, noted she lives kitty-corner from this proposal, and it already takes her a long time to get out of her driveway. It is difficult to turn left on 13800 South from 300 East to get into her driveway, and she cannot image any more traffic through the area. The Wheadon open space has a plan to put in a road on the west side of her property line, which will bring even more traffic. She expressed concern with changing the Master Plan for one person when it will cause problems for all of the neighbors. The owner of this property purchased it for \$250,000 when property sales

were a lot higher. She invited the Council Members to come to her collector street and try to get out of her driveway.

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8.5 Matt Collier, 366 Brown Farm Lane, advised he owns his home, and it borders the subject property. There are many residents of this community that have multiple concerns and valid arguments against this proposal. He wanted to highlight three specific points found within the Draper General Plan. He read from the General Plan concerning promoting the interest of all persons and the reasons to rezone the property. He expressed his opinion that this does not protect this neighborhood from commercial encroachment and indicated there is no sound reason to rezone this property. He purchased his home in this area after doing proper due diligence. He fully knew what the zoning was around his property. He trusts that the Miller's invested in this particular property knowing the current zone. He asked the City Council to base their decision on facts and asked them to remain true to the integrity of the Master Plan and not allow this zone change. He also asked them not to set a precedent by allowing investors to purchase residential property with the intent to request zone changes to maximize their return.

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8.6 Sharlene Miner, 328 East Brown Farm Lane, expressed concern that the Planning Commission did not held to the integrity of the Master Plan. The Salt Lake County website states that once zoned commercial residential or office residential, that property could have a building as large as 20,000 square feet. Additionally, it could have a home as large as 8,000 square feet and an accessory building. The City might think they can control what is built on this property once it is rezoned, but it is only a matter of legalities that the owner would be able to build the maximum stated on the Salt Lake County website. She stated Mr. Boles indicated there would be thirty-five vehicle trips each day with the office. She said she is a physician and works in an office. It is very easy for one physician, with much less than 20,000 square feet, to see forty patients each day. That would be eighty trips per day. If there are two dentists, two physicians, two attorneys, etc. they have greatly multiplied the traffic in and out of that corner. She expressed her opinion that it does not make sense to put a patchwork of offices amongst the residential.

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8.7 Rosemary Thomas, 13703 Brown Farm Lane, noted she left the Planning Commission meeting last month very disappointed that they had approved the zone change. Her family moved to Draper eleven years ago, and they did their research in order to become informed buyers. She wants to keep the surrounding areas as they have been planned as residential. It is already in the General Plan to have a residential buffer on the west side of 300 East, and that should continue on to the east side and north side. This property is very viable as residential. Holmes Homes has built new homes across from this location, and there is no reason that other homes would not sell. The Miller property does not have any commercial uses next to it. She asked how the City will prohibit commercial creep from going further east if they allow this change.

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8.8 Marcia Day, 369 East Corner Bridge Lane, advised she is a firm believer in the Master Plan and believes it should be thoroughly weighed before the Master Plan is ever changed. There are many undeveloped parcels in the city, and it is the responsibility of the citizens and Council to make sure the parcels are developed in a responsible way. Some parts should be commercial and some should be left as residential. The whole section east of Bangarter Highway was supposed to be residential. There have been many developers that brought different proposals to the Council to have the area changed into commercial, and she has been involved in many of those. This Council has always been of the mindset that this area should be residential. It does not necessarily have to be an RA1 zone, but it should be a buffer area for the homes that have come in based on the Master Plan. The buffer zones are important for the existing residents to protect their homes, neighborhoods, the safety of the children, and the schools in the area. Channing Hall is located just north of this area. Many of the children in this area walk to that school, and the traffic along 300 East is very difficult to get through in the mornings. The area along 300 East and up 13800 South is really a part of the historic Draper. There is a conservation easement directly across the street from this proposal, and making this area commercial does not seem consistent with the area of Draper they are talking about. Many of the neighbors purchased their homes based on the Master Plan zoning in the area. This area is part of historic Draper and this proposal does not seem consistent. It would also affect the property values of the homes in the area. Her concern is particularly for the corporate sprawl and this setting precedent for commercial moving further east. She encouraged the City Council to deny this request.

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8.9 Roger Dransfield, 13651 South 300 East, noted he remembers another business that wanted to go into this property called the Hearthsmith Ranch. It was denied because it did not fit with the Master Plan. He wanted to add his voice to those that want to keep this area as residential.

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8.10 Michael Moushey, 13681 South Farm Hollow Lane, noted he is against this zoning change because it goes against many of the established policies as set forth in the General Plan. Specifically in avoiding individual and special interest groups needs, protecting established neighborhoods, and preventing the encroachment of rental properties. In 2013, the property was valued at \$193,500, and up until December 2012, the property had been listed at \$300,000. He asked the City Council to look at the neighbors' needs rather than just the one individual's needs.

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8.11 Melodie White, 409 East Mapleton Court, noted she and her husband are long time residents of Draper. They love Draper for many reasons. They purchased a home in Lone Peak Maple Court last year after two years of looking. They did a lot of research and even talked with City staff before making their purchase. The City has a Master Plan for a reason. The plan serves as a guide for development, and it states that commercial

zoning ends on the west side of this street. Everything directly around this property is residential. She said she does not know the intentions or purpose of why this property was purchased, but that should not matter. The fact that it was purchased with the same information that was available to anyone and everyone that was willing to research the Master Plan. She said she feels bad for someone that cannot or will not sell their property for what they hope for or need, but one person's financial situation should not affect the rest of the neighbors that carefully researched and invested in their properties. As homeowners, she and her husband were responsible for their decisions regarding their property, which is the same for the Miller's and their property. It is also the same for the City and its integrity of following the Master Plan.

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8.12 Lane Lewis, 13726 South Brown Farm Lane, indicated this property is in his backyard. He expressed his concern with the traffic situation. He has small children, and the increase in traffic causes him concern. He and his neighbors understand that sometimes the Master Plan needs to be changed, but it is usually done for the good of the community. This application does not serve the good of the community. The property owner had originally wanted to subdivide the property into two parcels. He would much rather him be allowed to do that and put two residential units on that property than the proposed office space. Mr. Lewis said he is not sure if this is possible or not, but if the City is willing to change the Master Plan for this application he is not sure why they cannot change other rules as well.

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8.13 Josh Miner 328 East Brown Farm Lane, noted he is a lacrosse player, and when he shoots at his goal, the ball goes into this proposed property. He expressed concern that his lacrosse balls would damage the building or cars if this were approved.

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8.14 Mark Hashimoto, 526 East 13630 South, stated he goes through this intersection several times a day, and the traffic count at this intersection is extremely high. He advised this property is on the corner of two very busy streets, which is why this parcel is no longer suitable for residential property. The proposed buyer of this property is a dentist and wants to build an 8,000 square foot office. The dentist indicated he has three patients per hour, which would not cause more of a traffic problem, and he is closed at 5:00 p.m. This use would not have a significant impact to the neighborhood. Mr. Hashimoto indicated many of the neighbors that are complaining about the zoning are not the ones that have the frontage on 300 East and 13800 South. These people are behind this proposal. The impact on these people would be even less. He noted this is the perfect type of use for this parcel. There will be no extra traffic on the weekends or after hours and is very suitable for this piece of property.

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8.15 Brett Armstrong, 416 Brown Farm Lane, said he called the number listed on the for sale sign on this property and was told it was under contract for \$325,000, and it was contingent upon the results of this meeting. That is a financial gain for the property owner. Mr. Armstrong disagreed with Mr. Hashimoto's remarks. He expressed his opinion that this would cause a detriment to the surrounding homes. The neighbors are concerned that this will decrease their property value. The profit of one individual should not be to the detriment of many others.

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8.16 Wendy Lamping, 421 Brown Farm Lane, advised she knows people that live on 300 East and 13800 South that would be impacted by this use. Ms. Lamping asked whether the City would do whatever it takes in the future to make the changes necessary to ensure she could sell her property. She noted that is an ignorant question, but it is not unlike that of what the Millers are asking. She noted there is no guarantee that the building being proposed will be a 7,000 to 8,000 square foot building. It is allowed to be 20,000 square feet.

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8.17 Fernando Pessoa, 914 West March Brown Drive in Riverton, noted he purchased a dental practice from Dr. Randy Steadman on Pioneer Road in Draper. He noted he is not a big investment guy that wants to build a big investment property in the middle of a neighborhood and then leave. He is here for the long term, and his patients are Draper residents. He has a drawing of his proposed building that looks like a rambler house. The OR zone specification does not allow him to build anything different. For those concerned about the traffic, that is a non issue because this is a small dental office. He understands there is political pressure on decisions like this. The Mayor and his wife live close by this neighborhood. This use is a great buffer for the residential because it is on the corner of two busy collector streets. He asked the Council to look at this application with an unbiased view.

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8.18 Natalie Rogers, 382 Brown Farm Lane, noted the last couple of speakers have tried to impress upon the Council that no one wants to live there. The Holmes Homes development directly across the street has been very successful in building new homes that have been selling very well. Lane Lewis had a good idea to change the zoning to allow two lots rather than one is better than this parcel going commercial. The bottom line is that it makes no sense to allow commercial across 300 East. It gives the City a patchwork look and would be embarrassing for the City of Draper and the residents. She expressed support of keeping the zoning as residential and following the Master Plan.

[8:24:31 PM](#)

8.19 Troy Wolverton, City Engineer, clarified that the width of both 300 East and 13800 South are 74 feet and there is a center median on both roads. He wanted to be clear on that. To

the west on 13800 South, it will have a 100-foot width as they transition to the dual left turn lanes at 13800 South and Bangerter.

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8.20 Bill Miller, applicant, stated the comments made this evening are very interesting. He said he wishes he had bought the property for what the neighbors said he did and that he could sell it at the price they gave also. He noted this property has been marketed for several years now. The maximum size of a building allowed in the OR zone is between 8,000 to 9,000 square feet because they are required to have between 3 and 4 parking spaces per square foot. The maximum height allowed is 24 feet. This will not be a two-level building, it will not be 20,000 square feet, nor will it have multiple businesses inside. The amount of traffic flow this use will generate will not be much more than there is now. Once the soccer fields and ball parks are put in across the street, the traffic from this use in will be minimal in comparison. He advised he has had many people look at this parcel for commercial uses. The home of this lot was built in 1888, so it has historic value. Draper has a Limited Commercial designation for situations like this, so someone could be a business in the existing house. The ability to have a business in this location is already there; however, the house is only 997 square feet and would require too much renovation to make it work. Master Plans change. When he first moved to Draper, a home could not be built on less than 5 acres. It was then changed to 1 acre. Everyone in the Brown's Farm neighborhood needs to realize that the Master Plan had to change in order for them to even live there. The neighbors were okay with the condition of the lot when they purchased their homes, and Mr. Brown has since cleared the lot of debris and old buildings. He has done a lot to improve the area. There is a lot of traffic in the area, and it is just going to increase. That makes this lot unsafe to build a home with children. He expressed his opinion that the OR zone is the perfect solution for this lot, and the use will not create more of a traffic issue.

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

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8.22 Councilmember Stenquist recommended the City Council allow this item to follow its normal course. Mr. Dobbins clarified that this item would be considered at the March 4<sup>th</sup> City Council meeting.

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9.0 **Action Item: Considering the Approval of a Preliminary Plat for a 44-unit Townhome Development on 3.9 acres in the RM2 (Residential Multi-Family) Zone Located at 13433 S. Minuteman Drive.**

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9.1 Councilmember Vawdrey indicated she made a motion and voted on this issue when she was on the Planning Commission. She recused herself from the discussion and vote.

*Councilmember Vawdrey left the meeting at 8:32 p.m.*

[8:32:44 PM](#)

9.2 Mr. Dobbins indicated Councilmember Summerhays had some questions about the access, but he had to step out of the meeting. Mr. Dobbins asked the Council to take a short break to allow Councilmember Summerhays to be a part of the discussion.

[8:32:53 PM](#)

9.3 *Mayor Walker called for a break at 8:32 p.m.*

[8:40:22 PM](#)

9.4 *The meeting resumed at 8:40 p.m.*

[8:41:04 PM](#)

9.5 Keith Morey, Community Development Director, indicated this item is back on the agenda for Council consideration. He displayed a map showing the overall concept plan of the area. At this point, staff feels the adjacent property owner does have access to his property.

[8:42:33 PM](#)

9.6 Councilmember Summerhays asked how wide the access section is. Mr. Morey noted it is twelve feet. There are other potential accesses; however, that is not part of this discussion. This plat meets the requirements of the City Code, and the Planning Commission has forwarded a positive recommendation to the City Council.

[8:43:21 PM](#)

9.7 Mr. Dobbins noted staff has looked at this item. He wanted to clarify that the City is not changing any access nor are they taking away an access. Ideally when someone purchases property, they have all the access they need for the future to accommodate whatever project they plan on having. In this case, the adjacent property owner does have access, and this action is not changing what they currently have. He does not feel that the City would be changing the value of the property because they are not changing anything.

[8:44:26 PM](#)

**9.8 Councilmember Stenquist moved to approve the preliminary plat for the Draper Creekside Townhomes. Councilmember Summerhays seconded the motion.**

[8:44:44 PM](#)

9.9 Councilmember Stenquist stated he understands the concerns of the adjacent property owners; however, after consulting with the City Attorney, it is not the City's responsibility to require access to the adjacent property through this one. The plat meets all of the standards, and he does not have a problem with it.

[8:45:14 PM](#)

9.10 Mayor Walker clarified that Mrs. Vawdrey recused herself from this item because prior to her being on the City Council she actually voted on this item as a Planning Commission member. She does not have a personal or professional conflict with the applicant or this property.

[8:45:45 PM](#)

**9.11 A roll call vote was taken with Councilmembers Rappleye, Stenquist, and Summerhays voting in favor. Councilmember Colbert voted no. The motion carried with a majority vote.**

*Councilmember Vawdrey returned to the meeting at 8:46 p.m.*

**10.0 Public Hearing: Budget Amendments**

[8:48:05 PM](#)

10.1 Bob Wylie, Finance Director, reviewed the budget amendments, which included:

- Purchase of Replacement Vehicle - \$34,388.66 - Reimbursement
- Transfer Funds to Remodel Passport Office - \$10,000
- Grant Award National Trust Preservation Fund – Historic Preservation - \$5,000

[8:51:47 PM](#)

10.2 Mr. Dobbins noted there are members of the Historic Preservation Commission in attendance. This is a \$5,000 grant from the National Trust, and it would need to be matched by \$5,000 of City funds. The City funds are currently already appropriated to the Historic Preservation Commission. He turned the time over to the Historic Preservation Commission to talk about the use of the funds.

[8:52:23 PM](#)

10.3 Darrell Smith, Historic Preservation Commission, noted the commission is not asking for new money. It is part of their existing \$10,000 budget. He thanked Katie and the other commission members for applying and supporting this grant. The Commission is looking forward to using the funds to do a professional study of the Park School to determine the needs, uses, and possibilities for the building. This building has been talked about for many years, and this is the right way to go at this time. Mr. Smith then read a letter from Erva Smith who was a previous member of the Historic Preservation Commission. The letter was written in 1996 and voiced the Commission's opposition to the demolition of the Park School. He expressed his opinion that they would be able to find more interest for this building if they have this study done. The interested parties will gain more confidence that the City is serious in finding a use for this facility. Mr. Smith displayed a brick he had kept from the yellow brick recreation hall. He encouraged everyone to remember the past and to work hard to accomplish this together.

[8:59:47 PM](#)

10.4 Mr. Wiley continued with the budget amendments as follows:

- CompuNet Services - \$13,999 - Expenditure
- Storm Drain Runoff - \$8,650 – Reimbursement
- Walmart Foundation Fund - \$1,000 – Donation
- Knights of Columbus - \$1,500 – Donation
- Steep Mountain Park Improvements - \$981,407
- American Preparatory Pass-Through from GOED - \$250,000
- Street Improvements 11950 South Reimbursement from GOED - \$1,127,720
- Enterprise-Wide Software System - \$578,900

[9:06:31 PM](#)

10.5 Mr. Dobbins explained this is a large dollar amount, and staff has been reluctant to bring this to the Council due to that reason. However, the City currently has so many different software packages within the same department, which causes a lot of difficulty. Some of the software being used is no longer being maintained by the company that created it, so there are many reasons why the City wants to do this. It is something that should have been done quite a while ago. Draper is one of the few Cities left that does not have a comprehensive financial software program that allows staff to budget properly. The City has struggled in some cases to make sure that all of the projects are tied back to the financial software. The City has the ability right now to use one-time revenue sources that have exceeded the budgeted revenues from last year to purchase this software. It will make it much easier to fill GRAMA requests and to make it so the developers can view the status of the building permit. The company the City is looking at has done the data conversion for many of the Cities in the area, so he has confidence in their ability to do it for Draper.

Councilmember Stenquist expressed his opinion that this is really needed and will help with providing better customer service.

Mayor Walker noted the City currently prepares the budget using Excel spreadsheets. This will be more efficient.

Councilmember Rappleye asked whether this is a per user base. Mr. Wiley explained the City will have a number of licenses for each module. It is customizable.

Councilmember Rappleye then questioned whether the software will be supported long term, updates available, and cost per year. Mr. Wiley noted there will be an annual maintenance fee, and those fees will include any updates to the software as well as support. The company Draper is looking at is a nationwide company that has a large support system. The annual maintenance fee will be approximately \$70,000.

Mr. Dobbins indicated that one of the struggles has been that Draper has always tried to purchase software on the lower end of the scale. They are typically smaller companies, and some of them have gone out of business. What the City is trying to do now is to go with a large company that has been around for a long time, that will continue to be around, and that has done this for other cities.

Councilmember Summerhays asked whether the guys will be able to print out their activities from their vehicles with this software. Mr. Wiley advised they will if they have the information on their iPads or tablets. The first module staff is planning to implement in the EnerGov for the building department. After that, they will work on HR and the financial.

[9:16:27 PM](#)

10.6 Mr. Wiley stated the additional budget amendments include:

- Police Settlement Agreement - \$86,439.60 - Reimbursement
- Storage Shed at the Day Barn - \$4,500
- Public Works Streets – Option A (\$910,000) Option B (\$311,500)

[9:18:27 PM](#)

10.7 Glade Robbins, Public Works Director, explained this is for the GAP Project for the I-15 Reconstruction between 12300 South and Lehi. The betterments include:

- Widening five feet on each side of Minuteman that would accommodate bike lanes.

Mr. Dobbins explained the Utah Department of Transportation (UDOT) is doing this different than they have in the past. They now require Cities to budget upfront for the betterments they want rather than paying as they are finished. Minuteman is a State Road, so he feels UDOT should pay to widen that road as part of the project. He indicated he will continue to push UDOT to increase the width as part of the project before they start the widening, but if they will not, this is money well spent.

Mayor Walker indicated the Utah Transit Authority (UTA) has contributed money for the overpass to anticipate the moving of the prison and Trax and Light Rail coming through the prison site and up 14800 South to tie into the line up here. They are going to start looking at that right now. He agreed that it is money well spent.

Mr. Dobbins clarified that staff is giving the Council two options for the betterments. One is to do all of the improvements. The second is what the City needs to do today to preserve options for the future if the City wants to do it themselves to save money.

Mr. Robbins continued reviewing the betterments as follows:

- Artwork \$60,000 or Preparation for Future Artwork \$20,000
- Culinary Waterline Crossing
  - Complete \$250,000
  - Casing Only \$135,000
- Landscape at 14600 South Interchange
  - ¾ cost estimate \$150,000
  - Sprinkler Sleeves Only \$6,500
- Highland Drive Widening \$300,000
  - Staff feels UDOT should take care of this

Mr. Robbins indicated staff is recommending Option B for now, and UDOT needs this decision by the first of March.

Councilmember Summerhays stated he agrees with this, but a lot of this should rest on UDOT. He is in agreement with much of this, but he is with Mr. Dobbins on UDOT's responsibility.

Councilmember Stenquist asked whether UDOT will be doing anything to Bangerter as part of this project. Mr. Dobbins said he believes they are including an extra lane from 12300 South to Bangerter as part of this, but he is not sure that is part of the final plan.

[9:29:10 PM](#)

10.8 Mr. Wiley advised the last budget amendment is on the staffing chart. Staff is adding purchasing agent to the City Treasurer title, and they are proposing a change to the GIS.

Mr. Dobbins explained they are proposing to take one of the GIS positions and make it a GIS manager. The GIS Program keeps expanding, and they want it to keep expanding into more areas such as sales tax revenue. They need someone to manage that whole program. The City is not adding a new position. They are just looking at taking one of the existing employees and making them a manager.

Mr. Wiley noted that final staffing change is to add the two new school resource officers into the full time employee count under the Police Department.

[9:30:26 PM](#)

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

[9:30:37 PM](#)

10.10 Shawn Benjamin, 360 West 13165 South, jokingly welcomed the proceeding Mayor, Darrell Smith, to the right side of the pulpit. He questioned the police reimbursement. He wondered if the reimbursement had been accounted for and if not, whether it could be used to fund future responsibilities of the Police Department to prolong the stability of that budget.

[9:31:50 PM](#)

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

[9:32:01 PM](#)

**10.12 Councilmember Rappleye moved to suspend the rules. Councilmember Summerhays seconded the motion.**

[9:32:18 PM](#)

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

[9:32:30 PM](#)

**10.14 Councilmember Rappleye moved to approve the budget amendments as presented. Councilmember Stenquist seconded the motion.**

[9:33:02 PM](#)

10.15 Councilmember Rappleye commended Mr. Wiley on these amendments. He indicated he is glad the City is moving to the new software. That has been needed for some time.

[9:33:18 PM](#)

**10.16 Councilmember Colbert moved to amend the motion. He said he does not know what the City will gain by continuing to study the Park School. He moved to strike the \$5,000 grant for the Park School. The motion failed for lack of a second.**

[9:34:38 PM](#)

10.17 Mr. Dobbins clarified that the Council needs to include in the motion whether they would like to go with Option A or B for the Betterments.

[9:36:00 PM](#)

**10.18 Councilmember Rappleye moved to amend his motion to approve the amendments as presented and by choosing Option B for the UDOT items. Councilmember Vawdrey seconded the motion.**

[9:36:39 PM](#)

**10.19 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, and Vawdrey voting in favor. Councilmember Summerhays voted no. The motion carried with a majority vote.**

[9:37:40 PM](#)

10.20 Councilmember Summerhays stated he understands where Councilmember Colbert is coming from with regards to the money for the Park School. He did not respond fast enough on that, but he agrees that it does not make sense to put more money into that project.

## **11.0 Discussion: Communities that Care Program**

[9:38:27 PM](#)

11.1 Chief Roberts advised he is excited to introduce a program to the City Council that he would like to bring into the Police Department. This program is called Communities that Care and it adopts a model that will reduce risk factors and behaviors of the youth in the community. He noted this is a community-wide effort. He introduced advocates of Drug Free Draper who are interested in that program morphing into the Communities that Care--Dr. Kathy Bitner, Summit Academy; Kit Curtis, Prevention Coordinator for the Salt Lake County Division of Behavioral Health Services; Ben Reeves, Prevention Program Manager of the Division of Substance Abuse and Mental Health; Amy Frandsen, Certified Health Education Specialist at Center for Substance Abuse and

Prevention; Jason Clark, Edward Jones financial Advisor; Christine Wirthlin, Willow Springs Elementary teacher; Doug Murakami, Alcohol Education Director for Department of Alcohol and Beverage Control and the chair of Parents Empowered; Gaile Dupree, Drug Free Draper Coalition; and Michelle Palmer, Corner Canyon Equestrian Center. Chief Roberts explained this program is about research and data analysis that is geared towards reducing risk factors and risk behaviors in the youth in the community. Communities That Care is a nationwide prevention program. There are many communities in Utah that have adopted this program such as Payson, Tooele, Bountiful, South Salt Lake Police department. Chief Roberts then reviewed the various phases of the program for the Council. The fiscal impact for this program will be \$30,000 annually. The Council previously adopted a budget of a \$10,000 line item for this program. The State and County have each agreed to pay \$10,000 for this program as well. They have both offered a three-year funding cycle for this program. The breakdown of the funds includes:

- \$24,000 salary
- \$6,000 operating expenditures

Chief Roberts noted the funding is in place. They are just waiting for the State and County to sign the interlocal agreement.

[9:51:14 PM](#)

11.2 Councilmember Rappleye asked Chief Robert to reach out to the Utah Crime Prevention Council. He and Pat Evans are a part of the advisory committee. This year they have been working with the Legislature to prevent legalizing the use of marijuana.

[9:52:15 PM](#)

11.3 Councilmember Colbert noted Draper is a strong supporter of DARE. He asked how this will integrate or strengthen the DARE Program. Chief Roberts stated they work really well together. The Communities That Care Program is more comprehensive and has more collaboration. The DARE Program teaches the curriculum in the schools. They feed well together.

[9:54:05 PM](#)

11.4 Councilmember Stenquist expressed appreciation to those present for coming to present their support of this program. This is important, and he likes the concept and the measuring of the results. He has teenage children and sees the need to provide a support system for them.

[9:55:32 PM](#)

11.5 Councilmember Rappleye noted one of the critical things in going forward is the confusion of some of the states legalizing marijuana. There are electronic cigarettes now, and people are working on using oils in the electronic cigarettes. One of the unintended consequences of this is that the drugs stay in the system longer and the people can be charged with DUI a week after they have used these items. People will start thinking it is okay because they have been made legal.

[9:57:38 PM](#)

11.6 Mayor Walker clarified that this is a \$30,000 annual program for the person they are going to hire. He asked what the go-forward plan will be in three years when this funding drops off. Chief Roberts indicated the goal of this is that this program will become self-sufficient in three years. They want people in the community to see the value of this program.

Mayor Walker said he is supportive of this program because of the data that backs it up. He said he likes the idea of this program being self-sufficient in three years. That has to be a priority.

[10:00:47 PM](#)

\*\*\* **Councilmember Summerhays moved to extend the meeting past 10:00 p.m. Councilmember Colbert seconded the motion.**

[10:01:06 PM](#)

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

**12.0 Discussion: Traverse Ridge Special Service District Salt Dome**

[10:01:55 PM](#)

12.1 Russ Fox, Assistant City Manager, briefed the City Council on the proposed salt dome at SunCrest. He noted the payback on this proposal is 21 years. There is not a lot of cost savings because the trucks would still have to go down the hill to get gas. Staff did look into having a fuel station on the hill. This adds approximately \$40,000 to the cost. One of the things this does not show is the number of employee hours involved in refueling and reloading down the hill. There is an additional safety factor by having the station on the mountain.

[10:07:00 PM](#)

12.2 Councilmember Colbert asked whether there is any way to quantify the improvement of service that would happen with the proposed salt dome. Mr. Fox noted part of the analysis does address the number of man hours involved. It is difficult to quantify the safety issues or the response mobilization time. They would not have anyone staying at the substation at night.

[10:12:33 PM](#)

12.3 Mr. Fox indicated the \$1.6 million the City has set aside from the Traverse Ridge Special Improvement District (TRSSD) for this project can also be used for necessary road maintenance. He asked the Council whether they wanted staff to move forward with the salt dome proposal. The proposed salt substation is \$1.6 million. They can do an actual salt dome for \$250,000.

Councilmember Colbert noted he is not sure the salt dome meets the architectural guidelines for SunCrest and he is not sure the City is or should be exempt from that. He expressed his opinion that there should be a public process up at SunCrest. The City will need to sell the benefits for this. From a life safety issue, he thinks this is a benefit.

[10:15:40 PM](#)

12.4 Councilmember Summerhays noted he has bought 500 gallon fuel tanks for \$500. They are used, but they are very inexpensive.

[10:16:05 PM](#)

12.5 Mr. Fox noted the fuel station would have a 1,000 gallon tank that is self-contained. Staff had to look at this carefully because this is on a landslide area.

[10:16:49 PM](#)

12.6 Councilmember Colbert stated this building would be plumbed for natural gas. He would like to see the City moving towards having CNG vehicles. Questar has grant opportunities for this sometimes.

[10:17:31 PM](#)

12.7 Councilmember Stenquist stated this is a good idea. He questioned some of the numbers previously but he is comfortable with the analysis. He asked whether this changes the personnel costs.

Mr. Wiley noted they took into account the hourly wage of the staff and projected that overtime. Mr. Fox advised that information is on the spreadsheet.

[10:20:19 PM](#)

12.8 Mr. Dobbins advised staff would like to meet with the SunCrest residents and gather their feedback. Staff will bring the results back to the Council for review. The City Council will then have to decide whether they want to move forward with this project. He asked whether the City Council would be holding a public hearing to take input from the residents on this issue.

Councilmember Colbert noted he is not sure they need a public hearing; however, they do need an information meeting, and they need to take public input. The Council needs to address the concerns. People have a valid concern and if they do not think the pay off makes sense, the City should be able to explain why they are moving forward if that is the direction they decide to go.

[10:22:06 PM](#)

12.9 Councilmember Summerhays expressed his opinion that they need the dome and the building.

[10:24:04 PM](#)

12.10 Councilmember Summerhays stated he would like to get moving on this soon. He wants to start construction or get it off the books soon.

[10:25:42 PM](#)

12.11 Doug Fowler, 2022 Eagle Crest Drive, noted he has been actively involved in this process. He raised this as a major concern last fall when they were told there would be a salt dome up there. He distributed a survey to the residents in SunCrest, and he received over 300 responses. Over ninety-five percent of the responses were against the construction of the dome. A 20 year return on the money does not seem like a good investment. The TRSSD pays to support the awesome job the staff already does to keep the roads clear. The residents want a voice on where their funds are getting spent. They are already paying for three full-time people being on staff. The community does not want this building up on the hill. The streets are already better cared for than the roads in Highland, Alpine, or even downtown Draper. He expressed concern that the residents are not assessed fairly. The owner of a \$2 million home should not have to pay more than the owner of a \$500,000 home. Draper City owns most of the property up there, and they do not have to pay into the TRSSD.

[10:22:29 PM](#)

\*\*\* Mayor Walker noted he wanted to read the consent items into the record because they were appointing a lot of people to serve on commissions, and they approved important items. He read the list as follows:

- a. Approval of February 11, 2014, Minutes
- b. **Resolution #14-14**, Reappointing Brian Portman to the Tree Commission
- c. **Resolution #14-15**, Appointing Darrell Smith and Tad Draper to the Historic Preservation Commission
- d. **Resolution #14-13**, Appointing Scott McDonald as an Alternate to the Planning Commission
- e. **Agreement #14-19**, UT-WARN – Public Works Aid
- f. **Resolution #14-17**, Supporting the Relocation of the State Prison
- g. **Agreement #14-22**, Post-Closing Agreement for Steep Mt. Church

[10:24:36 PM](#)

\*\*\* Councilmember Stenquist noted Kenzie Hall was eliminated from American Idol tonight. She tweeted that she felt bad that she let people down. Councilmember Stenquist recommended the City give her some sort of recognition for her efforts. She did great.

**13.0 Adjournment**

[10:29:29 PM](#)

**13.1 A motion to adjourn was made by Councilmember Colbert and seconded by Councilmember Stenquist.**

[10:29:44 PM](#)

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