

Approved 07.21.15

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JULY 7, 2015, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH.**

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; Rachele Conner, City Recorder; Tracy Cowdell, City Attorney; Keith Morey, Community Development Director; Rhett Ogden, Parks and Recreation Director; and Glade Robbins, Public Works Director

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**Dinner**

**Study Meeting**

[5:40:02 PM](#)

**Prison Relocation Update**

Jeff Hartley, lobbyist, briefed the City Council on the prison relocation status.

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**1.0 Discussion: Unified Fire Authority Staffing**

1.1 Mike Jensen, Unified Fire Chief, reviewed call statistics for the Draper fire stations. He then discussed staffing options with the City Council. He advised he would put together a list of options for the Council to consider.

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**2.0 Discussion: Electronic Signs**

2.1 Keith Morey, Community Development Director, displayed pictures and videos showing signs with different pixel sizes so the City Council could see the change in sign quality. Staff will be bringing an ordinance back to the City Council for their consideration.

[6:55:06 PM](#)

**3.0 Discussion: Council/Manager Action List**

3.1 Russ Fox, Assistant City Manager, distributed the Council Action Lists to the City Council that showed the items they had brought up in the Council meetings and listed the status of those items. He asked the City Council to review the items, and if they want further action taken on them to let staff know.

## **Business Meeting**

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### **1.0 Call to Order**

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

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### **2.0 Comment/Prayer and Pledge of Allegiance**

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2.1 The prayer was offered by Jace Jensen.

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2.2 The pledge was led by Dan Boles.

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### **3.0 Public Comments**

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3.1 Ronald and Judy Larsen, residents, read a statement to the City Council regarding a water issue they are having with a developer that purchased a half-acre lot from them. They said they realize this is a civil problem, but they requested any help or suggestions the City could provide.

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### **4.0 Consent Items**

- a. **Approval of June 16, 2015, Minutes**
- b. **Approval of Surplussing Various City Vehicles and Other Assets**  
Draper City Fleet Division is requesting approval to surplus twenty-four vehicles and two Grasshopper Mowers. These assets have reached the end of their useful life and now have been determined to be surplus items. Staff: Bob Wylie
- c. **Approval of Resolution #15-37, Reappointing Members to the Planning Commission** Staff: Keith Morey
- d. **Approval of Resolution #15-38, Appointing Members to the Draper City Equestrian Center Board**
- e. **Approval of Resolution #15-39, Appointing Craig Hawker as a Regular Member of the Planning Commission**

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4.1 Mayor Walker publicly recognized and thanked Planning Commission member Leslie Johnson for her service to the City for the last ten years. Her term has expired, so Mayor Walker wanted to express his appreciation to her for her hard work.

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4.2 Councilmember Vawdrey moved to approve the consent items. Councilmember Summerhays seconded the motion.

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

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5.0 **Action Item: Ordinance #1158 and #1159, Elgin Place General Plan and Zoning Map Amendments, Request for Approval of General Plan and Zoning Map Amendments for Properties Located at Approximately 11970 South 700 East from Neighborhood Commercial Land Use to Residential High Density Land Use and RA1 (Residential Agricultural, 40,000 Square Foot Lot Minimums) to RM2 (Multi-family Residential, Up to 12 Dwelling Units Per Acre) with a Development Agreement for Up to 16.3 Dwelling Units Per Acre**

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5.1 Keith Morey, Community Development Director, indicated this item was on the City Council agenda a couple of weeks ago, and the Council held the public hearing. He reviewed the proposed development for those present. The applicant is asking for the higher density due to the proximity of the Trax station, which is less than one block away.

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5.2 Councilmember Summerhays asked whether there is another exit on 11900 South. Mr. Morey said that is the one they proposed. They had talked about doing a joint access agreement with the property to the south, but that is not going to happen. The developer has not entertained a connection onto 700 East.

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5.3 Councilmember Colbert said there was some concern about the number of units accessing 11900 South. Mr. Morey noted the Engineering Department reviewed all of this and did not have any concerns.

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5.4 Councilmember Summerhays stated the City Council has visited many cities in other states, and this proposal is the exact type of development that the City has planned for the Transit Oriented Development zones.

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5.5 Councilmember Rappleye said this type of developments is meant to get people out of their cars by using transit. This development is designed around a community format, which is a benefit to the city. It is more livable than other designs he has seen.

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**5.6 Councilmember Rappleye moved to approve Ordinance #1158 and #1159. Councilmember Colbert seconded the motion.**

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5.7 Councilmember Rappleye said as he reviewed this application, he found that the developer has done a good job providing options. It will provide privacy for the residents, which should reduce turn over and make them true residents of Draper. He believes this will be a good development next to the Trax station.

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5.8 Councilmember Vawdrey noted this is a very attractive design, and she feels the applicant has done a good job with the proposal.

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**5.9 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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**6.0 Public Hearing: Providing Local Consent for a Limited Service Alcohol License for Even Stevens Draper, LLC, Located Generally at 541 East 12300 South**

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6.1 Mr. Morey noted this is a small shop in town. He displayed a diagram of the area. They have met all of the requirements, and staff recommends the City Council approve this request.

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6.2 Councilmember Vawdrey asked whether the church is within the 600 feet buffer. Mr. Morey explained the distance is measured from door-to-door, so the church is not within the buffer zone.

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

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**6.4 Councilmember Rappleye moved to provide local consent for an alcohol license for Even Stevens Draper, LLC. Councilmember Summerhays seconded the motion.**

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**6.5 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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**7.0 Public Hearing: Snow Crest Subdivision Preliminary Plat, Request for Approval of a Preliminary Plat for a Four-Lot Subdivision on 2.98 Acres in the RA2 Zone, Located at 13000 South 1300 East**

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7.1 Mr. Morey gave some background for the City Council. Most of the time this type of application would be approved at the staff level; however, there were some issues with the adjacent property owners, so staff felt it would be best to have this application go through the complete process. He displayed the zoning map for the Council. There is an issue with the private lane easement. The applicant has the paperwork to show he has access to the property. The Planning Commission voted four to one to forward a positive recommendation to approve this.

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7.2 Councilmember Colbert asked whether the private lane would have to be paved. Mr. Morey replied it does not have to be paved.

Councilmember Colbert stated the City Council received some written correspondence today regarding the legality of the easement. Mr. Dobbins indicated staff received it as well, but they have not had time to review it.

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7.3 Councilmember Summerhays said the City Council is voting on the four-lot subdivision, and the easement is not something the City can be involved with.

Mr. Morey explained staff's responsibility is to make sure they have access to the property, and the paperwork that was provided to them shows that they do. The City should not get involved in private property rights.

Councilmember Summerhays then questioned the size of the water line.

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7.4 Mark Richards, resident, stated this is a plat for a specific parcel of property. There is an issue with the owners of the right-of-way, and he expressed his opinion that they can get this resolved at a later time. This application has gone through the process, and it meets every ordinance. He wants to build something correctly and with integrity. They have tried to take into account the impact on the Cozzens. There is water coming from the south side, and it is a six or eight inch line.

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

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7.6 Sherrie Cozzens said there is a letter from the attorney that she would like made a part of the record. The letter will be included with the City Council handouts. The dispute is over

the interpretation of an easement, which was given to a friend of the Cozzens who is now deceased. She said they do not believe the easement passes on to the new owners. They plan to expand the use on the land. She read from the Code regarding limitations on the change of intensity of a use. She stated four potential homes on the property will expand the use of the easement.

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7.7 Blaine Cozzens, property owner's son, stated the developer has said the lane would have minimal use. He said he disagrees with that especially during the construction process. He gave a brief history of the irrigation ditch that was previously on the property. The right-of-way that was given to the previous property owner was for ten feet. The land has expanded to twenty feet due to the irrigation ditch being filled in by Don Cozzens. This will have a great impact to the Cozzens. The previous easement was given thirty years ago, and there was no intent to allow a development behind this property. The Cozzens allowed the easement to their friend Jack and did not charge him any money for it.

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7.8 Don Cozzens, property owner, said he has lived in the house on this property for fifty years. He stated when he built the lane it was the only access he had to his back yard. If this application is approved, there will be six houses utilizing the lane in his backyard. He noted he owns this property, and the developer will have to prove that they have the right to it if this goes to litigation.

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7.9 Justin Barlow, neighbor, said this is right in his backyard. He is a proponent of this development because four custom homes will improve the value of his home. The existing home is falling apart and is an eye sore. He expressed his hope that the City Council would want to better the city by allowing custom homes to be built.

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7.10 Grant Hansen, neighbor, noted he has known Don Cozzens for nearly fifty years. Mr. Hansen stated he sold some land to a developer many years ago. The developer bought 325 feet, but as it was developed, the developer ended up with 10 additional feet. When he brought that to the attention of the City, he was told that he could sue the developer civilly. He then gave several other examples of problems with developers in the area. When they talk about integrity, they should go back and see what that word means.

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7.11 Shawn Benjamin, resident, said he does not have any involvement in this; however, he has been through this process before as an architect and it can become really cumbersome. He expressed his opinion that the City might not want to get involved with approving something that is not clearly defined. He asked the City Council to allow more time to get the issues sorted out.

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

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7.13 Councilmember Colbert stated they all received the letter from the attorney today. He would like to allow the legal team to review the questions and research the right-of-way before they move forward with this.

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7.14 Tracy Cowdell, City Attorney, noted two weeks should be plenty of time for staff to look into this.

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7.15 Mayor Walker explained no motion was made, so this item will be considered on July 21, 2015.

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**8.0 Action Item: Approval of Agreement #15-100, Construction Agreement with Wardell Brothers for Traverse Ridge Road Widening**

[7:57:07 PM](#)

8.1 Glade Robbins, Public Works Director, said this project was discussed at the last Council meeting. The City put this project out to bid and received two responses. Staff had previously recommended the City Council award the bid to S&L, even though they had the higher bid, due to a dispute the City was having with Wardell Brothers on a different project. The dispute has been resolved, so staff is recommending the City Council now award the contract to Wardell Brothers as the low bidder.

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8.2 Councilmember Colbert asked whether there will be any problems with the previous approval of the contract with S&L. Mr. Robbins explained they did not formally enter into the agreement, so there should not be a problem.

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**8.3 Councilmember Rappleye moved to approve agreement #15-100 with Wardell Brothers. Councilmember Colbert seconded the motion.**

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8.4 Councilmember Rappleye thanked staff for getting the dispute settled.

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8.5 **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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**9.0 Action Item: Resolution #15-41, Supporting HB362 for Increased Transportation Funding in Utah County**

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9.1 Mr. Dobbins indicated the City Council passed a resolution supporting HB 362 in Salt Lake County at the last meeting. Draper is also located in Utah County, so they are asking Utah County to place it on the ballot as well.

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9.2 Councilmember Colbert said this gives Mountainland Association of Governments in Utah County the same support they provided to Salt Lake County.

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**9.3 Councilmember Colbert moved to approve Resolution #15-41. Councilmember Summerhays seconded the motion.**

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

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**10.0 Action Item: Resolution #15-36, Intent to Adjust Draper City Boundary with Bluffdale City**

[8:01:32 PM](#)

10.1 Russ Fox, Assistant City Manager, noted this property is bordering I-15. Bluffdale is sharing in the cost of improvements with the I-15 widening project, and they would like to provide funds for Bluffdale property rather than Draper property. Staff felt I-15 should be the dividing line between the two cities. The engineers have looked at it, and it does not adversely affect the City by doing this. This is the first step in the process of adjusting the boundary line with Bluffdale City.

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10.2 Councilmember Rappleve said there is a possibility of commercial at that intersection down there. He asked whether this would affect that. Mr. Fox stated it would not. The entire property is owned by the Utah Department of Transportation (UDOT).

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10.3 Councilmember Colbert expressed concern that the property is one-quarter of the freeway interchange that they are abandoning. UDOT might own it, but there might be the potential that they would sell any surplus after the construction that could be used for commercial.

Mr. Fox explained this is mostly interchange and there is not much of a commercial potential on this because UDOT owns the entire section.

Councilmember Colbert stated they own it, but if they do dispose of it, Draper will lose tax revenue from that. This is not a very small amount of property.

Mr. Fox noted there is that potential, but one thing to take into consideration is that Bluffdale could withdraw their funds for the freeway improvements.

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10.4 Councilmember Stenquist said there is currently a large retention basin on that property, which is dry most of the time.

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10.5 Councilmember Summerhays questioned whether there is a way to see how much property there is. They might be able to negotiate with Bluffdale. They have already given a large amount of property on the west side to Bluffdale.

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10.6 Mr. Cowdell explained that this resolution just starts the process for adjusting the boundary. It does not say that the City Council has agreed to do this. This is the first step to gather the information, and it starts the clock ticking for the City to move forward with the next steps. There will have to be a public hearing before the City Council makes a final decision.

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10.7 Mr. Dobbins indicated Draper went through this process to adjust the boundary with Lehi, and Lehi still has not adopted the change. This action is just declaring the City's intent to adjust the boundary.

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10.8 Mayor Walker indicated the issue for Bluffdale is that they do not want to put money into improvements that are in Draper and not their city.

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10.9 Councilmember Colbert asked who is in the driver's seat if both cities accept the resolution. Mr. Dobbins explained both parties have to agree to it.

Councilmember Colbert asked for the final I-15 construction maps so he can look at it.

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**10.10 Councilmember Vawdrey moved to approve a boundary line adjustment with Bluffdale City. Councilmember Summerhays seconded the motion.**

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**10.11 A roll call vote was taken with Councilmembers Rapple, Stenquist, Summerhays, and Vawdrey voting in favor. Councilmember Colbert voted no. The motion carried with a majority vote of 4 to 1.**

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**11.0 Council/Manager Reports**

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- 11.1 Councilmember Colbert said the Equestrian Center needs some parking stalls striped for the horse trailers for the rodeo so they can pull in and out safely.

Councilmember Colbert then indicated there is a conflict with the signage in terms of pedestrian/equestrian use on the Bunny Bradley trail. They need to fix it so the users know how it can be used. It says equestrians must use paved trail, which does not exist. There is also a sign on 13200 South saying no equestrian use.

Councilmember Colbert then stated they have received emails about the maintenance of the pocket parks. Mr. Dobbins stated staff is looking into the issues.

Councilmember Colbert questioned whether it would be beneficial in the long run to put artificial turf in some of the small pocket parks to decrease the needed maintenance.

Mr. Ogden said he will put some numbers together to see if it would be cost effective. He has met with his staff, and they have made a commitment to make sure the pocket parks are maintained better. They are also talking to the private contractor about their responsibilities. He noted it will improve.

Councilmember Colbert then noted the park strip on Traverse Ridge Road is overgrowing the sidewalk, and the pedestrians have a hard time walking on it. He asked staff to look at it.

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- 11.2 Councilmember Rappleye reminded everyone they have a new store opening called Floor and Décor. The ribbon cutting will be July 22<sup>nd</sup> at 4:00 p.m.

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- 11.3 Councilmember Vawdrey asked whether the City wants to do something about the signage in the Historic Park saying the kids need to stay off the rocks by the fountain. It is dangerous.

Councilmember Vawdrey then said the ladies in the community want a splash pad. The Godfrey's are interested in partnering with the City to do something like that at the Park School.

Councilmember Vawdrey questioned what 1300 East will be like during Draper Days. Mr. Dobbins stated they will not be doing any construction during that time period.

Councilmember Vawdrey said she has a resident that is really concerned about the Brickerhaven Trail. The residents say it has not been maintained for twelve years. There is no beginning of a trail and no end, so the City either needs to abandon it or maintain it.

Mr. Fox indicated there are a lot of issues with the trail. There are also encroachments on the trail that would need to be addressed.

Councilmember Vawdrey asked how the cleanup of the Mehraban Wetlands is going. Mr. Robbins indicated they have been able to clean the pipes and drain the water down. They have stabilized banks where the trails are. Animal Control caught two beavers and removed them from the area.

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11.4 Councilmember Summerhays said there is a pocket park near Bill Rappleye that has a single pine tree in it. He questioned whether it would make a good building lot.

Councilmember Rappleye indicated they could not build a home on it. It has frontage on three sides so there would be no place for an entrance.

Councilmember Summerhays suggested staff look at the other pocket parks to see if it would make more sense to sell them as building lots.

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11.5 Russ Fox indicated T-Mobile would like to have a cell tower in the Steep Mountain Park area. The amount of the lease would be \$1,500 per month. They are proposing to put lights on the cell tower to help light the park. The equipment shed would be attached to the restrooms and will match their elevation.

Councilmember Colbert asked what the light would look like and whether it would light the tennis courts. Mr. Fox stated it would not light up all of the court, but would provide light to half of it.

Councilmember Colbert said he is open to receiving more information. He would like a rendering of what it would look like and the dimension of the poles.

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11.6 Mr. Ogden said there have been some complaints about the mountain bike teams. Staff is monitoring the situation. They do not feel there is a need yet to require reservations or fees; however, if it comes to that staff will bring something back to the City Council for their consideration.

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**12.0 Adjourn to a Closed-Door Meeting to Discuss the Character or Professional Competence of an Individual**

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**12.1 Councilmember Summerhays moved to adjourn to a closed meeting to discuss the character or professional competence of an individual. Councilmember Rappleye seconded the motion.**

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

12.3 The meeting adjourned at 8:37 p.m.