

Approved 5.5.15

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, APRIL 14, 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; Mike Barker, Deputy City Attorney; Rachelle Conner, City Recorder; Tracy Cowdell, City Attorney; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; Bryan Roberts, Police Chief; and Garth Smith, Human Resource Director

Dinner

Study Meeting

[5:58:15 PM](#)

1.0 Harassment Avoidance Training

[5:58:58 PM](#)

1.1 Garth Smith, Human Resources Director, presented the annual harassment avoidance training for the Mayor, City Council, and staff members.

[6:39:03 PM](#)

2.0 Presentation: Budget Expenditures

[6:39:15 PM](#)

2.1 Bob Wylie, Finance Director, reviewed the projected 2016 expenditures with the City Council as follows:

- Unified Fire Authority increase
 - 5% (\$188,650)
- Valley Emergency Communications Center increase
 - 7% (\$14,500)
- Health Care increase
 - 1.5% (\$29,000)
- Funds

FUND	Fiscal Year 2015	Fiscal Year 2016
General Fund	\$28,776,050	\$25,962,775
Water	\$7,180,400	\$4,511,100
Storm Water	\$5,044,640	\$2,142,500
Solid Waste	\$2,421,435	\$2,013,900
Risk Management	\$1,449,510	
CDRA	\$3,997,320	
Capital Projects	\$20,689,730	

FUND	Fiscal Year 2015	Fiscal Year 2016
B&C	\$2,788,980	
MBA	\$700,596	\$245,000

- Items not included:
 - Overhead allocation
 - Transfers between funds
 - Supplemental requests

3.0 Council/Manager Reports

[6:45:41 PM](#)

- 3.1 Councilmember Summerhays stated he has a concern with the food trucks in the city. They park in parking lots to sell their food, and they do not have a business license.

Keith Morey, Community Development Director, advised his staff has been doing research to see what other cities have done to regulate these businesses.

Councilmember Summerhays indicated he has businesses in Draper, and he pays \$130,000 a year in property taxes. It is not fair to the other businesses in the city that these businesses do not have to follow the same requirements.

Mr. Dobbins noted staff will come back with examples of what other cities are doing, and the City Council can decide what direction they want to go with it.

[6:47:52 PM](#)

- 3.2 Councilmember Rappleye said he answered an email from a resident pertaining to water use. The City should decide what direction they want to go and put a conservation plan together to provide to the residents.

Mr. Dobbins advised the City adopts a conservation plan every year. Staff can send that out to the residents.

Councilmember Rappleye recommended they send information out in the newsletters throughout the summer. He also suggested the City work with WaterPro to see if they do something similar. Councilmember Rappleye expressed concern that there is a water shortage this year.

Councilmember Rappleye then indicated the turning lane striping on 12200 South, by the mall, is gone. He asked staff to look at fixing the striping. It is about a one hundred feet section that has worn away.

[6:50:22 PM](#)

- 3.3 Councilmember Stenquist stated he attended the Municipal Council's meeting, and they held it at Jordan Valley Water Conservancy District. The District updated the group on the current water situation for this year. They do not anticipate any water restrictions in Salt Lake this year. Jordanelle and Deer Creek have adequate capacity, so they are not worried about a water shortage.

[6:52:45 PM](#)

- 3.4 Councilmember Colbert questioned how they can get the word out to businesses that a permit is required if they are going to have a mass gathering.

Mr. Morey noted they can let the businesses know when they renew their business licenses each year.

Business Meeting

1.0 Call to Order

[7:00:37 PM](#)

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

[7:01:21 PM](#)

2.0 Comment/Prayer and Pledge of Allegiance

[7:01:35 PM](#)

- 2.1 The prayer was offered by Michele Weeks.

[7:02:11 PM](#)

- 2.2 The pledge was led by James Alger.

[7:02:32 PM](#)

3.0 Public Comments

[7:06:23 PM](#)

- 3.1 Kelly Jackstien, resident, requested an in depth review and reform of the current procedure for classifying residential treatment facilities in Draper. Currently, many facilities are being classified as R3 instead of R4, and they are not required to have fire suppression systems. Fire suppression systems are the standard for many other cities in Utah. She read from the current Code for an R4 classification requiring fire suppression. Ms. Jackstien expressed her opinion that Draper City is arbitrarily and selectively applying only certain provisions of this Code while ignoring the remainder of the Code. The residents of the facility are supervised and are on medications at times that can restrict their ability to assess a dangerous situation such as a house fire. The patients can also be given ambien, which could cause confusion to the patients. She expressed her opinion that these facilities are coming to Draper because Draper is fresh off a lawsuit and does not want to be sued again. This completely undermines the purpose of City government. The residents are not asking the City Council to refuse these facilities; however, they are asking the City to require a safe and measured approach when these come in. She reminded the Council that the Federal government has granted protection to those seeking treatment because they are in a position where they are unable to protect themselves. The way Draper has classified the facilities has created a situation where the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA) protection is manipulated to protect the highly-profitable business owner with little regard for the patients who are in need of protection.

[7:09:53 PM](#)

3.2 Mary Beth Brooks Garrett, resident, stated she has been affected by a group home that has been in operation for the last two months. She is disappointed with Draper's zoning ambiguity, the loose interpretation of the building code, and the rate in which these businesses are locating in Draper. There have been three in the last five months and eight in the last year. She is also disappointed with the disregard in proximity. In the next year, she will have three existing rehab facilities and a group home for the elderly within one mile of her home. She said her home is located in the outmost perimeter bordering the Bureau of Land Management (BLM) land. The City has a responsibility to the residents to balance this market growth in an acceptable manner. At this point, she has heard Councilmembers shy away from conversations regarding group homes and has heard one Councilmember say their hands were tied. This is not true, as there are measures that can be taken to manage this. Too many group homes will bring a decrease in property values, which can mean a decrease in revenue for the City. She has discovered many things that surrounding cities are doing to protect the balance of this market. Other cities have created ordinances restricting the number of beds in each rehabilitation home. The idea is to encourage quality over quantity and protect the impact on otherwise quiet neighborhoods.

Ms. Garrett indicated the home in her neighborhood will be allowed to have 16 beds in an 8,000 square foot home. At 16 clients a month, she will be enjoying the traffic of over 192 neighbors over the next calendar year. She questioned why an ordinance has not been put in place. Other cities are also raising the standards to promote healthy businesses in their city limits. They are requiring facilities to achieve the health care industry's joint commission accreditation within one year of opening. Draper currently has no accreditation requirement at this time. Other cities have adopted proximity limits or innovated ways of helping to deter clusters of these businesses in the neighborhoods. Other cities have created task forces assigned to addressing the latest national and local trends in law making for this issue. The City of Draper is stalled with inaction. She asked the City Council to consider these findings. She invested in Draper 10 years ago. She chose this place to raise her family and did not think she would have to research these things or call the City's attention to them. It has impacted her life on a personal level.

[7:13:11 PM](#)

3.3 Jeremy Pope, resident, said he owns some of these facilities in other communities. His facilities are in Davis County, Salt Lake, and the Big Cottonwood Canyon area. He stated allowing four unrelated individuals in a home is sufficient. All of his facilities are zoned R4, so he is required to have ADA compliance with a ramp or elevator and a fire suppression system. These requirements can be accomplished by the City without litigation. He said he does not feel they should be stopped from being in the community, but they should meet some safety standards. He asked the City Council to give this serious consideration and discuss putting in text amendments that would put in proximity requirements, unrelated bed requirements, and change the classification to R4.

[7:16:20 PM](#)

3.4 James Alger, resident, advised the lawsuit filed by Lon Lewis against Draper in 2008 is what opened the door for residential treatment centers to be built in Draper, and they do serve a community service. Ordinance #838 is the closest ordinance he could find that

addresses this type of business. He read from Section 9 in regard to safety and health regulations that are permitted in the zone. The neighbors are concerned that the treatment facilities are being treated as residences in regards to the laws they have to adhere to. The Code needs to be more specific in terms of parking spaces, number of residents, fire safety standards, and other business requirements. These are businesses and not residences. The neighbors would feel better if there were more requirements in place.

[7:19:41 PM](#)

3.5 Michele Weeks, resident, stated Crystal Recovery is in her backyard, and the home looks over her pool. She said she is concerned about the lack of information she has received. She expressed appreciation to the Draper staff for giving her the information she has requested; however, she still has questions that are not answered. The business license for Crystal Recovery shows it is limited to eight. She asked whether that includes staff and patients or just patients. The description says residential substance abuse but does not provide any other information. She said they told Draper City they did not plan to have a pharmacy on site; however, they told the State they are. They also told Draper that they would learn to cook in the house, but they told State the meals would be catered. As a next door neighbor, she would like to have these questions answered. Other cities have limited the number of residents to four beds, and it came down to their definition of family. She read Sandy City's definition of a family. Draper's definition is too broad and actually defines this type of facility in the definition. She said she loves Draper, but there are a lot of concerns that the City needs to look at. This ordinance needs to be more restrictive.

[7:22:58 PM](#)

3.6 Ken Weeks, resident, said he is already concerned with the parking in the area. There are only three patients at the facility behind his home, and the parking is already a problem. He did not buy his home in Draper to be inundated with these types of facilities. The residents need the Council's help in addressing the concerns. There are so many inconsistencies with what the facilities are saying to the City, and what they are saying to the State in order to obtain their licensing. He said he is not sure who plays the cop here. The City needs to get to the bottom of this before it gets ugly. He stated he does not want to lose the quaintness they enjoy by living in Draper.

[7:25:33 PM](#)

3.7 Chuck Elliott, resident, said he got a call the other day to do a fire flow test in a home and was blown away when he discovered there was a drug rehab center in his neighborhood. He indicated former City Councils have had a bad reputation for being anti-business. This is a time they need the City to be anti-business, and they are not. This is a very for-profit business. He has a coworker that spent \$14,000 for 4-6 weeks in a rehab center in California. This business is not a community service, as they will be importing people for their facility. He stated they need the City Council to fight for the residents. He asked them to find out what the other cities are doing. He does not want this type of facility next to his house. He expressed his opinion that they should go into commercial areas.

[7:28:42 PM](#)

3.8 Tom Hasleton, resident, stated he is a building contractor. He came to Draper in 2005, and he has built many projects here. He knows the City staff very well, and they enjoy a

mutual respect of each other. However, in this instance, this type of business is not regulated very well. His business is highly regulated, and he is forced to comply with the regulations or he is fined. A business like this is loosely regulated, which is a black eye for the city. Draper is a nice place. He cautioned that one business should not be made bigger than the residents of Draper. Draper has an ordinance that requires a facility that is 6,200 square feet or bigger to have a fire suppression system unless there is a flow test. He said they need to make sure the flow test is proper or the home should be equipped with fire sprinklers. All of the assisted living facilities in Draper have to be completely ADA compliant. The HOA will not allow parking on the street for over twenty-four hours, so there will be problems here.

[7:31:24 PM](#)

3.9 Melissa Davies, resident, addressed the residential drug and alcohol residential treatment centers in Draper. There are a total of eleven facilities that have opened within the last month, and she currently lives within one mile of three of these facilities. She noted some surrounding cities have passed ordinances and amendments that she would like to have adopted in Draper. Large occupancy facilities are not appropriate for neighborhood residential settings. The City Code currently allows for up to eight unrelated individuals to reside in a residential rehab recovery facility with the ability to request, for reasonable accommodation, up to sixteen unrelated occupants. She asked that Draper City adopt and enforce occupant limitation rules similar to Sandy City, Holladay, and Kaysville. These cities currently have limitations to four unrelated residents with the ability to request up to eight with reasonable accommodation. It is logical that once the facility has demonstrated that they can handle the four unrelated individuals in a manner that is safe for the patients seeking treatment, as well as the surrounding community, they can file for a reasonable accommodation permit after one to two years of occupation. The business man in her neighborhood said he hopes to increase his client base to sixteen within the first year of operation. In limiting these businesses to four unrelated residents, they can gain the experience they need, prove operations quality, and then file for additional patients after one to two years. Most neighborhood settings cannot accommodate the traffic of a facility housing eight to sixteen residents. They have seen this in their own neighborhood with Crystal Recovery. They are not fully occupied with eight residents yet, but there is already a parking problem. If a facility would like to exceed eight patients, they should be required to be in a soft commercial, mountain, or rural area so their clients and the community's safety is not compromised.

[7:34:38 PM](#)

3.10 Landon Taylor, Boy Scout, stated he is working on a merit badge and would like to construct a traffic light near the double tunnel on the end of Wayne's World Drive. The cars do not stop at the stop sign, which makes it restrictive for other vehicles to get on their desired road. It would make traffic flow a lot smoother.

[7:36:00 PM](#)

3.11 Kathy Smith, resident, stated she is here regarding the reinstatement of speed bumps on 1700 East. The speed bumps redirect traffic to Richins Road and Relation Street. It is the purpose of speed bumps to slow down traffic. If they are replaced on 1700 East, they should also be placed on all of the surrounding roads.

[7:37:35 PM](#)

3.12 Katy Jensen, resident, voiced concerns with the traffic on her street. They purchased their property over 30 years ago. The speed limit on this street is 30 mph, but the speed is generally 40 to 60 mph. The people avoid the speed bumps on 1700 East by taking Relation Street. Her daughter is blind and hearing impaired, and it is dangerous for her to even walk out to get the mail. The residents on Relation Street are just as important as the residents on 1700 East. She asked the City to help slow the traffic down.

[7:39:38 PM](#)

3.13 Terry Richins, resident, noted that a few years ago when the speed bumps were put in place on 1700 East, it was because a child was hit by a vehicle. The speed bumps are too big, and they have caused parts to come off vehicles. She expressed her opinion that it is unfair to divert traffic to streets with other children. She asked the City to not put them back in. It would save the City money.

[7:42:07 PM](#)

3.14 Jim Brown, resident, stated the speed bumps on 1700 East have been taken out because of the gas line construction. The traffic on the other streets has reduced drastically. He asked the City to do a proper traffic study on 1700 East if they are going to be put back in. He then asked to have them put in on his street as well if the City decides to have them reinstalled on 1700 East. He said he hates speed bumps, but he hates the traffic more. He recommended they also look at reopening 13200 South to help with the traffic and possibly close his street. He then stated that in terms of the halfway house thing, the City should keep residential as residential and commercial as commercial. It is pretty obvious. If they are making money on it, it should be in a commercial area.

[7:45:17 PM](#)

3.15 Philip Grim, resident, stated he lives next door to Crystal Recovery. There is a lot of passion surrounding this issue. He is on the HOA board and has been involved in what has happened year-to-date. The City Council needs to look at what the ADA protects in terms of disability and the business. This company chose this location because of the high return they could get on their investment. This is a growing problem. A group submitted tonight that if the City Council does not get ahead of this, Draper will be the best location for these highly-profitable businesses. They do not have respect for the community or the community members. They are only interested in turning a profit. The neighbors even offered to buy these individuals out, but the business owner turned them down saying it would take \$3 million because that is the value of this location. Mr. Grim recommended the City establish comparable guidelines on any business that is operated in the City.

[7:48:35 PM](#)

3.16 Bill Sattree, resident, said he lives next to Crystal Recovery. The standard recovery center charges \$15,000 to \$30,000 per month per person. He built his house ten years ago, and he knows where every nail is in his home. His hope was to retire here. He said he would sell his home, but disclosing that this facility is next door is detrimental to his doing so. He does not have a problem with the recovery centers; however, the location in the middle of an HOA might not be the best idea. He stated his neighbors have done a lot of research on this, and they are asking the City Council to consider the R3/R4 classification.

[7:51:58 PM](#)

3.17 Corey Larrabee, resident, said he lives on Relation Street. He introduced three of his five children. He said ever since the speed bumps went in on 1700 East, they have seen an increase in traffic and speeds. Especially since the middle school went in. His kids are unsafe due to traffic speeds. He asked the City Council to take the speed bumps out or put them on the other streets that are affected.

[7:52:59 PM](#)

3.18 Larry Jones, Knights of Columbus, read a statement about their past participation in Draper Days and the rodeo. They will be unable to continue providing food services at these events because of the number of food vendors that are now allowed to participate. He thanked the City Council for the past support of their efforts.

[7:56:34 PM](#)

3.19 Jamie Pogue, resident, said he came to speak about the treatment center. He asked the City Council to change it so Draper is not the “low hanging fruit” in terms of it being easier to locate these facilities in Draper City. He asked the City Council to make Draper’s requirements the same as the surrounding communities. Mr. Pogue then indicated he agrees with the residents on Relation Street. There have been huge increases in traffic and speeds since the speed bumps were installed on 1700 East. The closing of 13200/13400 South has made a huge impact as well.

[7:59:34 PM](#)

3.20 Kelly LaDue, resident, indicated she lives on Relation Street, and she loves the neighborhood. The traffic has increased. She is a mom, and she is fine that there are no sidewalks; however, it is kind of scary to send her kids out. This is something the City needs to address.

[8:01:01 PM](#)

3.21 Councilmember Rappleye advised he appreciates the letter the Knights of Columbus sent to the Councilmembers. The City is putting together an Equestrian Board, and they need members to serve on that board. He said he would love to have some Knights of Columbus members on the board.

Mr. Jones indicated he has spoken with Councilmember Vawdrey about this, and he will bring this to his group to talk about.

[8:02:04 PM](#)

3.22 Councilmember Summerhays said he did not know the Knights of Columbus were not doing it again this year. The letter was a surprise to him.

[8:03:27 PM](#)

3.23 Councilmember Stenquist asked whether the legal counsel could respond on the treatment center issue.

[8:03:42 PM](#)

3.24 Mayor Walker said the Council appreciates the amount of input they have received. He has tried his best to communicate with the residents who reached out to him. The City

understands the issues very clearly and understands the neighbors' concerns. They have looked at the law. It is a unique area, and it is not a simple issue to deal with. Many of the comments made this evening are exactly what they hear about in the court cases. He said he hopes the residents understand that as the City grapples with the issues, they do so with two things in mind. They need to comply with the Federal law and State law, and they need to make that fit with what the City wants in the community. He then asked the City Attorney to address this.

Tracy Cowdell, City Attorney, expressed his understanding that these issues are incredibly frustrating. The residents want a response from the City, and it is easy to conclude that the Council and staff do not care if they do not join in on the conversation. The City is not apathetic to the concerns. He has spoken with every Councilmember about this issue and what can be done to address the concerns. He has to be careful about what he says in terms of what is legal and what is not legal on the record, because they never know when one of the entities might want to sue the City. The City cannot zone out this type of business. There have been many requests in terms of fire code, occupancy permits, proximity limits, accreditation or licensure, Federal government, and other cities ordinances. Mr. Cowdell indicated he can talk about some of them. In terms of the proximity issue and zoning these into commercial areas, there have been numerous cases litigated over the last twenty years, and every one of them has lost. The City has to be very careful about proximity limitations. Some cities may have a limitation on their books, but it is not enforceable. The City does not regulate businesses as it relates to the professional services they provide. The City only regulates as it relates to land use. If there are questions about whether they will or will not be cooking, or whether they will or will not have a pharmacy, those kinds of things need to be addressed with the State licensing entity. The City does not have the authority to regulate that. If there is a conflict between what they have put on the City's application and what they put on the State application, those inconsistencies need to be taken to the State to investigate. There was some discussion about occupancy limits and how Sandy City has ratcheted back the occupancy limits. That is true; however, when one of these businesses asks for a reasonable accommodation under the American Disabilities Act, those types of accommodations cannot be denied. Draper can put something like that on the books, but they would still have to grant any request for reasonable accommodations. The licensing issues are things they should talk with Jason Chaffetz about. The City will see more of these because Draper has a lot of homes that lends themselves to this kind of thing. He suggested they also talk with Speaker Hughes about the licensure issues. In reference to the fire code, if someone has a problem with how staff has interpreted the Code, there is a way to appeal that. Mr. Cowdell expressed concern that if the Council were to make a knee jerk reaction and change the Code requirements, it would look like they were trying to zone this particular entity out of the city. That is what litigation is made of. He indicated that the City will do what they can within the confines of the State and Federal law.

[8:14:48 PM](#)

3.25 Mayor Walker advised he had a lengthy conversation with Representative Hughes about these issues. The State has limited the authority they have given to the municipalities. He said he will continue to work with the Legislators to explore the issues. Mayor Walker said he wants to make it fundamentally clear for the record that while they do represent

all of the residents of Draper, the Councilmembers have taken an oath to uphold the law. The residents may want the Council to do something, but they have an oath and obligation to follow the law. Mayor Walker said he believes in the oaths he has taken, and he believes the changes need to be made correctly and in a way that can be dealt with. Mayor Walker stated the Council has heard the residents. They understand the concerns and appreciate the comments that were made this evening.

[8:17:01 PM](#)

3.26 Mr. Cowdell indicated if anyone is interested in chatting with him, he is open to meeting with them.

Mayor Walker advised he would be happy to meet with them as well.

[8:17:40 PM](#)

** Councilmember Rappleye moved to take a break. Councilmember Colbert seconded the motion.

** *The Council took a break at 8:18 p.m.*

[8:31:47 PM](#)

** *The meeting resumed at 8:31 p.m.*

[8:32:09 PM](#)

4.0 Consent Items

- a. Approval of March 31,2015, Minutes**
- b. Approval of Agreement #15-41, with Acme Construction for the 300 East and Pioneer Road Widening Project**
- c. Approval of Agreement #15-60, with Salt Lake County for the installation and maintenance of 12450 South 300 East traffic signal**
- d. Approval of Agreement #15-71, with Miller Paving for the construction of Potato Hill Trail Head 2015 improvements**
- e. Approval of Agreement #15-76, Franchise Agreement with XO Communications**

[8:33:03 PM](#)

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

[8:33:25 PM](#)

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

[8:33:37 PM](#)

5.0 Public Hearing: Ordinance #1123, Bechard Estates Zone Change, Request for approval of a Zone Change from RA1 to RA2 on 2.38 Acres Located at 13322 South 1300 East

[8:33:55 PM](#)

5.1 Keith Morey, Community Development Director, advised the applicant is requesting the Council continue this item.

[8:34:04 PM](#)

5.2 **Councilmember Summerhays moved to continue this item to May 5, 2015. Councilmember Vawdrey seconded the motion.**

[8:34:20 PM](#)

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

[8:34:29 PM](#)

6.0 **Public Hearing: Ordinance #1143, Ballard Properties Zoning Map Amendment, on the request of Greg Wilding for approval to change the zoning at approximately 12273 & 12275 South 300 East and 415 East Pheasant View Drive from RA1 to R3**

[8:34:51 PM](#)

6.1 Mr. Morey displayed an aerial map of the subject property. There is RA1 zoning adjacent to this parcel. Most of the surrounding property it is R3, which is what the applicant is asking this be changed to. There have been general comments about the rezone not being compliant to the surrounding properties. However, staff feels it fits with the area. The Planning Commission and staff both recommend approval of this application.

[8:36:30 PM](#)

6.2 Greg Wilding, Wilding Engineering, commented that this rezone is one that the City attempted to do at one time in order to conform to the neighboring properties. The property owners are ready to make that change now, and they want to do something that will benefit the entire city.

[8:37:43 PM](#)

6.3 **Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.**

[8:38:00 PM](#)

6.4 **Councilmember Vawdrey moved to approve Ordinance #1143. Councilmember Summerhays seconded the motion.**

[8:38:18 PM](#)

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

[8:38:32 PM](#)

7.0 **Public Hearing: Ordinance #1144, Request for approval to amend the text of Section 9-26-090 of the Draper City Municipal Code to allow a tower sign in Freeway Frontage Zone A for a business or a group of businesses in a single development which has three acres and a minimum of 400 linear feet of frontage**

[8:38:56 PM](#)

7.1 Mr. Morey advised this item was on the agenda last summer. There was some confusion at that time about what staff hoped to accomplish when they brought it to the Council. This all started because the ordinance originally stated the only way to get a tower sign is if the property had 100,000 square feet of property. There are two options in front of the Council this evening. They are as follows:

- “Businesses or a group of businesses within a single development which meet the qualifications of subsection (B)(1) and would otherwise qualify for a tower sign may be allowed one of the sign types in this subsection. Businesses located within the Freeway Frontage Zones A and B may have a tower sign without consideration of building floor area.”
- “Businesses or a group of businesses within a single development which meet the qualifications of subsection (B)(1) and would otherwise qualify for a tower sign may be allowed one of the sign types in this subsection. Businesses located within the Freeway Frontage Zones A and B may have a tower sign without consideration of building floor area providing the property on which it is located has a minimum three acres and a minimum 400 linear feet of lot frontage. “

Staff likes the second option better because it limits the number of tower signs that will be allowed in the area to four signs. The first option would allow seven new tower signs.

[8:45:08 PM](#)

7.2 Councilmember Summerhays asked whether there is a reason why they have the thirty and forty foot on A and B rather than just having one.

Dennis Workman, City Planner, indicated staff is not proposing a change to the height. There are two heights because in some areas the forty feet is too high and the thirty feet works better.

Councilmember Rappleye said the rationale at the time was because of the distance from the freeway.

[8:47:15 PM](#)

7.3 Councilmember Rappleye then questioned whether the language in Sign Zone A and B are the same except for the height. Mr. Morey stated it is. The primary people that approached the City about wanting tower signs would be allowed to have one under option two. Staff was not making this change just for them, but it was stimulated by them making the City was aware of the need to make a change.

[8:50:00 PM](#)

7.4 Mayor Walker opened the public hearing.

[8:50:09 PM](#)

7.5 Michael Brooks, Boondocks, stated they have struggled with signage since they opened. The sign they currently have is inadequate. He said he feels that Boondocks provides a benefit to the entire city. They love Draper, and this has been a great location for them. He asked the City Council to approve this ordinance.

[8:52:05 PM](#)

7.6 Mayor Walker closed the public hearing.

[8:52:11 PM](#)

7.7 Mr. Morey clarified that one of the things staff focused on was the number of signs that could be created if they did not limit it with lot sizes. There could be four along Bangerter, six along the west side of I-15, and seven along the east side of I-15. Before staff put the restrictions in, there could have been about thirty signs.

[8:53:25 PM](#)

7.8 Councilmember Rappleye moved to approve Ordinance #1144. Councilmember Summerhays seconded the motion.

[8:53:55 PM](#)

7.9 Councilmember Colbert asked which option they are adopting.

[8:53:58 PM](#)

7.10 Councilmember Rappleye clarified it is staff's recommendation of option two.

[8:55:11 PM](#)

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

[8:55:24 PM](#)

7.12 Mr. Dobbins said there have been questions about Zone B. He asked whether there is a desire to make Zone B the same as Zone A.

Councilmember Summerhays advised he would like to make them all the same.

Councilmember Rappleye said he is not concerned about that. He said he is okay leaving it the way it is.

Councilmember Colbert stated he is not interested in making a change.

[8:56:58 PM](#)

8.0 Public Hearing: Ordinance #1146, On the Request of Ty Cragun, representing Tom Stuart Construction, for approval to amend Table 9-13-1 of the Draper City Municipal Code to add "Retail, General" and "Personal Instruction Service" as Conditional Uses in the Manufacturing Zone

[8:57:31 PM](#)

8.1 Mr. Morey stated the applicant is asking to amend the Manufacturing Zones Use Table to add Retail, General and Personal Instruction Services as conditional uses in these zones. It was never the intention to leave those uses out, and as they evaluated it, these uses make sense. These are conditional uses, which would allow the Planning Commission to place conditions on the use to mitigate any concerns. He expressed his opinion that it was an oversight in leaving them off the table. Backcountry.com in West Valley is a perfect

example of this type of use. They have a 300,000 square foot facility, and they wanted to have retail in the front.

[8:59:12 PM](#)

8.2 Councilmember Rappleye asked what type of personal instruction could go in there. Mr. Morey responded they could have yoga classes, workout class, dance class, or cross fit, etc.

[9:00:33 PM](#)

8.3 Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.

[9:00:56 PM](#)

8.4 Councilmember Colbert moved to approve Ordinance #1146. Councilmember Rappleye seconded the motion.

[9:01:10 PM](#)

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

[9:01:20 PM](#)

9.0 Public Hearing: Ordinance #1147, 965 Residential Rezone Request, on the request of Kelli Lundgren, representing Lapis Development, LLC to approve a rezone request for the property at 965 East 12200 South from CS and CO1 to RM2

[9:01:56 PM](#)

9.1 Mr. Morey said this is a unique piece of property. There is a raw piece of ground behind the substation. The applicant would like to use the property to build a multi-family development.

[9:04:31 PM](#)

9.2 Robert Orr, Cottonwood Heights, said this property rezone would be compatible to the neighborhood. It has a lot of amenities for the residents. It is within walking distance to the trails, stores, etc. The property owner has struggled with this property since they purchased it. They have had a couple of offers over the last few years, but the owner has been very careful with what she would allow to be done on the property.

[9:06:50 PM](#)

9.3 Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.

[9:07:11 PM](#)

9.4 Councilmember Rappleye moved to approve Ordinance #1147. Councilmember Vawdrey seconded the motion.

[9:07:41 PM](#)

9.5 Councilmember Vawdrey stated it seems a better use to have this residential.

[9:07:54 PM](#)

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

[9:08:20 PM](#)

10.0 Action Item: Ordinance #1145, Amending Section 7-11-10 of the Draper City Municipal Code by changing the location of garbage containers in circles, coves, and courts for collection

[9:08:38 PM](#)

10.1 Glade Robbins, Public Works Director, reviewed the changes to the garbage placement in cul-de-sac, coves, and courts in order to make it safer for the garbage pickup. The fewer backing movements the trucks have to make, the safer it is for the residents.

[9:09:54 PM](#)

10.2 Councilmember Rappleye asked whether there will be paint marks for the residents to know where to place the cans.

Mr. Robbins replied yes. Staff will place a white x where the cans should be placed. The first time, the workers will actually place the cans where they want them in the future and will paint an x on the street so the residents will know where to take them. The residents affected by this change will receive a door hanger with instructions printed on it. They are hoping to start this in the first week of May, so when school is out for the summer this will be in place. It will be safer for the children.

[9:11:34 PM](#)

10.3 Councilmember Summerhays moved to approve Ordinance #1145. Councilmember Vawdrey seconded the motion.

[9:12:04 PM](#)

10.4 Councilmember Rappleye thanked staff for being proactive in looking at this. He is supportive of this change.

[9:12:37 PM](#)

10.5 Mayor Walker commended the staff for the work they do. The service is very good.

[9:12:50 PM](#)

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

[9:13:08 PM](#)

11.0 Discussion: Contracting Services with the Traverse Ridge Special Service District Administrative Control Board

[9:13:23 PM](#)

11.1 Russ Fox, Assistant City Manager, gave a brief history of the Traverse Ridge Administrative Control Board. There are a few things the City needs to continue working on. The first is to enter into an Interlocal agreement that spells out all of the things that

were identified in the original ordinance creating the Traverse Ridge Special Service District (TRSSD) and how they will handle all of those services. They need to lay some good ground rules to operate with. They also need bylaws so there is a clear understanding between the City and the Control Board on how to move forward.

[9:16:25 PM](#)

11.2 Mayor Walker invited Amy Baird, TRSSD Chair, and Dan Wheatley, board member, to come forward to introduce themselves.

[9:16:57 PM](#)

11.3 Mayor Walker commended the Board for getting the City a temporary budget. He stated one of the ideas they had was to form a working committee with Board members, Council members, and staff to work out the details of services in the District. The City would also like to provide legal counsel if the Board would like that. Mayor Walker said the past is the past, and he would like to move forward and make this the best they can.

[9:19:58 PM](#)

11.4 Mr. Cowdell suggested the Board get their recommendations to Mr. Fox of who they want to serve on this committee. Mr. Fox will then schedule a meeting.

[9:20:27 PM](#)

11.5 Mayor Walker stated they would like to get on this quickly. He noted the District has the option of operating on a fiscal year or a calendar year budget. He expressed his opinion that in this point of the budget cycle, it might be better for the District to operate on the calendar year.

[9:23:45 PM](#)

11.6 Amy Baird asked how they would collect taxes for the budget.

Mr. Cowdell indicated the budgeting people would just have to plan for it. He said that local districts that enter into Interlocal agreements with other entities that are on calendar years and fiscal years make it work all of the time. South Valley Sewer is a perfect example of how that works.

[9:22:15 PM](#)

11.7 Councilmember Colbert indicated one of the challenges with this is they will have to set a tax rate with the recommendation of the Board within a few months. They cannot wait until June. He expressed his opinion that it might not be in the best interest of the District to go two years without tax revenue.

[9:22:37 PM](#)

11.8 Mayor Walker asked how the Board is doing on their full budget.

Ms. Baird advised the City gave the District \$140,000. They spent \$117,000 for snow and \$30,000 for the administrative fees. They are almost even, so they still have the \$2 million in reserves.

[9:23:03 PM](#)

11.9 Mayor Walker stated if the Board is good with forming the committee, they will start with that. He asked Ms. Baird to provide the names she would like to have on this committee.

[9:23:44 PM](#)

11.10 Ms. Baird noted they were going to talk about the temporary budget on Thursday at their meeting. She had heard that they would need to hold a public hearing to adopt the budget. Mayor Walker indicated that is correct.

[9:24:32 PM](#)

11.11 Mr. Cowdell indicated there are very strict noticing requirements regarding the budget. He said the Board is welcome to call the Attorney's office if they have any questions.

Mayor Walker advised the City can assign an attorney to start working with the District right now if that helps.

Ms. Baird stated she would prefer to talk to Blaine Carlton on their Board. He is an attorney.

[9:25:41 PM](#)

11.12 Dan Wheatley indicated he is assuming there is a cost associated with the offer of attorney services.

Mayor Walker explained there would be, and they could work out that rate together. It is important that the District have an attorney that understands Municipal law.

Mr. Cowdell said that there are few attorneys that represent Special Districts.

Ms. Baird noted that one of the attorneys they interviewed does work with Special Service Districts.

Mayor Walker remarked it might be economically better to use the City's attorney, but the Board can do what they want. The City is just trying to offer a way to help the District.

[9:27:49 PM](#)

11.13 Mr. Wheatley stated he does not want to come across as being contentious, but the Board would prefer to keep the attorney neutral.

[9:28:54 PM](#)

11.14 Councilmember Colbert noted he is not sure how they would transition to a calendar year. The attorney would be able to answer that question. The City is fixed to set the tax rate in June, and the taxes are collected the following November. The Board needs to decide what they are going to do soon. There is a short construction window, and there is work that needs to be done up there.

[9:29:46 PM](#)

11.15 Mayor Walker said he would like to have the committee formed by next week so they can get working on this.

[9:29:56 PM](#)

11.16 Mr. Cowdell said the Special Service Districts set their tax rate by doing an estimate on their budget. They budget that way, and when the certified tax rate comes out, they do an adjusted budget.

[9:31:21 PM](#)

12.0 Council/Manager Reports

[9:31:29 PM](#)

12.1 Councilmember Stenquist said due to the public comments about speed bumps on 1700 East, he would recommend the City instruct the construction company to not replace the speed bumps. He said he never wanted them there anyway.

Subsequent to Council discussion, the consensus was to not replace the speed bumps and to look at restriping the street to help with traffic speeds.

[9:34:38 PM](#)

12.2 Mr. Robbins indicated the City has received a request from a resident who lives next to the Saddler trailhead that wants to purchase four feet on the south side of that trailhead to expand their lot for an RV pad. They are willing to pay market value.

The entire Council was agreeable to selling it for \$9.00 per square foot.

Mr. Robbins then advised they have received a request from a resident who lives along the Brickerhaven Trail. The original master plan for this area was to have a trail that came underneath the freeway to make it a connector trail. That is no longer in the plan. The Trails Committee has looked at it and determined that it is not essential for the connection because the trail comes down in a different area to connect. The resident has asked that the City abandon the trail and allow the property owners to have that property. The Parks Department does not have an opinion either way.

The Mayor stated the residents would have to purchase the property if they wanted it.

Councilmember Rappleye noted they are entering into a new phase of personal transportation. The City might be short-sided if they give this corridor up. As they obtain different funds, there may be a possibility of doing a walk-bridge over the freeway or going underneath. He said he knows it is expensive, but it could be an urban pathway. The City Council agreed it would be better to hold on to the property.

[9:40:00 PM](#)

12.3 Mr. Dobbins indicated the Unified Fire School will be Friday, May 15, 2015.

Mr. Dobbins then advised the property north of the post office on 300 East is zoned commercial. They made an application with the City under the old Code that allows them

to do a mixed-use project with retail on the first floor and high density on top. The neighbors do not want that there, but the developers are allowed to do it under the old Code. The property owners have asked whether the City would allow them to eliminate the ground floor retail and reduce the number of units by approximately 100. The only way to do this would be with a development agreement. The lot size is 10 acres. The neighbors are concerned with the traffic the mixed-use project will generate, so the developer said he would be willing to eliminate the retail and reduce the density if the City would allow that.

The City Council agreed to look at a development agreement.

[9:44:02 PM](#)

13.0 Adjourn to a Closed Meeting to discuss litigation, property acquisition, and/or the character and professional competence or physical or mental health of an individual

[9:44:07 PM](#)

13.1 Councilmember Summerhays moved to adjourn to a closed meeting to discuss litigation. Councilmember Rappleye seconded the motion.

[9:44:20 PM](#)

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

[9:44:27 PM](#)

13.3 The meeting adjourned at 9:44 p.m.