

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 17, 2015, 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; and Garth Smith, Human Resource Director

Study Meeting

Site Visit to Property by the Salt Lake County Pool at South Mountain

Dinner

[6:23:35 PM](#)

1.0 Discussion: Park Fee

[6:23:41 PM](#)

1.1 David Dobbins, City Manager, indicated the City is at a point where they need to update the park impact fees. The fund has several million dollars that has been collected, and the fee will stay the same moving forward. However, the City cannot afford to maintain the parks. He expressed concern that they are already past the point where they have more parks than they can afford to maintain. The Parks Department runs short on funds every year for the existing parks. They will have to find a way to pay for the maintenance if the City wants to keep building new parks. He said he has asked staff to go over some potential sources for funding if they are going to move forward. He recommended the City stop collecting impact fees if they do not have an identified funding source for maintenance.

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1.2 Steve Linde, Parks Department, advised the City has currently funded \$2,130,000 for maintenance costs. They have not hired additional staff since 2013; however, they have completed the following projects:

- Five miles of primitive trails
- Little Valley trail head
- Southfork Park – nine acres
- Smith Fields Dog Park – three acres
- Potato Hill trail head

- This does not include the recent SunCrest open space purchase or the proposed parks in the next fiscal year

Mr. Linde indicated they would need an additional \$260,637 in funding for the desired level of service. This funding would include the following full-time employee positions:

- (1) Arborist Technician II
- (1) Sports Field Technician I
- (1) Playground & Safety Technician I
- (1) Maintenance Tech I (due to increase in park and trail facilities)

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1.3 Bob Wylie, Finance Director, reviewed potential funding options as follows:

- Property Tax Increase
 - A 4.57% increase would generate approximately \$260,637 in new General Fund Revenue
 - This would be about \$15.11 for the average home in Draper
- Yearly Park Fee
 - \$19.80 per residential unit
 - This would be \$1.65 a month or \$6.60 per quarter
 - This would generate approximately \$263,000 in new revenue

Mr. Wylie explained there would need to be additional funding needed to maintain future growth in inventory of parks and trails at increased levels of service, which would be about \$500,000. He reviewed potential funding options available to raise various amounts as follows:

- \$500,000
 - Tax Increase of 8.77%
 - Increase \$29 for average home
 - Park Fee – per residential unit
 - \$37.66 yearly fee
 - \$3.12 monthly fee
 - \$12.48 quarter fee
- \$760,000
 - Tax Increase of 13.34%
 - Increase \$44 for average home
 - Park Fee – per residential unit
 - \$57.60 yearly fee
 - \$4.80 monthly fee
 - \$19.20 quarter fee
 - Would generate approximately \$764,000 in new revenue

Mr. Wylie indicated he does not want to co-mingle the park fee with the utility bill because they are talking about different types of services. There are issues with how they would address a delinquency with a park fee because it is not a service they could shut off. He suggested sending out a quarterly bill or an annual bill like they do the business license fees. There are about 13,000 units in Draper right now.

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- 1.4 Mr. Dobbins said staff is not looking for any direction tonight; however, as they talk about the recreation center, the existing park impact fee money, and a potential park fee, it is all tied to how they will pay for the ongoing maintenance.

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- 1.5 The Council and staff then discussed the various options.

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2.0 Adjourn to a Closed-Door Meeting to Discuss Property Acquisition and Litigation

[6:51:44 PM](#)

- 2.1 Councilmember Stenquist moved to adjourn to a closed-door meeting to discuss property acquisition, litigation, and/or the character, professional competence, or physical or mental health of an individual. Councilmember Rappleye seconded the motion.

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

Business Meeting

1.0 Call to Order

[7:04:25 PM](#)

- 1.1 Mayor Pro Tem Marsha Vawdrey called the meeting to order and welcomed those in attendance. She advised Mayor Walker had a prior speaking engagement and would be arriving to this meeting in a few minutes.

2.0 Comment/Prayer and Pledge of Allegiance

[7:05:17 PM](#)

- 2.1 The prayer was offered by Jose Guzman, Scout Troop #1120.

[7:05:48 PM](#)

- 2.2 The flag ceremony was led by Marty Bodell, Scout Troop #1120.

[7:06:52 PM](#)

3.0 Presentation: Recreation Department Annual Report

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- 3.1 Rhett Ogden, Recreation Director, reviewed the programs and activities the Recreation Department has been involved in this past year.

** *Mayor Walker arrived at 7:10 p.m.*

[7:32:01 PM](#)

3.2 Councilmember Vawdrey thanked Mr. Ogden for all of the things the Recreation Department does for the residents.

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4.0 Public Comments

4.1 No one came forward to speak.

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5.0 Consent Items

a. Approval of February 3, 2015, Minutes

b. Approval of Resolution #15-12, appointing Troy Walker, Jeff Stenquist, and David Dobbins as members of the Legislative Policy Committee

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5.1 Councilmember Rappleye moved to approve the consent items. Councilmember Vawdrey seconded the motion.

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

[7:36:40 PM](#)

6.0 Public Hearing: Draper Crossing at Kimballs Lane Zoning and General Plan Map Amendments and Development Agreement

[7:37:39 PM](#)

6.1 Keith Morey, Community Development Director, stated the developer started talking with staff about this project about one year ago. The proposed location is near the Kimballs Lane Trax Station. This is the type of development UTA likes to have near their stations. When the developer first came to the City, he was including Parcel A in the development. The neighbors were concerned about the higher density coming into their existing neighborhood, so the developer is using Parcel A as a buffer for the higher-density area. The project will have a mix of townhomes and single-family homes. This project will have a development agreement that locks in the density. It also locks in the architectural styles. The Planning Commission and staff recommends the City Council approve this application.

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6.2 Councilmember Stenquist asked whether the zoning is attached to the development agreement. Mr. Morey clarified the density is tied to the development agreement. The City Council would be approving the zone change along with the development agreement and the site plan.

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6.3 Councilmember Vawdrey asked whether this item was properly noticed. They received a letter from a resident saying that it was not. Mr. Morey explained it was noticed correctly. The noticing requirement is 400 feet, and the resident that was expressing concern lives 452 feet from the project. The notice is also posted on the subject property, so other neighbors would be made aware of the change.

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6.4 Councilmember Summerhays said some of the neighbors in Cranberry Hills do not want the trail to hook up with the other neighborhood. Mr. Morey responded that is correct; however, the City feels the trail connection is important. Staff is not in the practice of allowing segregation of neighborhoods with the trail system. It is important to allow the connectivity.

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6.5 Russell Harris, applicant, stated they have built a similar development in South Jordan, and it was really well received. There have been some considerable efforts made to address the concerns of the neighbors. It will be a beautiful subdivision with varying different townhome styles as well as single-family homes.

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6.6 Councilmember Rappleye asked whether these are all for individual sale. Mr. Harris indicated they will all be individually owned and will be platted as such. There is some limited common area for the driveways and backyard areas.

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6.7 Councilmember Colbert questioned whether there would be two homeowner associations. Mr. Harris replied there would just be one.

Councilmember Colbert then asked the price point for the units. Mr. Harris advised the single-family homes will start at the mid \$300,000s. The townhomes start at upper \$200,000s. The South Jordan project was similarly priced. They have had really positive interest in the South Jordan project, and the residents have really wanted to deck them out. The developer said they do allow the customization of the interiors, so some of the units in South Jordan sold for \$450,000 - \$480,000. All of the units are nicely finished.

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6.8 Councilmember Rappleye asked what the individual parking per townhome unit will be. Mr. Harris explained that each of the townhome units has a two-car garage. They will have parking inside the garage and on the driveway. There are parking stalls for guests.

[7:55:04 PM](#)

6.9 Councilmember Summerhays said he thought he saw a t-bone going into the west on the plat. Mr. Morey said it was platted that way, but the property owner did not want it developed.

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6.10 Mayor Walker opened the public hearing.

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6.11 Marsha McBride, 580 East Kimballs Lane, stated she lives directly across from the proposed development. The one street that will be exiting this subdivision is directly across from her home. She stated the intended zone is incompatible with the RA1 zone across the street. She said she has concerns for the safety and well being of her livestock. Draper City Code stated that a substantial buffer should be provided when adjacent to where large animal rights are allowed by permitted or conditional use. She was told earlier today that the Code refers to ten-acre parcels. Ms. McBride indicated her property is seven and one half acres and does not understand why it would not apply to her property. Ms. McBride said she is also concerned with the safety of the children walking to Juan Diego School and those walking to the Trax Station. She asked the City Council to reduce the density along Kimballs Lane.

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6.12 Griffith Kimball, 600 East 11800 South, stated he made a statement in a Planning Commission three months ago that there was two homes in 1932 when he was born; however, there were actually three homes. He noted he is not opposed to this development but he has some of the same concerns the Ms. McBride has. He is concerned with the safety of the children in the area as well. There should be a 25 miles per hour speed sign posted. He expressed his opinion that there is no point in having a trail system if there are not reasonable connections to the system. He stated that what has been proposed is appropriate for this project. The Trax Station is not going to go away, and it is appropriate to have high-density housing near the Trax Stations. He said he appreciates the concerns of the neighbors. This is a wonderful neighborhood. He expressed his hope that this development will add to that.

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6.13 Jason England, 10344 Silver Willow, advised he purchased the lot to the east of this proposal. He thanked the developer for his willingness to work with the neighbors. The developer was very accommodating with changing aspects of the design that concerned the neighbors. There is still some concerns with the trail from the neighbors, but the developer has been great to work with.

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6.14 Mary Schuman, 402 East Mountain Berry Drive, said she does not have any issues with the development as proposed; however, she is wondering if the City has planned anything to address the increase in traffic that will be created by this development and the Ivory Homes development that was previously approved. The hospital addition of medical offices will also feed off this road. She asked what criteria the City uses to determine whether a traffic impact study should be done.

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6.15 Mayor Walker closed the public hearing.

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6.16 Mr. Morey noted the City has a master plan for streets. The street classification is determined by future development plans. Public Works will determine whether Kimballs Lane should have a study done for widening.

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6.17 Councilmember Rappleye said it would be reasonable to assume that the majority of this traffic will head down 700 East. That is an interesting intersection there. He questioned whether this development will create a situation there where it will have to be looked at sooner rather than later.

Glade Robbins, Public Works Director, stated they have had the Utah Department of Transportation and the Utah Transit Authority evaluate the area. They are trying to make it work the best they can. He expressed his opinion that this development should not add substantially to that problem.

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6.18 Councilmember Summerhays asked whether the widening of Kimballs Lane will be a part of this development agreement.

Mr. Robbins said Kimballs Lane is already widened to the proper width that it needs to be. It is sixty-six feet wide right now.

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6.19 Councilmember Stenquist moved to approve Ordinance #1140. Councilmember Colbert seconded the motion.

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6.20 Councilmember Stenquist said they have had some good comments made this evening. The City Council shares a lot of the concerns that have been expressed with regards to the traffic and safety. He likes that there is good pedestrian access, and it sounds like the developer has made an effort to work with the neighbors to alleviate some of the concerns.

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6.21 Councilmember Colbert noted he is sympathetic to the comment made about large animal rights. If the Trax Station was not already in this area, he probably would not support this application. The Trax Station changes the character of the area, and the reality is that the large parcels will end up moving towards higher density to support the advantages of living near a light rail station. Light rail is a benefit to the entire community. There are a lot of concerns with air quality, and mass transit helps that. Mass transit only works when housing is within a half mile walking distance to the transit station. He noted he will not be sympathetic to anyone who complains in the future about the animals in the area. He stated this looks like a good project.

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6.22 Councilmember Rappleye stated this is the direction things are going. He appreciates the mix of single-family homes with the townhomes. Draper has changed a lot over the years, and they have to find a way to get people around via transportation. This type of development facilitates the use of mass transit.

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6.23 Councilmember Vawdrey said the Planning Commission heard this in June of last year. It appears the developer has worked hard to make this work for the neighbors.

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

[8:18:39 PM](#)

7.0 Action Item: Approval of an Addendum to the Park School Real Estate Purchase Contract

[8:19:43 PM](#)

7.1 David Dobbins, City Manager, advised the City has an existing contract with Godfrey Properties and Design to purchase the Park School. They have asked for an extension, which would allow them to have until May 1st for their due diligence period and June 1st to close on the property. They continue to find additional studies they need to do, which is taking more time than they anticipated.

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7.2 Councilmember Vawdrey moved to approve the addendum to the Park School Real Estate Purchase Agreement. Councilmember Summerhays seconded the motion.

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7.3 Councilmember Rappleye questioned what would happen if the Godfreys decide not to purchase the building. Mr. Dobbins replied the contract for demolition has expired, so they would have to send it out to bid again.

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7.4 Councilmember Summerhays asked how the process is going.

Brent Anderson, real estate broker for the Godfreys, responded the Godfreys are trying to purchase the property without involving a partner. In doing so, they have to work with the bank who is requiring extra work be done before the application can be submitted. This process is taking longer because the companies doing the requested studies are scheduled out doing other projects. Each study that has come back has been optimistic. The Godfreys are very excited about this project, but it is taking longer than expected.

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7.5 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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8.0 Discussion Item: Traverse Ridge Special Service District Administrative Control Board Resolution #15-01

[8:24:44 PM](#)

8.1 Mr. Dobbins said the last time the City had any action on the Traverse Ridge Special Service District (TRSSD) was to appoint the TRSSD Administrative Control Board. Amy Baird, Board Chair, had sent him a resolution for the City Council's consideration. Right now the only budget they have is for snow plowing and for the City's cost to provide support through the end of June. If there is any cost beyond that, the Board will need to adopt their own budget. He advised there is currently no tax revenue coming in, so they would have to use their fund balance. He noted this is a chance for Ms. Baird to come in and let the City Council know where they are at and what the Board is doing.

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8.2 Amy Baird, Traverse Ridge Special Service District Administrative Board Chair, stated the Board's biggest concern with the original Interlocal agreement was the payment for services. Draper City wanted a one-time non refundable base retainer fee of \$100,000 and a one-time administration fee of \$30,204, which is ten percent of the total budget. So far, the District has only spent \$94,000 on snow removal, which is under the \$100,000. They do not think it is fair that the City gets to take that money when the District has not gotten that service yet. The City is supposed to contribute a certain amount towards the TRSSD for the baseline services. The administration fee, if they are going by 10 percent, is only \$9,500 rather than the \$30,000. The District should also receive a credit for the lane miles, because they are counting the lane miles from the Chevron; however, the District boundaries do not start until the SunCrest side.

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8.3 Mayor Walker asked when the Board was planning to adopt a budget. Ms. Baird stated they have discussed it, and they know they have to speak with the City about items other than the snow removal.

Mayor Walker said they obviously have some understanding of what it will cost. The City has already spent \$94,000 and it has not snowed very much. If it snows in March, they will certainly consume the \$100,000 they planned for. He stated he does not think the Board will find a sympathetic person on the Council willing to credit that back. The whole point of the Board was to give control to the residents up there to come up with a budget and make it work. With respect to the amount of money the City will give the District, the City has the amount based on a specific formula. The Board will have to determine whether or not they want to make road repairs and set a tax rate that will pay for them. The Board already knows what roads need to be fixed, and they know the

amount the City is going to pay each year for that. Anything above and beyond will need to be funded through the Special Service District tax.

Ms. Baird indicated they would like to sit down with the City to negotiate who is going to pay for what. Deer Ridge Drive needs to be fixed.

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8.4 Mr. Dobbins advised the study that was completed by Lewis and Young looked at what the City contributes for road maintenance per lane mile. He said he believes the amount was \$148,000 that would be given to the TRSSD each year to be used for road maintenance, street lighting, and snowplowing. The Board would then decide how they wanted to spend that \$148,000 each year. That is the amount they spend on an average per lane mile throughout the city. This year, the City spent a good chunk of that money on Traverse Ridge Road; however, they have not finalized where the \$148,000 has been or will be spent the rest of this fiscal year.

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8.5 Councilmember Colbert expressed his opinion that the City should be counting lane miles on Traverse Ridge Road that are outside the District, but that is also a deduction on how much the City reimburses them. The City needs to make sure they are clear with how they are counting the lane miles. That might change if the State takes over Traverse Ridge Road and SunCrest Drive.

Mr. Dobbins noted if the City is plowing the road from the Chevron all the way up, then the City should bear the burden of that. However, if they are just driving up to SunCrest to snowplow because it is only snowing in Suncrest, they would need to determine who pays for that.

Councilmember Colbert said if they are only going up to SunCrest, the fuel from the Public Works facility would have to be charged to the District. The District has no budget other than snow removal at this time. That presents a challenge for the District. That is why the City is asking the Control Board to give them a budget. The City has spent money already this year on slurry seal and crack seal up in the District, and they spent money on emergency repairs of potholes. He reiterated that the Board needs to establish a tax rate for the residents as well as establish an operating budget. They will need to do a Truth in Taxation hearing because anything higher than zero is a tax increase for the residents up there. It is a difficult challenge. The City has a cost level for staff to plow up there and to be able to respond. It may be in the interest of the Control Board to look at other ways to provide the services in the future. It might be best to contract with a company to provide services per storm.

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8.6 Mayor Walker expressed his understanding that the City will contribute the \$148,000 to the District each year. Anything over and above that amount will have to be raised in the District. That might not be how the District sees this happening; however, the City did the study to come up with the portion of B&C Road Funds that should be given to the

District, and that is what they came up with. If the District wants to fix Deer Ridge Drive, or any other road up there, they will have to levy a tax on the residents in the District. That is what the Council believes is the way this should happen. The street lights and street cleaning is the same way. He said he does not believe there are negotiations on whether the City is going to pay more.

[8:37:16 PM](#)

8.7 Councilmember Colbert said they should explain how the \$148,000 was derived. The report is done, and the City should provide that report to the Board.

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8.8 Ms. Baird said she understands that. She is just not sure what road maintenance they are responsible for. From what they understand, they believe they are responsible for anything two to four inches deep and not digging out an entire road. She questioned who would be responsible for that.

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8.9 Councilmember Summerhays advised before this whole issue came to a head, the City had scheduled to reconstruct Deer Ridge Drive. The cost for that was \$1.6 million, which was going to utilize the entire funds in the TRSSD budget. The residents up there decided they wanted to go another direction, so the City created the Board to figure out what they wanted done up there. Pretty soon, the road up there will completely disintegrate and they will only have road base and puddles. The Board will have to hire a contractor to fix the roads. They will also have to factor in snow plow costs. Basically, the Board is running a budget for everything.

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8.10 Ms. Baird expressed her opinion that they should not have to repair roads that were not damaged by snowplowing.

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8.11 Councilmember Rappleye said the District now gets credited for that with the \$148,000. They are getting the same amount as the entire city to fix their road. That is what the B&C Road Funds are. They also have to determine how they want to spend the fund balance they have. They can double the tax rate one year and not have any tax rate the next year. It is up to the Board to determine that.

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8.12 Councilmember Colbert indicated that not having any tax revenue this past year has cost the residents the reconstruction of Deer Ridge Drive. There was enough money to fix that road, but now they will be a year behind in revenue. The longer they wait to fix the roads, the more it will cost them. The roads are going to self destruct. There might be a better way of doing it. The Board could hire someone to look at new technology so they do not have to do a complete reconstruction, but those studies cost money. It will have to be the Board's decision to determine what should be done. The City will not be there in the

same capacity they have been in the past. They might have to hire someone who has some expertise that can help with those decisions.

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8.13 Councilmember Rappleye said there might be an opportunity for increased funding if the Legislature passes certain bills this session. The B&C Road Funds could be funded heavier.

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8.14 Mayor Walker suggested Ms. Baird get with the Public Works Director to determine the cost to fix Deer Ridge Drive. He encouraged the Board to get their budget together as soon as possible. The Council expects the Board to present a budget with a certified tax rate to the City Council, and they will pass it. The City Council will not argue with what the Board wants to do. Mayor Walker asked the Council if anyone had a desire to refund any money to the District.

[8:47:02 PM](#)

8.15 Mr. Dobbins stated he will go back and run the numbers again for what the City has already spent on roads this year. The City has spent \$1.6 million of City funds on TRSSD roads over the past few years. The question is whether the Council wants to start clean this year and give them the full amount or if they should back out the amount that has been done on the roads this fiscal year. He said he will provide that information to Ms. Baird and see what is left of the funding from this fiscal year.

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8.16 Councilmember Colbert expressed his opinion that they should let the snow plow contract proceed until the snow season is over.

Mr. Dobbins agreed. He said part of the reason they have a fixed amount is because the City has a carrying cost whether it snowed 100 times or not at all. The City has to pay for staffing and supplies that have to be paid for regardless of the amount of snow.

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8.17 Councilmember Colbert stated the City needs to see some sort of a budget fairly quickly. It can be a small interim budget to handle the street lights. The City does not have a budget to do that, and it will not cost a lot, but the City needs the Board to provide a budget.

[8:49:24 PM](#)

8.18 Mayor Walker reiterated that it sounds like the City is not going to refund any money at this point. He again encouraged the Board to get working on a budget quickly. June will be here before they know it.

Mr. Dobbins stated he will provide the numbers to Ms. Baird so she can see where the money has been spent already.

[8:51:05 PM](#)

9.0 Action Item: Amended Findings of Fact and Decision - Soccer City Appeal

[8:51:57 PM](#)

9.1 Doug Ahlstrom, City Attorney, noted the City Council held a hearing on the matter and made a decision based on the information received. The Mayor signed the Findings of Fact and Decision which was mailed to Mr. Olsen. Mr. Olsen called back and expressed his displeasure with the findings and some other items. One of the problems was that there was no formal vote taken on the matter. The action tonight is to do this in an open meeting. He has provided an amended Findings of Fact and Decision for the City Council to vote on this evening.

[8:53:05 PM](#)

9.2 Councilmember Colbert indicated he did not think the Planning Commission made any errors in their decision. He expressed his opinion that the findings of fact are good.

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9.3 Councilmember Rappleye stated he was disappointed with the response the City received from Soccer City in reference to what they were willing to do to mitigate the concerns of the neighbors.

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9.4 Councilmember Vawdrey noted she was hoping this would be a good opportunity for both sides to get what they wanted with some mitigation efforts made by Soccer City. That did not happen, so the Council did not feel comfortable allowing the business to stay opened later.

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9.5 Councilmember Summerhays stated he would like to recuse himself from the vote or taking any action on this.

[8:56:01 PM](#)

9.6 Councilmember Colbert moved to deny the appeal and to accept the Findings of Fact and Decision for the Soccer City Appeal. Councilmember Vawdrey seconded the motion.

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

**** Councilmember Summerhays abstained from the vote.**

[8:58:16 PM](#)

10.0 Action Item: Approval of Agreement #15-04, Construction Agreement #15-04 with GEL Inc. for the construction of the Smith Fields Dog Park 2015 Improvements

[8:58:30 PM](#)

10.1 Glade Robbins, Public Works Director, noted the City Council previously approved a budget amendment for \$383,000. The City received 9 bids for the project with the low bid being GEL Inc. The base bid only covers preparing the ground, the fencing, and there were alternates to provide trees. The rest of the amenities will cost approximately \$60,000. Staff is requesting the City Council accept the bid for the base dog park tonight, which will allow the contractor to get started on the work. Staff will come up with additional funding options to pay to complete the park.

[9:00:01 PM](#)

10.2 Mayor Walker noted he got a couple of emails from people interested in helping with the design. He asked whether the public has been involved in the process. Mr. Robbins stated yes. They held several open houses with the Parks and Trails group. There have been plenty of opportunities for them to provide input. The City received a lot of good participation in those events.

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10.3 Councilmember Rappleye stated the doctor at the veterinary animal hospital wants to contribute time to this project. At some point in the process, staff should get a hold of him and let him be involved.

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10.4 Councilmember Colbert asked whether there will be an area in the base project for a watering station. Mr. Robbins advised he is hoping to find a way to get the additional \$60,000 soon to complete the park as designed. That will be brought back to the Council as a budget amendment.

Councilmember Colbert said it would be beneficial to speak with animal control to help manage the park and to help facilitate increased compliance with licensing within the community.

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10.5 Councilmember Rappleye moved to approve Agreement #15-04. Councilmember Colbert seconded the motion.

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

[9:03:04 PM](#)

11.0 Action Item: Approval of Ordinance #1141, Amending the Historic Preservation Commission Membership

[9:03:14 PM](#)

11.1 Russ Fox, Assistant City Manager, stated this action is to amend the City Code to allow a Councilmember to be a voting member of the Historic Preservation Commission. Right now the Councilmember just acts as a liaison for the Commission and the City.

[9:04:03 PM](#)

11.2 **Councilmember Stenquist moved to approve Ordinance #1141. Councilmember Rappleye seconded the motion.**

[9:04:31 PM](#)

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

[9:04:43 PM](#)

12.0 **Action Item: Approval of Resolution #15-11, Amending the Consolidated Fee Schedule**

12.1 Bob Wylie, Finance Director, reviewed the recommended fee changes as follows:

- Business License
 - Change Public Recreation License to Single/Special Event License
 - No fee change
- Park Reservations
 - Special Event Application Review and Permit Fee
 - \$50.00
- Site Plan Review
 - PUE Encroachment License and Permit Fee
 - \$50.00
 - Permitted Use Review Fee
 - \$50.00
- Temporary Use Permit Fee
 - Remove language – non-profit organizations located in Draper City, and not for profit functions

[9:06:04 PM](#)

12.2 **Councilmember Colbert moved to approve Resolution #15-11. Councilmember Rappleye seconded the motion.**

[9:06:16 PM](#)

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

[9:06:38 PM](#)

13.0 **Public Hearing: Ordinance #1132, City Initiated 2014 Staff Bulk Text Amendments**

[9:07:23 PM](#)

13.1 Mr. Morey stated staff met with the Councilmembers individually that had questions about the proposed text amendments. One of the things that will happen if these text amendments are approved is the removal of the deferral agreements the City has done in the past.

[9:10:27 PM](#)

13.2 Jennifer Jastremsky, Planner, reviewed the changes being proposed in the bulk text amendments. She noted there have been some new proposed changes based on some concerns she heard from some Councilmembers, and those will be included as Exhibit B. These changes will do the following:

- Update the City Code
- Correct Unintentional Conflicts
- Make Clarifications
- Text Amendment Findings Criteria
- Development Agreement Requirements
- Changes to Design Standards for Commercial Buildings
- Changes to Landscape Buffer Requirements
- Updating Parking Standards
- Align Code with State Requirements
- Prohibit Protection Strips

[9:14:19 PM](#)

13.3 Councilmember Summerhays explained he has a problem with the change to the protection strips because the property owner that put money into the road, sewer, and water would not get any money back without it.

Ms. Jastremsky advised she understands that concern; however, the purpose of the public roads is for the public and the adjacent property owners to use. Sometimes protection strips work really well for their intended purpose but other times they do not.

Councilmember Summerhays stated the adjacent property owners do not have the right to access the protection strip if they do not pay for it. The property owner paying for the work should get money back from doing it.

[9:18:10 PM](#)

13.4 Mr. Dobbins explained the City did an agreement with a developer one time where they were concerned with this exact issue. The agreement allowed them to install the entire road and the adjacent property owner would have to pay the developer a portion of the costs prior to making connection. He suggested the Council remove this amendment from the ordinance if they want to look at it further.

Councilmember Colbert agreed that this should be looked at closer.

Mr. Morey stated the Council is welcome to pull any item off that they want more clarification on. They can discuss those items in a study session so staff knows what direction the City Council wants to go.

[9:21:26 PM](#)

13.5 Ms. Jastremsky continued reviewing the proposed changes.

[9:34:12 PM](#)

13.6 Mayor Walker opened the public hearing.

[9:35:14 PM](#)

13.7 Shawn Benjamin, 360 West 13165 South, stated Section 9-22-040 is a building design that builds with materials and it changes some of the allowable primary materials. He noted that limits the creativity of design. He thinks there is a problem with that change. The second concern is the buffer requirement. It leaves an out to reduce any buffer and does not give any restriction over existing buffers, especially in the TSD, which requires a 100-foot minimum and 200-foot average buffer. This change could take that down to a 5-foot buffer. Mr. Benjamin said the definition of flood plains that is given specifically deals with 100-year flood plains. This is confusing to people who actually have to work with that information and need to determine the 10-year flood plain. The last concern is Section 17-1-120 the text amendment is governed by State Code Title 10-9a and it references Section 9 that does not exist.

[9:38:25 PM](#)

13.8 Councilmember Summerhays asked Mr. Benjamin what he would like to see in terms of the flood plain definition.

Mr. Benjamin said there is a really simple definition of flood plain. It is a two sentence definition. This change makes it a little confusing.

[9:39:57 PM](#)

13.9 Mayor Walker closed the public hearing.

[9:40:05 PM](#)

13.10 Councilmember Colbert expressed concern that they are just hearing some of the concerns with the new language, and staff has not had time to respond to the concerns.

[9:40:52 PM](#)

13.11 Councilmember Rappleye moved to approve Ordinance #1140 with the change that the protection strip item be removed, and if need be, to make a change to the flood plain definition. Councilmember Vawdrey seconded the motion.

[9:41:42 PM](#)

13.12 Councilmember Summerhays questioned whether the motion includes the change to the buffer that Mr. Benjamin brought up.

Mr. Fox explained that the buffer Mr. Benjamin was talking about is specifically in the TSD zone. That buffer reduction is only dealing with the landscaping standards that a commercial site plan has to deal with. The 100-foot buffer is not affected.

[9:42:47 PM](#)

13.13 Councilmember Vawdrey said the change is just for the rare property that cannot work within the requirements. It allows for flexibility.

[9:43:24 PM](#)

13.14 Councilmember Stenquist noted he would like to give it a couple of weeks to allow more public comment.

Councilmember Rappleye said he does not want to belabor this any longer. A text amendment is easy to change if the Council desires it.

Ms. Jastremsky stated the Planning Commission did review this and she has heard from a couple of business owners who are excited about the proposed change to office parking and the deviations allowed for parking. She said she has not heard from too many home owners but that is the way it is with text amendments and how they are advertised.

[9:44:50 PM](#)

13.15 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, and Vawdrey voting in favor. Mr. Summerhays voted no. The motion passed with a majority vote of 4 to 1.

[9:45:13 PM](#)

** **Council/Manager Reports**

[9:45:46 PM](#)

** Councilmember Stenquist said he would like to raise an issue about the winter parking ordinance. Some cities only enforce it when there is snow on the ground. He is not sure the officers are out writing citations when the weather is good. He would like it to be clearer so it is not a judgment issue for the officers or residents.

Councilmember Summerhays asked how many citations the officers are writing for this. Chief Roberts noted the officers do not issue citations for violations if there is not any snow or if it is not supposed to snow that night.

[9:51:25 PM](#)

** Mr. Ahlstrom stated the City owns right-of-way that abuts a resident's property next to the Mehraban Wetlands Park. The resident's attorney has written him a letter this week asking whether the City would vacate the property and give it to the resident. The resident has used it as a driveway for the past twenty years and is looking to sell his property soon. The City cannot give the property away; however, he can purchase it.

Councilmember Colbert noted the City has given this individual some consideration for other things over the years. He suggested they get the history on this. The City has given him a lot of money for equivalent land.

Mayor Walker indicated the City's price is \$9.50 per square foot.

[9:54:38 PM](#)

** Mr. Fox stated he has had a request from Verizon Wireless to install a cell tower by Draper City Hall. He displayed photos of options for the tower design. The lease amount is \$1,500 per month with an increase over 5 years. The consensus of the Council was to entertain the agreement.

[9:59:20 PM](#)

** Mayor Walker stated the Police Chief and staff did a great job with their annual awards ceremony. It was a nice evening.

[9:59:36 PM](#)

14.0 Adjournment

[9:59:37 PM](#)

14.1 Councilmember Rappleye moved to adjourn the meeting. Councilmember Vawdrey seconded the motion.

[9:59:45 PM](#)

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

14.3 The meeting adjourned at 9:59 p.m.