

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY,  
AUGUST 7, 2012, 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 Darrel Smith, Councilmembers Bill Colbert (via telephone), Bill Rappleye, Jeff Stenquist, Alan Summerhays, and Troy Walker (late).

STAFF PRESENT: David Dobbins, Doug Ahlstrom, Bryan Roberts, Russ Adair, Garth Smith, Tracy Norr, Danyce Steck, Rhett Ogden

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**RIBBON CUTTING**

**6:30 p.m.**

1.0 The council held a ribbon cutting for the new covered bridge at Draper Park.

**BUSINESS MEETING**

**1.0 Call to Order**

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

**2.0 Comment/Prayer and Flag Ceremony**

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2.1 Isaac Hilbig offered the prayer and Boy Scout Troop #316 led the Pledge of Allegiance.

**3.0 Citizen Comments:**

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3.1 Scott Wild, 702 East Country Breeze Circle, spoke representing his neighborhood with questions and concerns regarding the 700 East fence and reasonable compensation.

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3.2 Ken Vance, 707 Golden Pheasant Drive, also spoke about the fence. He said part of the request for the fence is a construction easement but also to retain 1 foot of property for a retaining wall. Only one building material has been proposed. He asked for a prefab 8' tall fence. He suggested a meeting with the neighborhood to discuss the fence.

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3.3 Jeff Barnes, 637 West Cephus Road, asked about the MBA hearing that had been noticed. Mayor Smith explained that some neighbors received a letter about the hearing, but due

to noticing requirements, the item was not scheduled on the agenda. It will be held in two weeks.

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3.4 There were no other comments.

**4.0 Consent Items:**

- a. Approval of Minutes of City Council meetings held July 17, 2012, and July 31, 2012
- b. Agreement #12-92 for Draper Town Center Platform Betterments
- c. Final Acceptance/Final Release on Oak Vista VIII Revegetation and Eagle Crest 6 Revegetation in Suncrest
- d. Agreement #12-84, Amending Agreement #09-36 with Polaris Government Relations Regarding Lobbying
- e. Agreement #12-91, Software Licenses, Maintenance and Support Agreement with iFan

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**4.1 A motion to approve the consent items as presented was made by Councilmember Rappleye and seconded by Councilmember Summerhays.**

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**4.2 The motion carried by unanimous vote.**

**5.0 Public Hearing: Ordinance #1020, Amending Draper City Municipal Code 9-18-020 Relating to the Dahle Retail Center Commercial Special District.**

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5.1 Dennis Workman said the Dahle Retail Center Commercial Special District (CSD) was created by Ordinance #657. He reviewed the location of the CSD which includes IKEA. The zoning text amendment allows RC Willey to build a 140,000 square foot building and outlines development, site plan, and parking requirements. Planning Commission recommends approval.

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5.2 T.J. Winger, Babcock Design Group, 52 Exchange Place, said they are excited about the project. He thanked the city for working with them to make this text change. He clarified that some changes would be made to the sight corridor to allow greater visibility.

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5.3 Marv Jensen, RC Willey facility manager, thanked the city staff for their help in getting this project together. He said they are excited to be here. This will be their largest store and will be two stories. He also thanked the IKEA people for working with them.

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5.4 The public hearing was opened. There were no comments and the public hearing was closed.

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5.5 Doug Ahlstrom said that Mr. Jensen said the loading dock may angle another direction. He suggested allowing that if the ordinance is to be approved. Jeff Stenquist said if there are also minor adjustments for landscaping it might not be easy because this is written in the ordinance. David Dobbins said the ordinance gives flexibility because it calls for substantial compliance. Details could be approved at the staff level. Discussion was held about incorporating the Planning Commission recommendation.

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5.6 **A motion to suspend rules was made by Councilmember Summerhays and seconded by Councilmember Rappleye.**

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5.7 **The motion carried by unanimous vote.**

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5.8 **A motion to adopt Ordinance #1020, amending Draper City Municipal Code 9-18-020 relating to the Dahle Retail Center Commercial Special District, rotating the dock as needed and allowing staff approval for minor changes was made by Councilmember Summerhays and seconded by Councilmember Rappleye.**

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

6.0 **Public Hearing: Ordinance #1022, Amending the Draper City Zoning Map, changing the zoning of Approximately 40 acres from M2 to RM2, Otherwise Known as the Staker Gravel Pit Zone Change.**

6.1 Councilmember Colbert joined the meeting by telephone.

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6.2 Dennis Workman said the request is to rezone a 40 acre parcel from M2 to multi-family RM2. The property is located on the north side of Highland Drive between Bangerter Parkway and the future TRAX line. Due to topographical and accessibility constraints, the property owner has determined that that multi-family housing would be most feasible. There are 1045 units approved for that area. This project would add 240 units. The rezone fits within the general character of the master plan area. The Planning Commission has recommended approval of the zone change.

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6.3 Tim Soffe, 5151 South 900 East, and Troy Sanders, 5151 South 900 East spoke as applicants. Mr. Sanders said there is a current access easement opposite the office park on Highland. The current access is through the Rideout property. The second access is on the northeast corner of the site. The large slopes are on the south and east portions of the site. The Porter Rockwell Trail is on the northwest side of the property. Mr. Soffe said the property is ¼ mile to the proposed TRAX station and there is an overhead crossing over Bangerter Parkway. Mr. Sanders said there are also power line constraints. Slope, visibility, access, and being adjacent to the railroad are also constraints in developing appropriate land use. Because of the drop in feet, the buildings will not be seen from Highland Drive. He said it is not a viable retail, commercial, or office site because there is not visibility. Single family use does not work well because of the train lines and traffic. The area is designated as General Growth in the General Plan.

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6.4 Councilmember Rappleye said he thinks there is an opportunity for some higher-end multi-family housing. Mr. Soffe agreed it is prime residential property. Councilmember Summerhays asked if the development will be for lease or purchase. Mr. Soffe said the market for purchasing is coming back. He does not see it all as apartments.

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6.5 Councilmember Walker joined the meeting.

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6.6 The public hearing was opened. There were no comments and the public hearing was closed.

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6.7 Councilmember Summerhays asked if there were concerns about erosion on the steep slopes. Mr. Soffe replied said erosion mat and terracing are normally used. The erosion needs to be controlled. Mayor Smith said this would be addressed in the site plan.

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**6.8 A motion to suspend rules was made by Councilmember Rappleye and seconded by Councilmember Summerhays.**

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6.9 Councilmember Stenquist said he would like time to mull this over.

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**6.10 The motion carried with three ayes (Rappleye, Summerhays, Walker) and one no (Stenquist). Councilmember Colbert did not vote.**

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**6.11 A motion to adopt Ordinance #1022, amending Draper City Zoning Map for the Staker Gravel Pit Zone Change was made by Councilmember Rappleye and seconded by Councilmember Summerhays.**

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6.12 Councilmember Stenquist said he understands the challenges and knows there are a lot of multi-family units in this area. He said his conflict is where the residents will access their service, shopping and schools. He said the transit opportunities may not be soon. Councilmember Rappleye said he knows commercial and this is not a good commercial site. He also said the 2040 study addresses this type of development.

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

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6.14 Mayor Smith said there was an economic development report from the governor's office that discussed technology development in the Lehi and Draper areas. The prison area was a bullseye for development. This type of development will be good along the rail system and attention will be given to these developments. Councilmember Walker suggested Mr. Soffe approach UTA about a TOD development.

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6.15 A short recess was called.

**7.0 Public Hearing: Rockwell Square Commercial Subdivision Plat Amendment.**

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7.1 Councilmember Colbert joined the meeting.

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7.2 Dan Boles said the request is for a plat amendment for approximately 2.17 acres located on the east side of Bangerter Parkway at approximately 13867 South Bangerter Parkway. The property is zoned CC Community commercial. The applicant would like to split lot one into two commercial building lots. Planning Commission recommended approval. He said the uses include smaller scale applications like gas stations, restaurants, pharmacy, banks and offices.

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7.3 The public hearing was opened. There were no further comments and the public hearing was closed.

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**7.4 A motion to suspend rules was made by Councilmember Rappleye and seconded by Councilmember Colbert.**

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**7.5 The motion carried by unanimous vote.**

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**7.6 A motion to approve the Rockwell Square Commercial Subdivision Plat was made by Councilmember Rappleye and seconded by Councilmember Colbert.**

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**7.7 The motion carried by unanimous vote.**

**8.0 Presentation: Kent England, Living Planet Aquarium**

[8:52:10 PM](#)

8.1 Danyce Steck distributed a report on the Living Project Aquarium project. She gave an update on the status of the project. She said there are some items to be discussed because of increased land costs, increased core/shell costs, increased tenant improvements, and other increases. The total project increases are 21%. She reviewed the history of the project and noted the aquarium originally low-balled their costs. She added that they have exceeded their donations and have more cash in hand than anticipated. She said they need at \$14 million bond, with \$900,000 additional funds to carry them through construction. This is more than the city obligated itself to in the memorandum of understanding. The question is if the city can assist them to get to that point. Ms. Steck reviewed the current cash flows and said they are conservative on the attendance revenues projections. She said the city originally said it would bond for \$10 million and they would provide \$2 million, so the city was participating at 83% of the facility. In January 2012, the state has provided 10%, the aquarium brought in about 34%, and the city's participation is 56%. With an increased bond issuance, the city will be participating at 62%.

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8.2 Discussion was held about the façade of the building and the view from the freeway. Mrs. Steck then discussed options to reduce the costs and reviewed the pros and cons of each option. Revenue projections were noted. The city's debt service was discussed. Mrs. Steck said the increased debt service for \$14 million would bring the city to 13%, which is below the recommended 20% limit. She said the bond could also be issued as sales tax revenue debt and the city would remain well-below the limit. She said the parameters resolution was for up to \$15 million. The council needs to decide whether or not to increase the bond issuance to \$14.9 million (for net proceeds of \$14 million). She noted the aquarium has \$2.5 million in the construction escrow account, which she has access to.

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8.3 Kent England, 10701 South Riverfront Parkway, discussed other sites and the overall schedule. He said he thinks the revenue projections are estimated low, as were the construction costs. He feels confident with the new construction projections and final contracts should be determined by the end of August. Mr. England said he was at the council to ask what changes should be made for agreement on costs or design. Discussion was held about the size of the existing aquarium location. Councilmember Summerhays said the original bond discussion included refunding an existing sales tax revenue bond. Mrs. Steck said the financial advisors said it would be better to package it with other refunding. Councilmember Rappleye asked if the increased bond could be structured as two issuances. Mrs. Steck said that could be considered but the interest rates may not be as good. Councilmember Colbert asked if a tax per ticket could be charged to pay back the community. Mayor Smith said that may have an unintended consequence. Mrs. Steck said the sales tax revenue from the banquet facility, the theater tickets, and the gift shop, as well as the grant funding for the educational opportunities, would contribute to the city long-term. Mayor Smith said Brent Anderson is visionary but he has also learned what value-added items need to be added to this facility. Councilmember Rappleye suggested requiring them to use Draper caterers for their facility. Mrs. Steck said they will have a restaurant in the facility that will cater the banquets. Councilmember Walker asked if there is a contingency built into the \$14 million or if there would be additional money needed. Mr. England said it can be done for this amount and there are adequate budgets and contingencies. Councilmember Walker asked about other sites, particularly the TOD site. Mr. England replied that the current site is the most economical he had considered because of the Rocky Mountain Power corridor. The current schedule is to break ground in September and finishing the core and shell in April or May. The aquarium would open in November of 2013. If the site were changed, the opening would be delayed. He said the agreement for the land is verbally completed. The site plan has been approved and is out to bid.

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8.4 The consensus of the council was to review the information received and discuss it at a meeting next week.

**9.0 Public Hearing: The Parc at Day Dairy Preliminary Plat.**

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9.1 Dan Boles said the preliminary plat application is for 27.63 acres located on the north side of 12300 South at approximately 450 East 122200 South. It is zoned as Day Dairy CSD. The applicant would like to divide the lot into two with street dedication of 12200 South and 450 East. Planning Commission has recommended approval.

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9.2 Councilmember Colbert asked about the impact of the 12200 South road dedication on the neighbor to the west. Mr. Boles said it will have to be determined when that property develops. He noted the street location was approved as part of the CSD zoning.

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9.3 Adam Lankford, Wasatch Advantage Group, thanked the staff and council. He said they are working with UDOT for access and anticipate an approval letter within a week. He said there will be a light at 450 East.

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9.4 The public hearing was opened.

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9.5 Charles Pew said he lives on 300 East adjacent to the property. He asked about the density for the development.

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9.6 Jeff Rasmussen, 723 East Corner Ridge Drive, said a 15' easement is needed on the northern boundary. There are storm and field drains and irrigation ditches that need to be addressed. He said the roads are devaluing his property. He said he hopes someone cares about a farm as much as they do about an aquarium. Mr. Lankford said the title company said there is not an easement for the ditch. A survey company was hired to survey the ditch. He said it is not on their property. He said he would work with Mr. Rasmussen on the field drains. The road alignment was discussed with Mr. Rasmussen and with the city council. Mr. Rasmussen said the ditch was built in 1880 and there is a 15' easement and an aerial map that shows the ditch on their property. Mr. Rasmussen said he will get an attorney to defend him in keeping the water to his property.

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9.7 There were no further comments and the public hearing was closed.

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9.8 Mr. Lankford said there are 228 apartment units, about 48% open space, and other amenities.

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9.9 Mayor Smith asked if the discussion on the ditch needs to be continued. Mr. Ahlstrom said it will likely be determined by a judge following some type of action. Councilmember Summerhays said the land drains are not recorded but are all over Draper. Mayor Smith noted the applicant will not disturb the ditch if they do not own it. Councilmember Colbert said that is not what is on the agenda for action tonight. Councilmember Rappleye said staff should find an answer on the ditch before final plat. David Dobbins said the city will not be able to resolve the ditch ownership. It is between the property owners. The city cannot insert itself into the private issue but can ask for the information that the two parties have. Mr. Rasmussen said the maps belong to the city.

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**9.10 A motion to suspend rules was made by Councilmember Colbert and seconded by Councilmember Stenquist.**

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**9.11 The motion carried with Councilmembers Colbert, Stenquist and Rappleye voting in favor and Councilmembers Walker and Summerhays opposed.**

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**9.12 A motion to approve the Rockwell Square Commercial Subdivision Plat was made by Councilmember Colbert and seconded by Councilmember Stenquist.**

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**9.13 The motion carried with Councilmembers Colbert, Stenquist and Rappleye voting in favor and Councilmembers Walker and Summerhays opposed.**

**10.0 Agreement #12-95, with Metropolitan Water District of Salt Lake and Sandy regarding Corner Canyon Park and SLA Access Road.**

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10.1 Doug Ahlstrom said the agreement documents what is on the ground and allows the city to put roads and trails across Metropolitan's property and allows Metropolitan to run a road across the city property to their water tank. It should have been in place years ago to protect both parties. Councilmember Summerhays asked if there is a way to get a trailhead with ADA access by the silica pit.

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**10.2 A motion to approve Agreement #12-95 was made by Councilmember Colbert and seconded by Councilmember Rappleye.**

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**10.3 The motion carried by unanimous vote.**

**11.0 Council/Manager Reports**

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11.1 Councilmember Stenquist said the president of the Visual Arts Committee talked to him about business license fees for each vendor at an arts festival. Councilmember Rappleye said it is a Tax Commission rule. David Dobbins said the staff addresses this issue for every event. He said he would see if it could be made easier for vendors.

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11.2 Councilmember Rappleye recognized Rick North, Brad Watson, and their staff for cleaning up debris along Traverse Ridge Road and Steve Linde and his crew for cleaning up along 11400 South. He noted the staff also has cleaned up along 12450 South. Mayor Smith said the on ramps on I-15 need some attention. Councilmember Rappleye said we have not received traffic counts from UDOT on ThrU-turns. Mayor Smith said there seems to be a timing issue on the lights.

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11.3 Councilmember Colbert asked if the city has looked at outsourcing park strip maintenance. Danyce Steck said some of them are already outsourced. Mr. Dobbins said they would be reviewed.

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11.4 Danyce Steck reported on water usage for a citizen who talked to the council about the high water usage. An analysis shows she uses a lot more water than other water users in her area. Ms. Steck recommended against providing a commercial rate for a private resident. She also reported on the citizen request for bulk pick-up. She said with the staffing levels, the city cannot provide that service.

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11.5 Don Buckley said the house fire that occurred over the weekend is a suspicious fire that started in the house. He said the response to the Suncrest fire wise presentation was good. He thanked the councilmembers who attended the presentations. He added that Chief Bacon is having additional treatments.

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11.6 Garth Smith gave an update on the Public Works Director recruitment. Ten applications have been received. He said he would like to have a councilmember involved in the process.

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11.7 David Dobbins reported that road repairs are being taken care of on 1300 East. Temple lights have been addressed and will be turned off at 11:00 p.m. A request from Inland has been submitted for additional signage at Draper Crossing (behind Smiths). He recommended approval of the signs. He suggested a city-initiated amendment to the CSD ordinance. He also asked for a councilmember to work with Danyce Steck on the audit. Councilmember Stenquist volunteered. Mr. Dobbins also showed drawings of rail station betterments. The Federal Transportation Agency will pay a significant portion of the betterments because of the historic preservation aspect. Mr. Dobbins said there had been a question raised about city participation on expanding the high school auditorium. The expansion would be about \$400,000 or more. He said the city's priorities need to be established for the open space acquisition, velodrome, auditorium expansion, and aquarium. The consensus was not to participate in the auditorium expansion due to costs and scheduling concerns.

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11.8 Mayor Smith asked if a meeting should be called to discuss the aquarium.

**12.0 Adjournment**

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**12.1 A motion to adjourn to a closed meeting to discuss litigation, property acquisition, and the character and professional competence or physical or mental health of an individual was made by Councilmember Summerhays and seconded by Councilmember Stenquist. The motion carried.**

**12.2 Following the closed meeting, a motion to adjourn was made by Councilmember Rappleye and seconded by Councilmember Summerhays. The meeting adjourned at 12:12 a.m.**