

Approved 12.15.2015

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, DECEMBER 1, 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; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Russ Fox, Assistant City Manager; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; and Bryan Roberts, Police Chief

Dinner

Study Meeting

[5:59:32 PM](#)

1.0 Presentation: Neighborhood Watch

[6:00:27 PM](#)

1.1 Debi D'Amico, Crime Prevention Specialist, reviewed the new Neighborhood Watch Program for those present. The new program is called Neighborhood Watch Now, and it has a free phone application associated with it called Ice Black Box. This application allows people to video a crime in progress or a suspicious incident. The video is uploaded to the Cloud and can be used for evidence. A person can push a button at the same time that will call 911. She played a video that further explained how the program worked.

Subsequent to Council and staff discussion about the concerns and advantages of the program, the Police Department will try it out on a trial basis. They were told to get information about the program out to the residents.

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2.0 Council / Manager Reports

[6:31:13 PM](#)

2.1 David Dobbins, City Manager, asked the City Council what they wanted the new name of the Equestrian Center to be. It will be called the Andy Ballard Arena.

Mr. Dobbins then noted some of the Council Members had requested a bike sticker permit program for the canyon trails. He asked if there is an interest in doing this. Subsequent to Council discussion, a volunteer sticker program will be implemented. The group also discussed implementing a park fee to help pay for park and trail maintenance.

Mr. Dobbins stated Councilmember Summerhays and Councilmember Colbert have expressed interest in going through the Police Academy. They have indicated there is a need for more enforcement in the canyon. He asked whether that is something the

Council would like the City to fund. The decision was to have them pay their own way through the program. Mr. Dobbins clarified that even if they go through the program, they would still have to be hired by a law enforcement agency to do any enforcement. The City Code prohibits current Council Members from being City employees. He noted his preference is to have the Council budget \$8,000 to hire a part-time officer to spend approximately ten hours per week up in the canyon enforcing the dog off-leash ordinance. The Council agreed to add that to the budget amendments at the next Council meeting.

Business Meeting

[7:00:44 PM](#)

1.0 Call to Order: Mayor Troy K. Walker

[7:00:53 PM](#)

2.0 Thought/Prayer and Pledge of Allegiance

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2.1 The prayer was offered by Braxton Harboch, Scout Troop #1227.

[7:01:41 PM](#)

2.2 The pledge was led by Levi Erickson, Scout Troop #1754.

[7:02:26 PM](#)

3.0 Recognition: Corner Canyon High School Mountain Biking Team

[7:02:40 PM](#)

3.1 Mayor Walker recognized the Corner Canyon HS Mountain Biking Team as the Utah State Champions. This team has 100+ riders and is the largest team in the country. They are coached by Jamie and Whitney Pogue. The team was presented with a certificate and had their photo taken with the Mayor and Council.

4.0 Presentation: Utah Valley Women's Initiative

4.1 Glynis Tolerico chose not to make her presentation. She had indicated this is a Utah Valley Initiative, and Draper is mostly comprised of Salt Lake County residents.

[7:09:08 PM](#)

5.0 Presentation: Police Department Holiday Card Contest Winners

[7:09:12 PM](#)

5.1 Bryan Roberts, Police Chief, explained the process the Police Department uses to choose the winner of their holiday card design contest. They send an invitation to all of the fifth graders in the City to submit a design for the holiday card. They received 200 submissions this year, and the staff voted on the top 6 to pick the winners. The winners were as follows:

- First place winner – Cate Stevens, Saint John the Baptist Elementary

- Runner up – Brenley Clark – Draper Elementary School
- Runner up - Anna Munoz, Saint John the Baptist Elementary

The winners were given a gift bag with various prizes and a framed copy of their artwork.

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6.0 Public Comments

To be considerate of everyone attending the meeting, public comments will be restricted to items not listed on this or a future agenda and limited to three minutes per person. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.

6.1 No one came forward to speak.

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7.0 Consent Items

- Approval of November 17, 2015, City Council Minutes**
- Approval of the Cottages at Country Oaks Final Plat**
- Approval of a Winter Trail Grooming Agreement in Corner Canyon between Draper City and Thin Air Cycles**

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7.1 Councilmember Summerhays moved to remove Item C from the Consent Items for discussion. Councilmember Colbert seconded the motion.

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7.2 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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7.3 Councilmember Summerhays moved to approve Consent Items A and B. Councilmember Colbert seconded the motion.

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7.4 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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7.5 Councilmember Summerhays asked Rhett Ogden, Recreation Director, to explain this agreement. Mr. Ogden noted this is something the City looked at doing a few years ago, but never did. Thin Air Cycles is interested in grooming the trails this winter at no cost to the City. They would groom several of the main trails to open up the canyon for multi-uses during the winter months. They would like to put a sign up at the trail head stating

that the trails are being groomed by Thin Air Cycles. He displayed pictures of a groomed trail.

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7.6 Councilmember Colbert asked whether there are any concerns about damage when the trails are muddy. Mr. Ogden noted the agreement details when the trails can be groomed. This is an experienced company, and they know when it will be safe to work on the trails.

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7.7 **Councilmember Summerhays moved to approve Item C. Councilmember Colbert seconded the motion.**

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7.8 **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 **Action Item: Canbury Cove Phase 2 Zone Change, Request for Approval of a Zone Change from RA1 and RA2 to R3 on 3.87 Acres on Property Located Generally at 1111 East 13200 South**

[7:30:21 PM](#)

8.1 Keith Morey, Community Development Director, explained the Council held a public hearing on this item at the last Council meeting. This is a request to rezone the property from RA1 and RA2 to R3.

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8.2 Councilmember Rappleye noted the City is in the middle of a General Plan study. He asked whether this area is being considered for higher density. Mr. Morey explained they have not gotten that far in the process yet because they do not have all of the data. That will not be available until spring of next year.

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8.3 **Councilmember Stenquist moved to deny this item. Councilmember Rappleye seconded the motion.**

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8.4 Councilmember Stenquist stated as he considered this request, he looked at the surrounding properties. The majority of the lots are half-acre. The developer mentioned that if he had to have the half-acre zoning, he would have to build two-story homes. Councilmember Stenquist advised he does not see that as a problem in this area.

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8.5 Councilmember Rappleye noted he also looked at the map and current zoning, and this request does not fit in with the current zone.

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8.6 Councilmember Summerhays stated he attended the Planning Commission meeting when they considered this item. He noted that half of the residents were in favor of this and half were against it. The neighbors to the east were in favor of this because of the heights of the proposed homes.

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

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9.0 **Public Hearing: Palomino Point Phase 3 Amended Plat, Request for Approval of a Plat Amendment to Phase 1 Palomino Point in Order to Create an Additional Five Lots, Otherwise Known as Palomino Point Phase 3, on a 1.73 Acre Site Located Generally at 12980 South 300 East**

[7:40:00 PM](#)

9.1 Mr. Morey indicated this property is just off 300 East. He displayed an aerial map of the location. There are wetlands in the area, and they are doing a current to make sure they are still designated as wetlands. The Planning Commission recommended approval of this application and so does the staff.

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9.2 Councilmember Summerhays asked whether the Army Corp of Engineers is finished with everything. He said he has been worried about this property for years because of the water. There are active springs on this property. Mr. Morey noted the City does not have anything to do with designating the property as wetlands. They do not extend into the area the Council will be considering tonight. The City Council just needs to decide whether or not this meets the zoning and if they want to approve it.

Councilmember Summerhays advised this is the wettest part of Draper. He wants to make sure everyone is aware of the water problems with the area. The development of this area concerns him.

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9.3 Councilmember Colbert asked whether they could put a warning on the plat about basements or say that basements are prohibited. Mr. Morey noted this is just the subdivision plat. When the applicant actually submits plans for what he intends to build, the Building Official will require him to identify where the ground water is.

Councilmember Colbert said they have noted on plats in the past that this area is known to have a high water table. He would strongly suggest they add that to this plat if it is approved.

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9.4 Mr. Morey noted the geotechnical report the applicant submitted has been approved by the City's geologist.

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9.5 Mike Barker, City Attorney, advised they would have to have something to back it up if the City decides to prohibit basements in this area. Councilmember Colbert clarified that he would just like a warning placed on the map to make the buyers aware of the water table in the area.

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9.6 Mr. Dobbins explained the geotechnical report states they can build basements as long as they mitigate it. They could put a note on the plat that said something to the effect that the geotechnical report should be referenced in construction.

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9.7 Mr. Morey stated the addressing for this phase is inconsistent with the other phases. He asked the Council to include in the motion, if they choose to approve this item, that the addressing will be corrected with the final plat process.

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9.8 Ryan Buttons, applicant, stated they are aware of the water table, and they have done a lot of studies. Every home will have a foundation drain and sump installed as well. The water table varies from five to ten feet. The worst spot is next to Browns Pond. The CC&Rs note that there is a water issue in the area, and they are required to follow the recommendations of the geotechnical engineers.

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9.9 Mayor Walker opened the public hearing.

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9.10 Katherine Alf, neighbor, said she is concerned that the City will give building permits for basements. They did have a previous Draper resident try to sue all of the homeowners on Browns Pond because his basement flooded. She does not want the neighbors or City to be blamed for any flooding issues. Her water table is at thirty-six inches.

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9.11 Mayor Walker closed the public hearing.

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9.12 Councilmember Summerhays said Ms. Alf just reiterated his concern. There is a water problem all the way from Fort Street to this area.

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9.13 Councilmember Colbert moved to approve the Palomino Point Phase 3 amended plat, with the addition that the plat has a note added that perspective buyers should

consult the geotechnical report prior to building, and that the addressing shall be corrected. Councilmember Summerhays seconded the motion.

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

[7:56:12 PM](#)

10.0 Public Hearing: Silverhawk Master Plan Amendment and Zone Change, Request for Approval of a Master Plan Amendment and a Zone Change on 0.8 Acre Parcel Located Generally at 11845 South 700 East

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10.1 Mr. Morey noted the General Plan has the future use of this property as Neighborhood Commercial. He displayed an aerial view of the area. The Planning Commission and staff recommend approval.

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10.2 Ali Harash, applicant, indicated they plan to build a small office building on the property with an 8:00 a.m. to 5:00 p.m. use, such as a dentist office or title company.

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10.3 Mayor Walker opened the public hearing.

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10.4 Margene Luke, neighbor, said she spoke with the people of Silverhawk, and they gave her an overview of the plan. In the front there is an office building; however, in the back they plan to build a shed for construction tools. They are saying the best use for this property is not residential; however, she lives to the north of this property, and there is another house to the south. She does not want construction trucks going in and out of the property. She expressed concern that the view of the pond would also be ruined.

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10.5 Mayor Walker closed the public hearing.

[8:01:35 PM](#)

10.6 Mr. Morey explained the action tonight is to amend the Master Plan and to rezone the property.

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10.7 Councilmember Summerhays said if they built the office building right now and then wanted to do a construction shed in the back later whether they would need a conditional use for that. Mr. Morey advised they would not. It would be covered in the zone as long as they follow the design guidelines.

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10.8 Councilmember Stenquist moved to approve the Silverhawk Master Plan amendment and zone change. Councilmember Rappleye seconded the motion.

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10.9 Councilmember Stenquist expressed appreciation to Ms. Luke for her comments and stated he hopes this does not adversely affect her. He said 700 East is becoming a commercial corridor, and the Master Plan anticipates the properties in this area going commercial. He said this is an appropriate use, and it is consistent for this area.

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10.10 Councilmember Rappleye indicated they would have to comply with the nuisance ordinance, so they should not negatively impact the neighbors at night.

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10.11 Councilmember Vawdrey asked whether this use is less intense than they are allowed. Mr. Morey stated they are requesting a zone change, but the request is less intense than the Land Use Map suggests.

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

[8:06:23 PM](#)

11.0 Public Hearing: 114th South Office Building Zone Change, Request for Approval of a Zone Change from CI to CC on 2.36 Acres Located Generally at 11506 South State Street

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11.1 Mr. Morey advised this property is on State Street. The intent of this property was always to go commercial. The Land Use Map designates the property as a future use of Community Commercial. The Planning Commission and staff recommend approval.

[8:08:12 PM](#)

11.2 Councilmember Colbert noted this is a State Road, and the State allows parking on the roadway. He said this is something they might have to address with the State, because he does not think it is conducive to public safety to allow on-street parking at this location.

[8:08:40 PM](#)

11.3 Orton Yosh, representing the applicant, said the intent is to build a professional office building on this property that will house both medical and general office uses. They plan to accommodate all parking within the facility parking lot as is required by zoning. The C1 zone does not allow medical use, and the CC zone does, which is why they are asking for the zone change. They want medical offices on this property, and no surgery will be done on site.

[8:10:00 PM](#)

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

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11.5 Councilmember Rappleye moved to approve the 114th South Office Building zone change based on the history of the site, the anticipated uses for the area, and there are existing medical facilities to the south of this property. Councilmember Vawdrey seconded the motion.

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

[8:11:25 PM](#)

12.0 Action Item: Thompson Orthodontics Zoning Map Amendment, for Approval of a Zoning Map Amendment on 0.49 Acres Located Generally at 13075 South 1300 East From the RA1 Zone to the OR Zone

[8:11:44 PM](#)

12.1 Mr. Morey said the Council held the public hearing on this item at the last City Council meeting. He displayed an aerial map of the area. The applicant is asking for a zone change from RA1 to the OR zone.

[8:12:21 PM](#)

12.2 Councilmember Summerhays asked how the Planning Commission voted on this item. Mr. Morey noted it was 4 to 1 to deny the application.

[8:12:58 PM](#)

12.3 Councilmember Stenquist moved to deny the Thompson Orthodontics Zoning Map amendment. Councilmember Colbert seconded the motion.

[8:13:23 PM](#)

12.4 Councilmember Stenquist stated there are a lot of concerns about putting a commercial zone on 1300 East. The City Council recently denied an application for an assisted living facility.

[8:14:26 PM](#)

12.5 Councilmember Summerhays recued himself from this vote due to having relatives living across from this property.

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

[8:16:29 PM](#)

13.0 Action Item: Ordinance #1179, Amending Section 7-12 of the Draper City Municipal Code Pertaining to Alarm Services and the Related Alarm Registration and Permit

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13.1 Bob Wylie, Finance Director, explained staff is asking to remove the permit fee from the City Code. There is no longer a reason for this fee, as the data base this generated is no longer used. The false alarm fee will still be charged. They added language stating that the fee will be based on a rolling twelve month period.

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13.2 Councilmember Summerhays asked whether there would be one fee all year long. Mr. Wylie clarified that they will be removing any fee associated with the annual permit fee. That fee was adopted to create a database for the Police Department; however, it has never really been used.

Councilmember Summerhays said this makes a lot of sense. He thanked Mr. Wylie for his work on this.

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13.3 Councilmember Vawdrey moved to approve Ordinance #1179 pertaining to alarm services. Councilmember Summerhays seconded the motion.

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13.4 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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14.0 Council/Manager Reports

[8:20:28 PM](#)

14.1 Mr. Morey noted they have received a complaint from a property owner about the City requiring a 10-foot setback for accessory buildings. He asked whether the Council has a desire to change the setback. The reason for the setback is to prohibit structures being built at the property line and affecting the adjacent neighbors.

Councilmember Stenquist asked what the general standard is. Mr. Morey said they are determined by the individual cities. He is sympathetic to this property owner; however, there are problems with building in a setback. A big issue is that utilities are generally placed within a setback requirement.

Councilmember Summerhays said if it does not affect the neighbors he is fine with it. He believes in personal property rights. Mr. Morey stated from a management perspective that approach is very difficult. They need to be consistent with how the rules are applied across the city. A structure is defined as anything over 200 square feet.

There was no interest from the City Council to make a change at this time.

Mr. Morey then indicated the golf course is requesting an additional liquor license, so staff is going to bring an ordinance amendment back to the City Council for their consideration. The City has also received a request for a micro brewery in Draper; however, that license has already been taken. He asked whether the Council is interested in increasing the number of brewery licenses allowed. The Council agreed to consider it.

[8:25:58 PM](#)

14.2 Councilmember Stenquist stated the tree lighting ceremony was very successful last night. He expressed gratitude to the Park's staff. There were a lot of people in attendance, which cause traffic problems. There was also a parking problem with the live reindeer that blocked traffic for a time. If they continue to promote this tradition in the community, they need to mitigate the traffic problems.

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14.3 Councilmember Vawdrey said not doing the work on 300 East next year is going to be a problem for the City. She asked whether the newspaper can publish an article explaining the City's decision making on the capital improvement projects priority list. She said she would like to get ahead of this issue to avoid upset residents.

Councilmember Stenquist asked whether they have actually made the decision not to do 300 East next year. Councilmember Vawdrey replied that 13800 South is federal money that has to be used next year.

Glade Robbins explained they have to do 13800 South next year. They had planned to delay 300 East so both roads were not under construction at the same time.

Mr. Dobbins indicated staff will bring the capital project list to the Council to determine the priority.

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14.4 Councilmember Summerhays indicated it would be nice to get the information out to the residents in advance of any road construction projects.

Mr. Robbins said they plan to do an article about the pavement maintenance. Councilmember Summerhays asked them to do more than one article.

Councilmember Summerhays then asked whether they could pressure the State to install the blinking yellow left turn lights on 700 East at 12300 South. He would like them added to the City signals as well.

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14.5 Russ Fox, Assistant City Manager, displayed options for the design of a cell tower outside of Draper City Hall. The Council agreed to pursue the pine tree design.

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14.6 Mayor Walker offered his condolences to Councilmember Colbert on the passing of his dear wife, Ruth. He stated the Council went to the aid of Councilmember Colbert in his time of need. He said on behalf of the Council and staff, the City is sorry for Councilmember Colbert's loss.

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15.0 Adjournment

[8:39:13 PM](#)

15.1 Councilmember Summerhays moved to adjourn the meeting. Councilmember Stenquist seconded the motion.

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

15.3 The meeting adjourned at 8:39 p.m.