

Approved 9.20.2016

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 6, 2016, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy Walker, and Councilmembers Bill Rappleye, Jeff Stenquist, Alan Summerhays, Marsha Vawdrey, and Michele Weeks

STAFF PRESENT: David Dobbins, City Manager; Rachelle Conner, City Recorder; Hazel Dunsmore, Human Resource Director; Russ Fox, Assistant City Manager; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; Bryan Roberts, Police Chief; and Bob Wylie, Finance Director

Dinner

Study Meeting

[6:03:11 PM](#)

1.0 Presentation: Re-Use Water

1.1 David Gardner, WaterPro, briefed the City Council on Re-Use Water Project. They would like to construct a re-use pump station with pipelines connecting to WaterPro, Riverton, and Bluffdale's secondary systems. The entire cost is \$20 million. Central Utah Project will contribute to the project, and they could receive an estimated \$2-5 million in federal funding.

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1.2 Alan Packard, Jordan Valley Water Conservancy District, reviewed the levels of chloride, sodium, and total dissolved solids in the water. The levels are too high at this time to be usable for landscape application. They are looking into using shallow ground water to dilute the water in order to get the levels down.

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2.0 Discussion: Tree Commission

2.1 David Cloward, chair, presented a PowerPoint presentation that identified the vision of the Tree Commission and the goals they have for the trees in the community.

The Council and staff discussed options for updating the City Code in terms of what trees are allowed in specific areas and what the role of the Tree Commission should be.

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**** Adjourn to a Closed Meeting**

Closed meeting to discuss litigation, property acquisition, and/or the character and professional competence or physical or mental health of an individual.

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** **Councilmember Vawdrey moved to adjourn to a closed meeting to discuss litigation. Councilmember Rappleye seconded the motion.**

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

** *The Closed meeting adjourned at 6:55 p.m.*

Business Meeting

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1.0 Call to Order: Mayor Troy K. Walker

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2.0 Thought/Prayer and Pledge of Allegiance

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2.1 Nate Shipp offered the prayer.

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2.2 Adam Lankford led the Pledge of Allegiance.

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3.0 Recognition: Debbie Ballard for Serving as the Draper Days Parade Chair for Five Years

3.1 Mayor Walker indicated that Ms. Ballard had not yet arrived at the meeting and suggested they postpone this item until her arrival.

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4.0 Recognition: Former Miss Draper Brynn Garfield, Current Miss Draper Sage Nielsen, and the Miss Draper Committee Members

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4.1 Mayor Walker read a statement in recognition of Former Miss Draper, Brynn Garfield, who served from 2015 to 2016. In the statement, Mayor Walker thanked Miss Garfield for her service, recognized her parents, outlined her platform to promote safe driving, and provided an overview of her goals for the future. Mayor Walker stated that Miss Garfield did an outstanding job representing the community during her time as Miss Draper. He then presented her with an award.

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4.2 Brynn Garfield reviewed her experience at the Miss Utah Pageant this year, and expressed that it was an amazing opportunity. She offered best wishes to the reigning Miss Draper, Sage Nielsen, as she moves forward in this role.

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4.3 Mayor Walker then recognized Sage Nielsen as the new Miss Draper. Miss Nielsen, expressed that she is excited to be the reigning Miss Draper. She stated that her platform is self-empowerment, positive thinking, and goal setting.

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4.4 Mayor Walker recognized Chelsey Bird, Lisa Armstrong, Stefani Walker, Setareh Egan, Ann Rasmussen, Ann Kruse, and Maridene Alexander for their efforts in organizing the Miss Draper Pageant.

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5.0 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.

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5.1 Kathleen Riebe introduced herself as a candidate for State School Board District 10 and explained that the Board encompasses all of Canyon School District. Ms. Riebe stated that she has been a teacher in the Granite School District for 15 years. She teaches at two schools, and has endorsements in educational technology and administration. Ms. Riebe explained that as she has listened to the Board of Education and has been more involved in education, she has recognized a need for teacher representation on the School Board. She stated that currently there are no teachers on the Board; therefore, when the Board makes policies, they are not getting any feedback from people who are actually in the schools. Ms. Riebe stated that she would like to provide that representation, and noted that she has been introducing herself to all of the communities who are in her area. She noted that she attends all of the meetings for the Canyon School Board and Granite School District. She is passionate about making school better for all children.

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5.2 Denver Snuffer stated that there is an action item on tonight's agenda that was not noticed to affected property owners. He explained that the citizens affected by this decision haven't had a chance to review or comment on the item in question. He opined that the development adjoined with the Edelweiss development has a plat map that is disrespected by the proposed preliminary plat, among other things in the development agreement that is being ignored. Mr. Snuffer stated that there are no trails shown in the preliminary plat, and the 16-stall parking area for the trails that was required in the

development agreement doesn't appear in the preliminary plat. Additionally, he said that there isn't a public restroom. Mr. Snuffer explained the developer is still getting credit for creating a public space that is not visible on the plat. The Stoneleigh Heights development was postponed because there were questions about the sewer; in this case, there are larger questions that should be asked and resolved prior to preliminary plat approval. As such, Mr. Snuffer requested that the action item in question be tabled.

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5.3 Mike Vreeland, resident, stated his home is part of the Bellevue Subdivision that was developed by Ivory Homes. He stated, for the record, that the legal description of his subdivision is Section 32, Township 3 South, Range 1 East, Salt Lake Basin Meridian. Mr. Vreeland explained that one advantage to being a Draper resident is being able to utilize the public trails system. According to Draper's website, the City has more than 80 miles of trails for cycling, hiking and horseback riding. Mr. Vreeland stated that it has come to his attention that the City is planning to develop part of the Draper trail system on his property, which currently fronts the east Jordan canal. The City has public trails easements on the back portion of his property, which he would like to dispute because he is concerned that the City's plans to build the trail on his property will relieve him of the use of a portion of his backyard. He is concerned that the City has invited the public to use this trail with no outward thought for the liability that he and his neighbors incur in the event of an injury or death that could occur from the public's use of the trail.

As of today, the City is proposing to build a trail on an easement on his land, which runs next to a canal. The public will then be invited to use this trail. Mr. Vreeland said that he will not be getting any compensation for the loss of use of that portion of his property as it stands today. He reiterated his concerns regarding liability in the event of an injury or death and asked the City to reconsider building this trail along the canal at all. Furthermore, he would like the City to consider vacating their easement on his land and the neighboring properties and instead use the existing foot paths located on the corner of Sunset Stream Way and Medina Drive to facilitate this proposed trail. In that scenario, the general public could use Sunset Stream Way for two blocks as part of the trail system. Mr. Vreeland stated that this would also be the most cost effective way of the City to build the proposed trail system through his neighborhood. He noted that if the City won't vacate their easement, then he would request that the City either bury the canal on the proposed trail route and build over it, or purchase the land subject to the easement in his neighborhood. He asked that the City meet these requests and be willing to work with him and his neighbors, in order to avoid future problems with this issue.

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3.0 Recognition: Debbie Ballard for Serving as the Draper Days Parade Chair for Five Years

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3.1 Mayor Walker recognized Debbie Ballard for her service as the Draper Days Parade Chair from 2012 to 2016.

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3.2 Debbie Ballard thanked everyone and noted she is stepping down because it's time for her to focus on being a grandmother. She expressed that this has been an honor and it's been great working with everyone. Ms. Ballard also thanked the members of the Police Department for all of their help over the years.

Mayor Walker presented Ms. Ballard with an award for her service.

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6.0 Consent Items

- a. **Approval of the August 16, 2016, City Council Meeting Minutes**
- b. **Approval of Resolution #16-47, Appointing Carl and Laura Clark as Members of the Historic Preservation Commission**
- c. **Approval of Resolution #16-49, Appointing Mike Carlson and Wendy Jensen as Members of the Youth Council Advisory Board**

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

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

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7.0 Public Hearing: Ordinance #1214 and #1215 - Highline CSD Text Amendment and Zone Change

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7.1 Dan Boles, Planner, stated this item was reviewed by the Planning Commission in June, and they forwarded positive recommendation for the zone and text amendment. He presented an aerial map of the subject property and current land use map, and explained that a portion of the area is Community Commercial as well as Residential High Density. He explained that the zoning map primarily depicts Residential Multi Family, as well as Manufacturing and Commercial on the southern portion of the property. Mr. Boles presented a concept plan and explained that if this is approved, the CSD text amendment would become one of the exhibits of the concept plan.

Mr. Boles provided an outline of the proposed text amendments for the Council's review. He explained that office buildings must be six stories or taller, and at least one of the buildings needs to be eight stories, which is an increase in height from the last time this item came forward. He stated that primary materials need to be 50 percent, which is up from 45 percent in the original proposal. There needs to be 50 percent high efficiency glazing, which is up from 35 percent. The proposed amendments changed the cap height of the office buildings to 15 stories, which is up from 10 stories. As per the proposed amendments, office amenities such as outdoor gathering areas will be required. A

requirement that was removed from the initial proposal was for retail to be a single story. The minimum density went from 22 to 15 units per acre, with a maximum density of 60 units per acre. Commercial/retail parking areas have a minimum of seven percent, which is the recommendation of the Planning Commission. Mr. Boles explained that the site plan was updated to include these amenities. Office elevations were also updated. The current proposal includes one to two stalls parking stalls per residential per unit, and one stall per five units for visitor parking.

Mr. Boles presented the exhibits and noted that no changes have occurred for residential, office/warehouse and hotel/retail. The proposal remains similar to what was already presented to the Council. Mr. Boles presented additional office concept drawings, as well as the previous conceptual site plan, citing only minor changes. Mr. Boles explained that instead of creating a row of buildings, they have been reconfigured for a more modernistic and less “cookie cutter” appeal. Mr. Boles identified where the amenities will be located, and presented various site photos. Lastly, he identified a slope on the southeast portion of the property.

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7.2 Mark Murdock, applicant, showed what is currently zoned on the site and stated the current zoning equates to 150,000 square feet of office and retail, and roughly 600 apartments. He explained this is not a lot of density for a site that has a future TRAX line. They are proposing one million square feet of office and retail space.

Mr. Murdock explained they are planning on having a minimum of six-story office buildings, and at least one, eight-story office building on site. He stated they spent a lot of time discussing how to create this zone, and in doing so, they came up with a way to encapsulate the best valley and mountain views. He presented a diagram of the valley views on the property and said the old site plan was more of a “cookie cutter” style, whereas the new site plan shows the buildings configured at different angles so as to capture the valley views. The updated site plan flows with the hill side and will have all of its amenities in the middle of the development. Mr. Murdock noted that the amenities will be 600 feet from the office buildings and will also be close to residential. He stated they are committed to amenities, and explained they have also added a direct connection to the retail. They will be focusing on trails as part of this development, and Mr. Murdock noted that the trail around the park is a half mile in length. It will also tie into the Porter Rockwell trail, which stretches 10 to 15 miles.

The apartment complex will include amenities such as a volleyball court, rooftop terrace, two parks, community gardens, and green bike system. In discussing trails, he presented a map of the entire trail system. He concluded that they feel that this will be the most prominent office park in the south end of the valley.

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7.3 John Bankhead, applicant, explained he has had several conversations internally, as well as discussions with members of the Council, about some of the issues that were raised during the last presentation. Some of those concerns included density, the “cookie cutter”

nature of the office buildings, and parking issues. They have sought to address those concerns with the changes that have been presented. For example, the orientation of the office buildings is irregular, and there is no longer a wall of buildings visible from the freeway. They've also added more architectural features to the buildings themselves, and the renderings and the language of the CSD better address the types of materials and floor plans that can be used. Mr. Bankhead explained that they have addressed the difference in height, in that the minimum height is now six stories instead of five stories; the requirement for an eight-story building has remained the same. They have added articulation to the façade, and specified higher quality materials. Mr. Bankhead explained that they believe having the amenities in the middle of the development will activate the site. He stated this layout will be a draw for certain companies that value employee retention, and noted this business park will be one of a kind. They are hoping the amenities will help create more of a community feel. Lastly, he mentioned there will be a large parking complex that will be added in phases to support the density these buildings will create.

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7.4 Mark Murdock noted with regards to parking and residential, as of today they have submitted changes to the CSD which specify 1.5 parking stalls per unit, rather than one stall per unit.

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7.5 Adam Lankford, applicant, stated he is excited to be involved in another great project in Draper, and expressed that this is the best type of project for this area. He explained there is a lot of grade that covers the site; therefore, they wanted to do something that's contemporary and urban but also takes advantage of the slope. Mr. Lankford stated his company has about 20 communities along the Wasatch front, and they own and manage about 18,000 units throughout the west. He stated that parking is critical for communities to be successful, and it is critical to them to have tenants who want to stay. In reviewing parking needs, they determined that 1.5 stalls per unit was a good number. They want to be flexible with the language related to parking in the CSD, so they can provide what the market demands. This is especially important as the point of the mountain continues to develop and light rail comes into the area. Mr. Lankford stated the parking that has been proposed is consistent with other similar communities.

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

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7.7 Councilmember Weeks thanked the applicants for taking the time to explain more about the development. She stated she is pleased with what they have done with the architecture of the business park, and other related changes. She expressed concerns with the residential, and noted that it was originally zoned for about 600 apartments. She stated that now it appears the density has been increased to 1,000 apartments.

Mr. Murdock clarified that the site plan still shows only 600 apartments for the residential. There was further review of the site plan.

Mr. Lankford explained the density range is from 15 to 60 units per acre. Councilmember Weeks inquired as to how many units per acre there are in total. Mr. Lankford stated again that the maximum density is 60 units per acre. Councilmember Weeks asked if they will be reaching the maximum allowable units per acre in their development. Mr. Lankford stated that while the CSD will indicate that they can build anywhere between 15 to 20 units per acre, the site is on a slope. Councilmember Weeks asked about the density at The Parc at Day Dairy, to which Mr. Lankford answered it is around 20 units per acre.

Boyd Anderson, Staker Company, stated the drawing currently being reviewed was in the last proposal, and they neglected to change the numbers. He clarified that they are trying to keep the density at about 600 apartments; however, the amendments will state that at any given site they could potentially build as many 60 units per acre or as few as 15-units per acre. He indicated the portion of the property which shows 300 apartments is on a 10-acre site; therefore, the density in that particular area is approximately 30-units per acre. Mr. Anderson stated that the lower portion of the development would allow about 45-units per acre. However, the current plan has a density of only about 15-units per acre. For this reason, the applicant is requesting to lower the minimum density because that's all they think will work on this particular site.

Councilmember Weeks stated that she loves what they have done with the office park. However, she's uncomfortable with the proposed density of 60 units per acre. She was not favorable to the proposal of 1.5 parking spots per unit, and noted the City Code calls for 2.25 parking stalls per unit. Councilmember Weeks stated other developments with 1.5 stalls have had a lot of problems; therefore, at the least she would like to make sure that there is sufficient parking. She explained they may need to limit the amount of apartments in order to make this accommodation for parking. Councilmember Weeks stated she is also concerned with open space, and noted right now the Code calls for 30 percent open space for apartments. She stated this site plan appears to only have 15 percent open space, and asked the applicant if this was correct information.

Mr. Anderson stated they have to have a project that will work in the market, and assured the Council that they are hoping to build a long term client base. They want the flexibility to plan for the future, especially since this is a TRAX location. Councilmember Weeks stated that people still like their cars for going to grocery stores and parks. There was continued deliberation, to which Mayor Walker interjected by advising the Council to allow the applicant an opportunity to answer questions prior to moving forward with additional discussion.

In speaking to the open space, Mr. Lankford stated there is 15 percent open space in the residential pod, and the overall open space for the project is 30 percent He explained that there is a difference with products such as Day Dairy, versus a higher-density product that is being proposed here; this proposal is for a more urban product. The type of renter who

will be attracted to these apartments will be looking for more indoor amenities, rather than large portions of grass and/or trail systems. The unit breakdown is also a huge determining factor. Mr. Lankford stated that in the residential portion of this project, only about five percent to seven percent will be three-bedroom units. In response to a question from Councilmember Weeks regarding unit sizes, Mr. Lankford noted that while there will be some two-bedroom apartments, the majority of the units will be one-bedroom apartments.

Zane Morris, applicant, explained that his company built the Triton Terrace apartment complex, which is located above the subject property. Triton Terrace does have 2.25 parking stalls per unit, and they are needed. However, Triton Terrace is a different type of product. Mr. Morris noted that Triton Investments has about 4,000 apartments on the Wasatch front, and about 22 different projects. Triton investments has typically built more garden style apartments, but the newer projects in Sugarhouse and Sandy are geared towards a different type of renter; i.e., millennials, younger couples, and office professionals. Mr. Morris stated that on the east side of the project 70 percent of the units are one and two-bedroom apartments; there are no three-bedroom apartments. In referring to the new developments in Sugarhouse and Sandy, Mr. Morris noted that those complexes only have one parking stall per unit. Furthermore, he explained that some developments downtown have less than one stall per unit, which works for the right tenant mix in the right location.

Councilmember Weeks stated there is not a grocery store that residents will be able walk to from this location. Mr. Morris noted that Harmon's would be closest, and it is half a mile away.

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7.8 Councilmember Summerhays noted this is a huge development, and the Council has been looking for this type of project to come to Draper for a long time. He stated he is not sure how fast it will be built and will grow. He asked whether the development will determine whether or not mass transit will come in, to which the applicant responded that it will help bring it in. Councilmember Summerhays stated this proposal meets all of the qualities that, as a City, they have requested from developers and have petitioned for in the city. The Council has visited similar developments in other states, and this proposal exceeds many of those.

Councilmember Weeks asked whether the City recently approved one of these massive projects on the west side of McDonalds, and Councilmember Summerhays answered affirmatively. He noted the development to which she is referring is near the train station. Councilmember Summerhays remarked that development is happening all over the valley.

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7.9 Councilmember Vawdrey commended the applicants for stepping up and making some good changes. She also expressed concerns about parking, and stated they have seen times when parking plans have not worked. She also mentioned the proposal separates the

visitor parking; therefore, the City's standard would be closer to two parking stalls per unit rather than 2.25 stalls per unit. Councilmember Vawdrey stated she knows the applicant wants to make everything work and expressed the City also wants to see this project be successful. However, until mass transit comes in, residents will not have other transportation alternatives.

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7.10 Councilmember Rappleye stated this proposal represents a transition development. He explained that over the last five years there have been concerns about air quality. The air quality standards were changed, and he argued that those standards have not been met as much. He was worried about the possibility of having no-drive days in the future, which is a concern that everyone faces. Councilmember Rappleye echoed previous remarks made about other similar communities that have almost completely eliminated private parking and are now down to a .5 per stall. He noted, however, they are not quite to that point in Draper. Councilmember Rappleye explained with the rise of online shopping, the need for cars is changing. He stated it is hard to make plans that are in anticipation for the future, and he realizes that there is some risk involved; however, he stated the quality of the development speaks volumes. He believes they will attract the type of tenants they want for area, as well as bring good paying jobs into the community. Councilmember Rappleye reported they just received an update from the Board of Realtors, and Draper City is in the middle of the growth curve when they compare the number of housing units. He expressed his opinion that the developers have done a good job with the application, but it is a little frightening to see the numbers. There is talk that the population is going to double by 2030. The housing has to be somewhere, and Draper has a good mix of single-family units and the urban-type of lifestyle. Some people choose not to own a car because it frees up a lot of cash for them. He expressed the developer has put together a good proposal, and he applauded the applicant for the changes that have been made. He noted this is the trend that will happen along the Wasatch Front. They now have the technology to make this work, which is a good thing.

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7.11 Councilmember Stenquist thinks that the City and developer have mutual interests to make sure that the project is as successful as possible. He expressed appreciation the effort that has gone into taking a closer look at this project.

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7.12 Mayor Walker stated the eight-story building on the site will be the second tallest building south of Salt Lake City. He hopes that the developers and investors will continue seeking to provide the best product in the valley. He agreed that the applicant has done a great job in improving the architecture, and listening to the concerns the staff and elected officials had previously expressed. He made particular mention of the hotel and retail, and was of the opinion they will greatly enhance the community. Mayor Walker stated he is on the Point of the Mountain Commission, and this is the type of project that has been foreseen for this area. Mayor Walker stated the applicant has brought great tenants to the City over the last five years, and he thanked them for all their good work.

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7.13 Councilmember Weeks asked for further clarification on whether or not they were cutting back to 600 apartment units. Mr. Lankford answered that the CSD would allow for a range of 15 to 60 units per acre.

Councilmember Weeks stated when she and Mr. Lankford spoke the other day, she was of the impression that they aren't looking at developing 1,000 units; rather, they were looking at cutting back to 600 units, as was originally proposed. She asked Mr. Lankford if she interpreted this conversation correctly, to which he responded affirmatively. He explained they have looked at developing this site at a density of 15-units per acre. However, it could end up being denser than that, and they want to have that flexibility.

Mr. Anderson stated the site to the east currently shows 30-units per acre, and the site plan to the north shows about 15 to 16-units per acre. He reiterated the points previously made by Mr. Lankford.

Councilmember Weeks asked how the development would change if they were to provide two parking stalls per unit, and stressed that she is worried about parking. Mr. Anderson stated that this request would kill the project on the east; the maximum amount of parking that they can provide on the east is 1.5 parking stalls per unit. Councilmember Weeks remarked that she feels this is problematic.

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7.14 Councilmember Summerhays asked which unit types would be affected if the requirement for parking was changed.

Mr. Morris stated a modified parking requirement would kill the apartment complex on the east side, which is primarily one-bedroom apartments, and 28 percent two-bedroom apartments. He explained that what happens when transitioning from different styles of apartment buildings, there comes a point when podium parking underneath the building is needed. However, the cost of podium parking is around \$20,000 per parking stall, for which the investor might receive \$100 a month in rent. In order to make the project more efficient, the developer switches to one-bedroom apartments. Mr. Morris explained these developments have worked in many cities, and that 1.5 stalls per unit are at the top of what is typically built for this type of product. He emphasized they wouldn't propose this project if they didn't think it would work from an operator standpoint. He stated that these types of developments exist in Salt Lake City today, and have proven to be successful.

Councilmember Weeks said this type of development is not working in Draper right now. Mr. Morris argued that this product doesn't currently exist in Draper. Councilmember Weeks stated that there are apartment complexes in Draper that have 1.5 parking stalls per unit, and it's not working for those developments. Mr. Morris asked Councilmember Weeks to what project she was specifically referring. Councilmember Weeks explained the apartment complexes to which she is referring are designed for couples who usually have two cars. Furthermore, she argued that parking becomes an even bigger issue when

residents have visitors. She concluded that 1.5 parking stalls to the unit is not working in Draper today.

Mr. Murdock added with regards to this proposal, specifically, there will be a fair amount of parking stalls associated with the office which will only be used during the day. Those parking lots will have connectivity to all of the apartments as well. Therefore, if there is ever a parking crunch, residents will be able to over-park onto the office sites. After continued deliberation, Mr. Morris explained the intention is to create a community where people can live, work and play, and not even need to drive their cars.

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7.15 Councilmember Rappleye moved to approve Ordinances #1214 and #1215, the Highline CSD text amendment and zone change. Councilmember Vawdrey seconded the motion.

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

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8.0 Public Hearing: Creekside Estates Zone Change and Land Use Amendment

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8.1 Jennifer Jastremsky, Planner, explained the applicant is seeking to change the zoning and land use designations for the property directly off of 11400 South, which is access off of a private lane. The current land use designation is Residential Low Medium, which supports zero to two dwelling units per acre. The City's Parks and Trails Map was presented, and Ms. Jastremsky noted the map shows a loop trail system running along the west side of the property. The Planning Commission and several residents were concerned about what will happen with Willow Creek if this property develops. She explained that trail improvements would be required with any subdivision regardless of zone. The Zoning Map shows the property is currently zoned RA-1, which has a minimum of 40,000 square foot lots. The applicant is requesting the R-3 designation, which allows a minimum of 13,000 square foot lots. It was noted that the surrounding area currently has the R-3 designation. The applicant has provided a concept plan, in which they are showing 12 lots. That is 2.09 dwelling units per acre on the 5.7 acre site. Ms. Jastremsky stated this is not a clustered development. If the rezone is successful, each lot would have a minimum square foot of 13,000 square feet.

There are significant changes with the property as it moves east to west, with regards to slope and grading. Ms. Jastremsky explained there is a requirement for a public road to go through this property, which would affect the development and the number of allowable lots. She stated that it's possible that the property would have a net number of lots closer to around 10. However, this information would be reviewed with an actual subdivision proposal, to make sure that the minimum requirements are met.

Ms. Jastremsky stated the density is compatible with the area for RA-1 and RA-2. Fox Landing, which is zoned R-3, has an average density of 2.2 units per acre, and Windsor Mill has a density of 2.4 units per acre; therefore, the proposal is in line with the existing R-3 zones that are in the adjacent area. Ms. Jastremsky explained the applicant is requesting to change the land use designation to Residential Medium Density, which allows two to four units per acre. This falls within the requirement for 2.09 units per acre and 13,000 square foot lots. City staff is recommending approval for both applications, and the Planning Commission recommended denial on a 4-to-1 vote for both applications. Ms. Jastremsky presented site pictures, one of which showed the existing private lane coming off of 11400 South. Another photo showed the existing house on the property, and another photo showed the south view towards the Frampton property.

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8.2 Councilmember Summerhays inquired as to who owns the subject property. Ms. Jastremsky replied it is owned by Sontag.

Councilmember Summerhays then asked how many lots the applicant is requesting to build on this property.

Ms. Jastremsky answered the applicant is asking for 13,000 square foot lots. The developer thinks 12 lots will fit on the property; however, there are a number of factors that will determine how many lots will go on the property. Councilmember Summerhays asked if there is a grade change on the property. Ms. Jastremsky answered affirmatively, noting that there is a 42-foot drop from the existing house down to the creek. She stated the grade will also need to be taken into account with the subdivision.

Mr. Dobbins clarified that tonight the Council is reviewing the zone. He stated the developer would still have to comply with City Code when proposing a subdivision. All issues related to the slope will be dealt with at that time.

[8:24:37 PM](#)

8.3 Councilmember Rappleye stated there is an access plan to open this property up, and asked whether there is currently a public road running through the development. Ms. Jastremsky answered in the negative. Councilmember Rappleye asked how this property is accessed. Ms. Jastremsky explained that it is accessed from a private lane off of 11400 South. She continued that the applicant would have to augment that private lane and work with the neighbors in bringing a road through the development. She noted the Frampton piece is also landlocked, and the City would require this public road to come back and stub into the property to the south. Councilmember Rappleye asked how wide of a road would be needed, to which Ms. Jastremsky explained that public roads need to be at least 60 feet wide.

[8:25:32 PM](#)

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

[8:25:45 PM](#)

8.5 Jeff Anderson stated he is representing the applicant and developer. Mr. Anderson explained he has lived in the area for 22 years, and has watched the area transition from rural to a mixture of parcels. There are a lot of subdivisions along 700 West, and as such the area has become very congested. Mr. Anderson explained that 11400 South has been improved by the Utah Department of Transportation (UDOT). It has become a major arterial road that runs from the 11400 South interchange all the way out to Daybreak. He noted South Jordan has a corridor that is also planned for commercial development. Mr. Anderson mentioned that across the street from City's detention basin, there is a commercial industrial building that is used by Harper Concrete. There is also a TRAX line, Walmart, Larry H. Miller and Karl Malone Car Dealerships, and Sam's Club. Therefore, this is a major interchange on the freeway.

Mr. Anderson explained they have met with UDOT and Draper City staff, and they both agree and support a new public road at this location which would provide access to the south. They have developed a concept plan to show how that road would proceed. Mr. Anderson explained there isn't a lot of flexibility on how that road lays out. There is an existing major sewer trunk line that runs through the property to the south, which is 115 acres. That sewer line comes down through the applicant's property, and they have laid that road out to follow that sewer line as much as possible. They are planning on making this a public road that meets City standards and is able to provide access to the 115 acres to the south.

Mr. Anderson said they received a staff report from Ms. Jastremsky, and they are in 100 percent agreement with what is stated therein. He stated it is important to realize that UDOT has approved this location, and it meets the intersection spacing between the interchange and 700 West. There is only one location where a new access road can be placed on this property. Mr. Anderson explained they believe they can get 12 lots on the property, but a final engineering study has not yet been completed. In response to Councilmember Summerhays's comments about the slope, Mr. Anderson clarified that there is not a 30 percent slope on the property. There is a side slope going down to the stream, which works really well for easements. Mr. Anderson concluded that he is happy to address any questions from the Council.

[8:31:13 PM](#)

8.6 Craig Holt, resident, stated he lives on the private lane in question. He said that as of now there is no other access to the subject property other than through this lane. Mr. Holt explained there isn't enough right-of-way next to the property to construct buildings. He inquired as to how they will share the lane next to a double road.

[8:32:28 PM](#)

8.7 John Housley, resident, expressed concerns regarding a triangular piece of property which he thought was owned by the City. After identifying the piece of land in question using an aerial map, it was noted that the property is owned by the City but leased by UDOT. Mr. Housley asked if this portion of land will be sold. He also expressed concerns with a nearby detention pond that floods and gets plugged up with debris when it rains.

[8:34:33 PM](#)

8.8 Mayor Walker closed the public hearing.

[8:34:41 PM](#)

8.9 Mr. Anderson clarified that the concept plan for the road does slightly encroach on a corner of the City's property, but they would intend to comply with all the City requirements for design, speed, and curve radiuses.

[8:35:41 PM](#)

8.10 Councilmember Summerhays asked whether the property to which Mr. Housley was referring was in fact, owned by the City. Staff responded affirmatively. Mr. Dobbins explained the City has a requirement with UDOT to maintain the property in question, which also serves as detention for 11400 South.

[8:36:19 PM](#)

8.11 Councilmember Stenquist asked for clarification on access. He was under the impression that the private lane was going to be accessed by a public road. He wanted to know if this was no longer the case.

Mr. Anderson explained they have two options. They can either replace the private lane with a private road, or they can put in a public road on property located west of the private lane. Councilmember Stenquist asked whether the private lane was owned by someone else. Mr. Anderson stated that it might partially be on the developer's property, and that they have the right to use that private lane. However, there's a fence on the subject property to the west where the new road would be located. Councilmember Stenquist asked if the current residents use that same private lane to access their properties. Mr. Anderson answered affirmatively, and noted there are four properties that currently use that private lane.

[8:37:30 PM](#)

8.12 Mr. Dobbins stated these types of questions typically aren't asked when reviewing a rezone proposal. He explained that while the Council is raising legitimate questions, they will review these issues once a subdivision comes forward.

Councilmember Weeks commented that the lots in this area are huge, and wanted to know if they are larger than one acre. She asked whether a third-acre lot is adequate based on the neighboring properties.

Mr. Anderson explained that the long, narrow lots on the west side of the stream which front onto 700 West are about an acre and a half in size. He stated that they believe that the trail corridor and the open space is a logical transition point to separate the large lots from smaller lots. Furthermore, the lots will get even smaller the closer they get to the railroad tracks.

[8:39:28 PM](#)

8.13 Councilmember Vawdrey explained that ultimately they are looking at 2.09 units per acre, which are essentially half-acre lots. She expressed concerns with losing large animal rights if the rezone is approved.

[8:40:06 PM](#)

8.14 Councilmember Rappleye made reference to another zone change that was recently approved in the City, and noted that none of the property owners in that particular development have chosen to exercise animal rights because half-acre lots are not large enough for those types of animals. He stated that the proposed rezone would not have a significant effect on whether or not there are animals in the area. Councilmember Summerhays agreed with Councilmember Rappleye's remarks.

[8:41:55 PM](#)

8.15 Mayor Walker stated that due to a lack of a motion, this item will roll over on to the next regularly scheduled City Council meeting for action.

[8:42:05 PM](#)

9.0 Public Hearing: Eastridge Heights Land Use and Zoning Map Amendments

[8:42:31 PM](#)

9.1 Dennis Workman, Planner, presented the staff report and explained the subject property fronts onto 1000 East, northwest of what used to be the Kmart building. The property is currently zoned C-N. The applicant is requesting a Land Use Map amendment to allow for the development of the land as residential town homes. This future town home development would include the subject parcel, as well as the 2.19 acre parcel to the immediate southwest, which is already zoned RM-2. Mr. Workman noted that both parcels are currently vacant. The proposed zoning of RM-2 presents what staff believes is a natural transition between existing development, and the commercial and high traffic corridor to the south. One of the prime reasons why staff is recommending approval of this land use change is that the high traffic found in the area limits its potential for single family residential. Furthermore, the location of the property is ill-suited for office and commercial uses. Mr. Workman presented current images of the property. On August 25th, the Planning Commission voted unanimously to send a positive recommendation to the Council.

[8:44:52 PM](#)

9.2 Councilmember Summerhays stated that proposals for the subject property have changed a lot over the years, and there still hasn't been any development take place. He stated that he had no problem moving forward with this proposal.

[8:45:17 PM](#)

9.3 Councilmember Rappleye asked about the acreage, and it was noted that the subject property is 1.05 acres.

[8:45:29 PM](#)

9.4 Councilmember Weeks asked how many units would be on this piece of property. Mr. Workman said that RM-2 allows a maximum of 12-units per acre.

[8:45:51 PM](#)

9.5 Councilmember Stenquist asked whether there would need to be access to the other properties. Mr. Workman answered affirmatively, and stated those details would be worked out with the applicant. Furthermore, the existing RM-2 piece of property would all need to be improved.

[8:46:20 PM](#)

9.6 Bryce Baker, applicant, explained he has lived on the neighboring property for five years and has developed projects in other cities. He mentioned that at one point mini storage was proposed on this property, and he did not feel that would have been an acceptable use of land. He felt that transitional density was needed in the area. Therefore, they put under contract the RM-2 property to the west, as well as the front property, all of which was needed in order to move this project forward. He believes that the rezone would make the subject property a developable parcel, and noted the trail was a significant incentive in pursuing the project. By connecting this trail to the Porter Rockwell trail, they will create a seamless trail loop. Mr. Baker mentioned they reached out to the public before even submitting an application to the City, and they have been in conversations with the neighbors for the past several months.

[8:48:25 PM](#)

9.7 Councilmember Stenquist commented that it helps to know that the developer has both parcels under contract, and will be developing it as one project. He was also pleased to learn that they will be adding to the trail system as well.

Mr. Baker identified a piece of land to the west that is owned by UTA. He mentioned they submitted an letter of intent last week to tie up that property as well. Councilmember Stenquist asked if there is any more development property to the South. Mr. Baker answered in the negative.

[8:49:24 PM](#)

9.8 Councilmember Weeks asked Mr. Baker what the general response from the public was regarding the proposal. Mr. Baker said that he personally knows all of the property owners that would abut up to this property. He and the neighbors talked about the different types of uses that are permitted currently, and they agreed this was a reasonable option for the property. Mr. Baker explained in general, he has not received any negative feedback on this proposal.

[8:50:31 PM](#)

9.9 Councilmember Rappleye agreed that mini-storage would not have been a desirable option for the subject property.

[8:50:48 PM](#)

9.10 Mayor Walker opened the public hearing.

[8:51:02 PM](#)

9.11 Brock Reese, resident, identified where he lives and stated he does not know the applicant. Mr. Reese explained he has lived on his property for nine years, and is very familiar with the area. He expressed concerns with the density, and asked whether there was any way to approve a slightly lower density.

[8:54:19 PM](#)

9.12 Mayor Walker closed the public hearing.

[8:54:26 PM](#)

9.13 Councilmember Weeks asked for clarifications on the zoning, and also wanted to know if it would be possible to approve a zoning with a slightly lower density. Staff noted that there is an RM-1 zone, which allows eight-units per acre. Councilmember Weeks asked if the only access into the property was via the private lane, and commented that the property appears to be landlocked. Mr. Baker explained the owner of the adjacent RM-2 property was granted legal access from 1000 East.

[8:56:19 PM](#)

9.14 Councilmember Summerhays asked Mr. Baker that if they were to try and purchase the piece to the west whether the property would be inaccessible because of the TRAX. Mr. Baker said this was correct, and continued access would need to be provided. Mr. Baker stated they have reached out to UTA to acquire the property in question. There are some limiting factors on the purchase because they have the land grant, which gives them the property on either side of the rail, as well as the overhead power lines from Rocky Mountain Power. Therefore, they are looking at what the net acreage would be.

[8:57:36 PM](#)

9.15 Councilmember Vawdrey moved to approve the Eastridge Heights Land Use and Zoning Map Amendments. Councilmember Summerhays seconded the motion.

[8:58:00 PM](#)

9.16 Councilmember Weeks moved to amend the motion to change the zone from RM-2 to RM-1.

[8:58:32 PM](#)

9.17 Councilmember Stenquist inquired as to how this zone change would affect the forthcoming site plan. He stated there is already an existing RM-2 piece, and so it makes sense to match this zoning with the adjacent zone.

[9:00:23 PM](#)

9.18 Councilmember Vawdrey said the other lots have demonstrated to be less favorable in terms of development options. She opined that moving this project forward will benefit

the neighborhood. She pointed out that there is also some neighborhood commercial in the area which would lend itself to an office park.

Councilmember Weeks expressed it would be nice to have a slightly less density, based on the transition between the larger homes to RM-2, which allows for 12 units per acre. She agreed with Mr. Reese that RM-2 zone allows for quite a few units for that one area. If the zone was changed RM-1, the property would still be usable for the intended purpose of town homes, but would not be quite as congested.

Councilmember Stenquist stated when taking into account the City's requirements for parking, there is no way the developer would be able to cram 12 units onto the subject property. Councilmember Weeks stated in this case there is no reason not to approve the RM-1 zone instead. That way, there would be no surprises when the site plan comes forward for review.

Councilmember Summerhays said they need to let this project run its normal course.

[9:02:30 PM](#)

9.19 Mayor Walker asked for a second on Councilmember Weeks's motion. Seeing none, the motion to amend the original motion died for lack of a second.

[9:02:51 PM](#)

9.20 Councilmember Rappleye explained his biggest concern was the frontage on 1000 East. However, he acknowledged that this and other similar concerns will be addressed during site plan approval.

[9:03:43 PM](#)

9.21 A roll call vote on the original motion was taken with Councilmembers Rappleye, Stenquist, Summerhays, and Vawdrey voting yes. Councilmember Weeks voted no. The motion carried with a majority vote of 4 to 1.

[9:04:03 PM](#)

10.0 Action Item: Edelweiss Preliminary Plat Approval

[9:04:28 PM](#)

10.1 Mr. Boles presented the staff report, and explained this application was reviewed on August 26th. A motion was not made at that time. He presented an aerial map of the subject property and explained it is master planned for Residential Hillside Low Density. Mr. Boles presented the current proposed site plan, and explained the applicant is requesting 171 lots to be approved for the preliminary plat. Final plat approval will be needed in the future. As staff further reviewed this application, they created additional conditions that were needed. Mr. Boles noted a list of those conditions had been distributed to the Mayor and members of City Council. He then read those five conditions into the record:

1. The permanent to temporary detention basins shall limit the storm water discharge from the Edelweiss development to be less than or equal to the historical storm discharge rates into the existing drainage ways.
2. Prior to final approval of any phase that requires the temporary detention basin to control the storm water release rate into the corresponding natural drainage way, the developer shall submit to the City a maintenance plan that is acceptable to the City for the maintenance of the temporary detention basin.
3. Section 9-28-020-E requires all single family homes in the development to be accessed by public streets, and also requires an emergency access road to connect the development with Deer Park Lane. The approved development agreement also requires that this road be private and have a crash gate installed. As a result, the emergency access road depicted on the preliminary plat leading to Deer Park Lane may not be counted as a secondary access road for any purpose other than emergency access. Even with the emergency access, the Edelweiss street system will be considered a dead end system and subject to the requirements of Section 17-5-030-G, specifically that the number of lots will be limited to 30, until such a time that a public street is provided to another outside public street.
4. All final plats must conform to the requirements of the geologic and geotechnical reports reviewed and approved by the City.
5. Applicant/Developer shall be responsible for all costs of any upsizing of off-site City infrastructure necessary to accommodate the project's infrastructure needs. Applicant/Developer shall also be responsible for all costs of any upsizing of off-site infrastructure required by any third party service providers.

[9:07:50 PM](#)

10.2 Councilmember Summerhays asked if a sixth condition could be added to the list above regarding the Memorandum of Understanding (MOU).

[9:08:17 PM](#)

10.3 Mr. Dobbins stated the Council may add any conditions they feel are necessary. He reported that staff received an email from Edge Homes who is the adjacent property owner/developer, which indicated they were working on an MOU with this project's developer. They expect to finalize the MOU prior to the next Council meeting, and it will outline issues related to infrastructure costs and timing of the road. This is an important factor, because the developer has approval for no more than 30 units on one access point; furthermore, the neighboring property owner only has approval for 50 units on one access point. With regards to utilities, the City cannot require a neighboring property owner to pay for upsized costs. Therefore, it is not the City's intent to have either developer pay for anything beyond their project costs. At this time, there are costs associated the detention basin that the City constructed.

Mr. Dobbins explained there was also an issue regarding the development agreement. There was a master plan in that agreement that would not allow any amendments to be made. He explained the main reason why it's being amended now is because there is a landslide on the far northwest corner of the property. From the City's perspective, the only way to deal with that problem was to avoid it altogether, so it was changed as a matter of safety.

In response to a question from Councilmember Summerhays, Mr. Dobbins said the sixth condition for approval will be the finalization of the MOU.

[9:10:46 PM](#)

10.4 Bruce Baird, attorney for the applicant, reported his clients, Mr. Mast, and Mr. Maddox had a constructive conversation via the telephone this afternoon. He explained that Mr. Mast's primary concerns have been addressed by Conditions #3 and #5. Mr. Baird stated his clients are happy to comply with the conditions as they have been outlined. He explained that the timing is mutually beneficial for having a draft of the MOU completed by the end of the construction season next year. They would like to get approval to get started as soon as possible. Mr. Mast wanted represented that both development companies intended to complete this road and enter into this agreement in a mutually beneficial manner as soon as possible. He expressed appreciation for staff's time and attention to the matter.

[9:12:47 PM](#)

10.5 Councilmember Weeks asked whether minor adjustments can be made to the conditions if they are approved tonight. Mr. Baird answered affirmatively, and noted they need approval tonight in order to move forward. Councilmember Weeks stated on behalf of the Suncrest community, they were concerned about bus stops. She wanted to know if they have considered any bus stops.

Nate Shipp, developer, stated they are working with the school District to figure out bus stops.

[9:14:22 PM](#)

10.6 Councilmember Stenquist moved to approve the Edelweiss preliminary plat with the six conditions as discussed this evening. Councilmember Rappleye seconded the motion.

[9:15:13 PM](#)

10.7 Councilmember Stenquist stated he understands there are challenges with this development. However, it is good to hear the two property owners are having good faith negotiations. He expressed that hopefully everything can be worked out to everyone's mutual benefit with minimal contention.

[9:15:42 PM](#)

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

[9:16:00 PM](#)

10.9 Mr. Dobbins stated Mr. Michel offered to look into a rotary park for this area.

10.10 Shaun Michel, representing the Rotary Park, explained he has been involved in a number of these types of parks. On behalf of the Rotary Club, he stated he would be happy to seek donations for a park in this area.

[9:17:49 PM](#)

11.0 Council/Manager Reports

[9:18:08 PM](#)

11.1 Councilmember Stenquist stated he has received feedback about the new intersection on 1300 East and Highland Drive, and explained there are still some outstanding issues that need to be addressed. In particular, the northbound traffic lane gets especially backed up in the morning. He suggested it might not be clear to drivers that it's a protected right-hand lane. He wondered if there was a way to address this issue.

Scott Cooley, City Engineer, said they will be making changes to the intersection by adding a lane heading northbound from Highland that will be delineated. They will also be extending the median with striping further into Highland, which will more clearly designate the lane as a right-turn only.

[9:21:18 PM](#)

11.2 Councilmember Weeks wanted to address the same issue, and expressed appreciation for the new intersection. She echoed several of Councilmember Stenquist's previous remarks on the matter.

Councilmember Weeks reported there are two huskies in her neighborhood that recently killed a smaller dog, and this is the second time this has happened. She inquired as to whether or not the City has any ordinances in place that would require the dog owners to put up a fence, and noted that the owners of the huskies just have an electronic fence. She stated when she inquired on the matter with staff further, she was advised that the owners of the smaller dog could be cited by having their dog off leash. However, at the time staff didn't think that they could cite the other dog owner for killing the little dog. She expressed concerns over this, and wanted to know how it could be addressed.

Councilmember Summerhays asked whether the owners of the huskies have an electronic fence. Councilmember Weeks answered affirmatively, but noted that electric fences are not always fool proof.

Chief Bryan Roberts stated his department was aware of the incident. He noted the first incident happened last fall, and the more recent incident happened last month. They have had conversations with both dog owners. The huskies are protected by an electronic fence, but in both cases, the smaller dogs had wandered into the yard where the huskies live. Chief Roberts stated no citations have been issued, and they are working with both owners on a solution so that this does not happen again. He agreed that one way of

addressing the situation would be by reviewing the City's ordinances. Councilmember Weeks stated she is glad that citations were not issued to the owner of the small dog.

Councilmember Weeks then indicated at one point she reached out to staff and other elected officials about putting up Smokey the Bear signs in the canyons. She asked for an update on that request.

Councilmember Summerhays stated the canyon areas are all no-burn zones, and felt that signs making that indication were sufficient. Councilmember Weeks said that there are no-burn areas all over the country; however, people are careless with their cigarettes, and they still light campfires even though they are prohibited. The Smokey the Bear signs have been proven as an effective way of raising awareness on the threat that fires pose for the canyon.

Riley Pilgrim, UFA, reported that signs were installed in Immigration Canyon, and that they cost about \$500 a piece. He agreed with Councilmember Weeks, that fires are still a hazard despite areas being no-burn zones. He stated the Smokey the Bear signs have been relatively successful in other communities. They serve as friendly reminders that the fire risk is high, and they should be more aware of what they're doing. Mr. Pilgrim mentioned there is a company based out of Colorado that has a variety of sign styles and types.

Councilmember Stenquist stated he would like to see some options in terms of signage. He pointed out if the City invests in signs with manual turn dials, then they will need to send personnel out to the various areas to make sure they remain current. Councilmember Rappleye mentioned a newer method of indentifying fire hazardous areas is with the use of red flags. There was further deliberation on the matter.

Councilmember Weeks asked about private lanes in developments, and whether or not they would be changing the ordinance from 20 feet to 25 feet. Mr. Fox clarified the standard width for private lanes based on the number of lots; furthermore, he noted that the maximum allowable lots on a private lane are 20 lots.

[9:33:22 PM](#)

11.3 Mr. Fox reported he was approached by a gentleman about surplusing a piece of property. He presented an aerial map of subject property, and noted that it is located at 12300 South and Galena Park Boulevard. He explained that the trail system comes behind the railroad tracks, and through the Galena Townhomes, which is a private development. One of the homeowners in the area is interested in buying the property that is behind his home, which is not very well maintained. The gentleman has expressed that he's willing to extend the sidewalk to the trail, and his asking price is \$2.30 a square foot.

Councilmember Stenquist stated there are other places in the City where there is land encroachment by some of the uses of the neighbors. He asked if in any of those other cases the City has allowed residents to buy those sections of property. He mentioned that there are a lot of areas in the City that are poorly maintained. Councilmember

Summerhays asked about what is done with utility easements. After further deliberation, Councilmember Stenquist stated they need to be consistent in their policies in how they handle these types of cases.

[9:39:58 PM](#)

- 11.4 Councilmember Rappleye made reference to the concerns that were raised earlier regarding the trail that runs through the Bellevue development. He said there seems to be some confusion as to what an easement is. Councilmember Rappleye explained the City has the right to build that trail whether they own the property or not. Councilmember Stenquist stated the matter had been addressed with those neighbors.

Rhett Ogden, Parks and Recreation Director, said they have a meeting scheduled next week, and clarified that the City has the right to build the trail because they have the easement. The neighbors are concerned because the canal company will not allow a fence to be built between the trail and the canal, and their property line actually goes through the middle of the canal. They are concerned that when the canal is flowing at high levels they would be held liable if someone were to fall into canal while on their property. They are also upset with Ivory Homes, because they feel that the property was misrepresented to them at the time of the sale.

There was discussion on whether or not a fence could be installed. Councilmember Stenquist asked if neighbors could put up a fence between their yard and the trail, and Mr. Ogden answered affirmatively. However, if they did so, they would essentially be fencing out a part of their yard. The canal company, on the other hand, won't allow a fence to be built right on the canal because they want to maintain access for maintenance purposes. Councilmember Stenquist explained that in other cases, homeowners own their yards and the park strip. However, there is a public easement on the sidewalk. Therefore, everyone has this same situation; instead of a canal, other homeowners have that issue with a sidewalk.

[9:43:15 PM](#)

- 11.5 Mr. Dobbins followed up on the Tree Commission. He explained that the Council had advised staff to come back with proposed changes to the ordinance on what is required of development.

Councilmember Rappleye stated as far as he was aware, the Tree Commission was never in power to look at commercial developments; rather, this just happened over time. He explained they could be challenged by a licensed landscape architect regarding the authority of the Tree Commission and staff, which currently dictates which trees should be planted. This needs to be addressed so as to avoid possible litigation in the future. Furthermore, Councilmember Rappleye was not sure the City has the ability to enforce standards set for trees in developments.

Councilmember Summerhays expressed he felt that the Tree Commission – which is comprised of nine members and two alternates – was too large of a group. He preferred

having the Mayor appoint members to the Tree Commission, and felt that the group would benefit from being smaller.

Councilmember Weeks stated the Tree Commissioners serve a four-year term, and as of now they all work very well together. Each member of the Commission has their own area of specialty. She stated she was open to discussing how to move forward with this group, but felt that five members or less would be insufficient. Councilmember Weeks stated the Tree Commission just wants to be kept in the loop, and they want the City to remain as beautiful as possible. She noted she has sat on the Tree Commission since January.

[9:51:50 PM](#)

11.6 Mayor Walker brought up the possibility of bringing a water line down Corner Canyon road to put water in the proximity of the wildland interface. He stated Dave Gardener sent over a bid, and it wasn't that expensive. He mentioned he would get this matter on the agenda if it was of interest to the rest of the Council. The Council voiced their support for this idea.

There was brief discussion regarding the Ballard Family, who has indicated a desire to put up a monument sign in the park located at Fort and 13200 South. The Council will need to grant approval by way of formally adopting a resolution.

[9:54:03 PM](#)

12.0 Adjourn to a Closed-Door Meeting to Discuss Property Acquisition, Litigation, and/or the Character, Professional Competence, or Physical or Mental Health of an Individual

12.1 Councilmember Weeks moved to adjourn to a closed-door meeting to discuss litigation. Councilmember Rappleye seconded the motion.

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

12.3 The meeting adjourned at 9:54 p.m.