

Approved April 18, 2017

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, APRIL 11, 2017, 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: Mike Barker, City Attorney; Rachelle Conner, City Recorder; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; Bryan Roberts, Police Chief; and Bob Wylie, Finance Director

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**Dinner**

**Study Meeting**

[6:00:04 PM](#)

**1.0 Update: Urban Deer Control**

1.1 John Eining, Deputy Police Chief, reviewed the process for urban deer control. Over the last two years, the Division of Wildlife Resources picked up 57 dead deer in Draper. He indicated relocating the deer only has an approximate 40 percent success rate and costs about \$200 per animal. This involves setting traps, baiting, and requires supervision by City employees. The harvesting process entails contracting with a vendor and usually involves archery. This occurs during the late summer or early fall. The approximate cost for Highland City in 2013 for 75 deer was \$2,000.

1.2 Subsequent to Council/staff discussion, the Councilmembers were all in favor of the harvesting program using archery.

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**2.0 Discussion: Fiscal Year 2017-18 Budget**

2.1 Bob Wylie, Finance Director, reviewed the revenue and expense numbers currently in the Fiscal Year 2017-18 budget. At this time, it is a balanced budget. He went into detail regarding the changes to the budget due to the formation of the Draper Fire Department.

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**\*\* Adjourn to a Closed-Door Meeting to Discuss Litigation and the Character, Professional Competence, or Physical or Mental Health of an Individual**

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**\*\* Councilmember Stenquist moved to adjourn to a closed-door meeting to discuss litigation and the character, professional competence, or physical or mental health of an individual. Councilmember Summerhays seconded the motion.**

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

## Business Meeting

[7:04:24 PM](#)

**1.0 Call to Order: Mayor Troy K. Walker**

[7:05:07 PM](#)

**2.0 Thought/Prayer and Pledge of Allegiance**

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2.1 Jake Smith offered the prayer.

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2.2 DeeJay Smith led the Pledge of Allegiance.

[7:06:45 PM](#)

**3.0 Presentation: Knights of Columbus**

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3.1 Norbert Martinez, Knights of Columbus, presented a check in the amount of \$1,000 to Police Chief Bryan Roberts. The Knights of Columbus holds a fundraiser each year, and the proceeds are given to the Police Department to be used for victims of domestic violence.

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**4.0 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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4.1 DeeJay Smith, resident, noted he is proud to be a direct descendant of two of the pioneer families in Draper, the Smith and Draper families who settled this great city. He thanked the City Council for their service to the community. He said he would like to speak about the disappointment and embarrassment they experienced as a community two weeks ago when the Mayor called a meeting to present the idea of building a facility that would aid the homeless families in need. He personally attended the meeting eager to learn about the plans; however, he encountered a screaming mob verbally attacking Mayor Walker and speaking unflatteringly about the neighbors to the north. Mr. Smith stated he was shouted at and booed off the stage when he stood and said he was in favor of this idea. When he first heard of this idea, he simply stated that his first thought was not of what those people

would do to him, rather what the amazing people of Draper could do for them. He was then booed and told to get off the stage. He noted he would like to personally issue a public apology to the distinguished Mayor along with his family and the people who live in Salt Lake, South Salt Lake, and West Valley. He noted many of his relatives live there. He advised what was said out of fear and anger at that meeting did not represent him nor his neighbors. He stated he first met Mayor Walker many years ago when he volunteered to coach his son in football. Mr. Smith indicated he knows Mayor Walker to be a man of high character and not the vile names and accusations that were shouted at him. He said he would like to emphasize to the entire City Council that attacking and demonizing your opposition may be the way of national politics today, but it is not the way they behave in Draper. He stated he understands why the false narrative of back room deals can rile up many residents; however, he personally believes that most times this argument is used to simply mask individual fears and biases. The second false argument presented was the fear that house values would decline due to the significant issues those people would bring to the city. He expressed his opinion that the next time major companies are considering coming to Draper, other competing cities will show news clips of the angry mobs in the city.

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4.2 Jake Smith, resident, asked the City Council to join his family in apologizing for the comments that came from the community in reference to the neighbors to the north and for using terms such as “I escaped that city” comments about “those” people. He stated his birth mom was considered one of “those” people, his little sister’s birth mother is considered one of “those” people, as is his sister-in-law. He also asked each home in the community to join his family in donating money and time to the cities that were chosen to bear the full burden. He read a quote from Martin Luther King Jr. pertaining to judgement of what is being done to others. Mr. Smith expressed his opinion that the greatest apology is a change in behavior, and he believes they can make that happen.

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4.3 Mark Meadows, resident, echoed the prior comments and said they are appropriate for this community. He expressed his and his neighbors’ support for the Urban Deer Control Program the Council is looking at. The area he resides in is 12300 South 1300 East. He said he cannot speak to the other areas, but he would like to say that as much as he loves the outdoors and the animals, these creatures are becoming like rats in the neighborhood. He encouraged the Council to look at Sandy City and the Hidden Valley area. There are about 40-50 head of deer that hang out in that area. The deer wander during the day and night and choose to graze wherever they want.

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4.4 Kyrsten Brown, resident, stated she would like to address the new feral cat policy the City Council recently adopted. She noted that Disneyland, Salt Lake Community College (SLCC), and Utah Valley University (UVU) all have community cat colonies that live at their locations. The cats might not be seen by the patrons, but those cats take care of any mice problems in those areas. The Redwood Campus of SLCC has also maintained a community cat colony as does UVU. She noted she does not currently know the method to

go about getting the policy changed; however, she will do her research to find the proper course of action on how to address it. She stated she wanted to raise her concern with the City Council that she is not in support of the feral cat policy that was adopted. She would like to get it changed and have the City do something that will provide help to the homeless and helpless animals versus rounding them up and killing them via the gas chamber, which is currently the form of humane euthanasia within Utah.

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4.5 Troy Martinez, resident, stated he would like to address the spectacle that took place a couple of weeks ago with the Draper homeless shelter town hall meeting. He expressed his belief that people were not necessarily opposed to the shelter itself. What they opposed is what the Mayor and all of his Councilmembers, with the exception of Councilmember Weeks, did in coming to that conclusion. They opposed the process, and that is what he opposed. The process of keeping people in the dark. The process of lacking transparency in what they do and what they did is what the people did not like. That is what the Council is missing the point on. This community is a great community, and there are plenty of people that will step forward and help those in need and help those less fortunate. What they have turned it into is a spectacle in the media, because of their conduct. Some of the Council did not have the audacity or the courage to show up to that town hall meeting and stand behind their decisions. That shows a lack of leadership, and their continuation on the Council should seriously be questioned. He stated they should question it themselves. He gave credit to Mayor Walker, Councilmember Summerhays, and Councilmember Weeks for showing up and taking that. He said it takes a lot of courage. He expressed his opinion that what the Council did was so unfair and what they did to the residents of Draper was so unnecessary. If they would have done it right and had the right process in place, people would have stepped up and would have committed to this. When they do it underhanded and behind people's backs, they do not like that. He noted people will remember that come voting time, and they should not think people have a short-term memory. They will remember this and remember what the Council did.

[7:23:04 PM](#)

**5.0 Consent Items**

- a. **Approval of March 21, 2017, City Council Meeting Minutes**
- b. **Approval of March 23, 2017, Special City Council Meeting Minutes**
- c. **Approval of Ordinance #1256, Amending Section 3-4-100 Pertaining to GRAMA Appeals**

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**5.1 Councilmember Weeks moved to approve the Consent Items. Councilmember Vawdrey seconded the motion.**

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

[7:24:24 PM](#)

**6.0 Public Hearing: Ordinance #1255, Crossgrove House Text Amendment, on the Request of Neil and Kathryn Hughes, for Approval of a Text Amendment to Draper City Municipal Code Section 17-1-110 Special Exceptions to Include Local, State, or Federally Registered Historic Structures to the List of Peculiarities Eligible for a Special Exception**

[7:24:59 PM](#)

6.1 Jennifer Jastremsky, planner, indicated the current subdivision ordinance currently allows the City Council to approve special exemptions for physical hardships with a property. The applicant would like to amend the Code to allow registered historic structures to the list of items eligible for special exemptions to help preserve historic structures. The City Council could look at exempting certain Code requirements so a property could be further developed. This text amendment would not approve anything for a particular property. The property owners would have to come in and apply for a special exemption and come before the City Council for a specific request.

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6.2 Councilmember Summerhays asked what is wrong with the current Code. Ms. Jastremsky explained this will not affect any funding or ability for a home to be registered as a historic structure. It just gives the City another tool to help preserve historic structures. For example, if a developer is unable to divide a lot because of a structure, they will most likely tear the structure down. This amendment would allow them to seek an exemption for certain Code requirements in order to keep the historic structure. This would be on a case-by-case basis, and the request would have to come before the City Council for consideration.

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6.3 Councilmember Weeks asked how many historic homes there are in Draper. Ms. Jastremsky advised she is not sure; however, the applicant may know the answer to that question.

Councilmember Weeks said she is aware of the home the applicant is trying to accommodate by doing this change, and she understands they have a large back lot that they want to subdivide. There is a private lane next to the property, which is a problem. She expressed concern that this will open a Pandora's Box for a lot of the other historic homes in the city and it might cause future problems for Draper. She asked Ms. Jastremsky to put her concerns at rest by saying how many historic homes this will affect and how many properties there are in Draper.

Ms. Jastremsky reiterated she does not know how many historic properties there are in the city. This Code change does not differentiate between commercial and residential. It just looks at state, local, and federally registered historic properties. The key is that this is on a case-by-case basis, and someone has to come in and request an exemption. The City Council would have to approve it saying that they are meeting the Code as closely as possible. On this property, the applicant would have a problem with the lot-to-depth ratio

requirement and a frontage requirement. Ms. Jastremsky stated Mr. Boles just provided information that the City website shows 20 historic homes in Draper listed at this time.

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6.4 Kathryn Hughes, applicant, noted she owns the property on Boulter Street. They no longer live there because they moved to the Park City area for a job opportunity. She indicated this specific application is for a text amendment that will help preserve historic properties. She gave the example of the Day Barn being purchased and relocated to a different property. This amendment would allow the historic structures to stay in place. This particular home would not be able to be moved because it is an abode structure with no foundation to it. It is the oldest continuous residence in Draper. It has had a family living in there continually. The homes that are older in Draper are now being used for businesses. The private lane by this particular house is not accessible for the lot because of the number of homes already on that private lane. They would have to widen the road, which would decrease the lot size even more. They are trying to stay within the half-acre lot size requirement for this zone, so expanding the road would require even more exemptions for the lot. Historically in Draper, when properties come up for sale that are oddly shaped or have historic homes on them, traditionally those homes are torn down. That is why Draper only has 20 homes on the registry. She expressed her belief that this proposal will not only help her home, but it will help preserve future homes as well.

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6.5 Councilmember Summerhays asked how they will access the lot. Mrs. Hughes noted the structure is centered on the lot, so they cannot do a flag lot. They would like to build another structure to the side, so it would be a narrow and long lot. It would be within 70 feet rather than 80 feet.

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

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6.7 Councilmember Stenquist requested clarification that this is a request for a text amendment and does not apply to a specific property. What this does is allow the existing historic structures to request an exception. It does not require or put any sort of obligation on the City to make any special accommodations for any project. Ms. Jastremsky stated that is correct.

Councilmember Stenquist stated in order for it to even be considered, it would have to be recognized by local, state, or federal registers as historic. Ms. Jastremsky again stated that is correct.

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**6.8 Councilmember Vawdrey moved to approve Ordinance #1255. Councilmember Stenquist seconded the motion.**

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6.9 Councilmember Vawdrey indicated they are dealing with a small number of historic properties, so she feels it is fair to have another set of eyes on the application. In all fairness and in order to make it possible to preserve some of these houses, this is something they should probably do.

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6.10 Councilmember Weeks stated she was shocked to hear there are only 20 historic homes in Draper.

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6.11 Councilmember Rappleye agreed this is a good request. The City has lost several historic homes over the years. This amendment goes a long way to help mitigate problems with lot configuration.

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6.12 Councilmember Summerhays expressed concern that with the opening of 13200 South and with the future extension of Trax, this could be counter-productive with future plans. An additional lot would complicate the issue. The City may have to purchase the property, and it will cost more if it is a historic home.

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6.13 Councilmember Vawdrey explained this is not site specific even though they are talking about the Hughes's predicament. This applies to historic homes as a whole.

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**6.14 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Vawdrey, and Weeks voting in favor. Councilmember Summerhays voted no. The motion carried with a majority vote of 4 to1.**

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**7.0 Public Hearing: Rockwell Square 2nd Plat Amendment, Request for Approval of a Plat Amendment for Rockwell Square on Approximately 6.86 Acres Located Generally at 258 East 13800 South**

[7:40:57 PM](#)

7.1 Ms. Jastremsky advised the original plat was approved right before the recession. It was planned with five condominium buildings with retail on the ground floor and residential above. Due to the recession, only one of the buildings was built. The remaining property has changed ownership. Tonight's action is an amendment to the plat, which would vacate all of the unbuilt condominium units, create a property line separating the existing improvements for the existing condominiums, and remove the vacant property from the homeowners association. This is being done as part of an agreement between the property owners, the homeowners association, and the vacant property owner. The vacant property owner would like to enable this property to be developed in another way. He does not want to build condominiums.

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7.2 Councilmember Rappleye asked what the surrounding zone is. Ms. Jastremsky indicated it is currently Community Commercial.

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7.3 Brian Davis, applicant, indicated it has been broadly recognized that the proposed development just did not come to fruition for a variety of reasons. They are proposing to enable the residents who live there to continue to have their homeowners association and to remove the vacant parcel from the plat. This will allow them to go back and put a lot of thought into the next site plan. They do not know what they want to develop at this time.

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7.4 Councilmember Summerhays stated he walked through the units, and they are very nice. He asked whether it was just timing that affected the project. Mr. Davis stated the recession did affect the project, and the change in funding no longer allows for the original project to pencil out financially.

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7.5 Rick White, co-applicant, indicated the housing units were set aside for low-income families.

Councilmember Summerhays advised that has changed, and anyone can purchase the condos. A friend of his, who has a lot of money, recently purchased one.

Mr. White explained they picked up a failed project. The one thing they have struggled with is having commercial near the homes and having children playing in the parking lot.

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

[7:48:02 PM](#)

7.7 Bryce Caldwell, resident, stated he is not opposed at all to the plat amendment. He expressed concern with the right-of-way through the parking lot to the property. There are approximately 20 children who live in the condos and there is a day care center on the corner. There is already a right-of-way into the warehouse property, and it seems to be a thoroughfare. The 13800 South construction has caused more traffic to go through the parking lot. The parking lot is not built for that kind of traffic.

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7.8 Mr. White said their property is a vacant lot, so the traffic is not cutting through to his lot. He assumed they are cutting through from 13800 South to bypass the traffic signal. He clarified that his subdivision is not connected to that.

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7.9 Councilmember Summerhays asked whether the applicant has another way into the property to mitigate that gentleman's concerns. Mr. White showed the other access on the overhead map.

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7.10 Ms. Jastremsky clarified there is an existing access easement between the properties, so the property does have legal access today. This application does not eliminate that access because they need two accesses.

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

[7:53:00 PM](#)

**7.12 Councilmember Stenquist moved to approve the Rockwell Square 2<sup>nd</sup> Plat Amendment. Councilmember Summerhays seconded the motion.**

[7:53:14 PM](#)

7.13 Councilmember Summerhays stated he would like them to find some way to push the traffic in order to help all of the parties.

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**7.14 A roll call vote was taken with Councilmembers Stenquist, Summerhays, Vawdrey, voting in favor and Councilmember Rappleve voted no.**

[7:54:17 PM](#)

7.15 Councilmember Weeks questioned whether the applicants will have to come back to the City Council when they decide what they are going to put in the vacant lot. Ms. Jastremsky explained that would depend on what they decide to do. They might just have to go to the Planning Commission. If they propose a use that is allowed in the zone, it will not come back to the City Council.

Councilmember Weeks asked whether there will be a future opportunity for the City Council or Planning Commission to determine where the access will be. She said she wants to address the traffic issue from 13800 South. Ms. Jastremsky stated when they come in for a site plan, it is possible for staff to look at mitigation measures to try to prevent or lessen the traffic going on to 13800 South. Right now they do have an access easement. She noted she has not read it, so she does not know if there are restrictions. She said she doubts there are. She guessed the Fire Department would require the second access, so it is not something the City could fully close.

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7.16 Mike Barker, City Attorney, agreed saying if there is a legal easement, there is nothing the City can do to extinguish it. That is a private property issue between the lot owners.

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**7.17 Councilmember Weeks voted yes on the motion. The motion carried with a majority vote of 4 to 1.**

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**8.0 Public Hearing: Banbury Park Minor Subdivision, at the Request of Boyd Bradshaw, Representing Bradshaw Homes for Approval of an 8-Lot Minor Subdivision in the RA2 Zone (Residential Agriculture-20,000/sf Minimum Lot Size) on Approximately 5.26 Acres Located Generally at 1290 East 13400 South**

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8.1 Maryann Pickering, Planner, noted this is the former site of the Corner Canyon Equestrian Center. The application is for an 8-lot subdivision. The current zone on the property is RA2, and the current Land Use Designation is Residential Medium Low Density. The Planning Commission recommended unanimous approval on this request. All of the lot sizes meet the minimum size requirement. The road for the subdivision is proposed to be private; however, it is not proposed to be gated. The applicant is requesting a deviation from the standard sidewalk design for the sidewalk along 13400 South. The City prefers a straight sidewalk, and the applicant would like to do a meandering sidewalk as part of the project. She displayed a photo of the site.

[7:58:04 PM](#)

8.2 Councilmember Summerhays asked about the sliver of property. He wondered whether the applicant wanted to donate that to the City for a small pocket park. Ms. Pickering explained they are going to hold on to it and make it a part of their homeowners association.

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8.3 Boyd Bradshaw, applicant, thanked the City Council for their service and for the time they put in on behalf of the residents. He advised he did propose to donate that sliver to the City, but the staff did not want it. He displayed photos of other subdivisions they have developed in the city. Mr. Bradshaw indicated this is a subdivision he has been working on for quite a while. He had it under contract three years ago, but the family changed their mind. They are now ready to move forward with the project. He indicated this will be a nice amenity for the city, and it fits with the surrounding areas. He displayed photos of other developments he has done in Draper. The photos displayed the type of sidewalk and landscape he is proposing for this project.

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

[8:00:47 PM](#)

8.5 Norbert Martinez, resident, stated he lives off the private lane and has for thirty years. It is too late to oppose this now, but two years ago the City held a meeting about enlarging 13400 South. They said it would happen in ten years. He stated they cannot stop it now, but he would rather have the horses there than a subdivision.

[8:01:33 PM](#)

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

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8.7 Councilmember Rappleye stated the City Council has seen this application before; however, last time it came through as a 10, 12 or 18-lot subdivision, which was not acceptable. The half-acre lot size is something the City Council wants to maintain in that area, and that is what it is currently zoned.

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**8.8 Councilmember Rappleye moved to approve the Banbury Park Minor Subdivision. Councilmember Vawdrey seconded the motion.**

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

[8:02:48 PM](#)

**9.0 Public Hearing: Living Planet Aquarium Zone Change and Text Amendment Request to Rezone 9.09 Acres from CBP to CSD-LPA Located at 12047 South Lone Peak Parkway, and to Amend the Text of Section 9-18F of the Draper City Municipal Code to Accommodate Changes to the Living Planet Aquarium's Business Model**

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9.1 Dennis Workman, Planner, indicated this application has two parts. The first is a zone change to the Community Special District – Living Planet Aquarium (CSD-LPA). The property is located south of the existing aquarium. The total size is 9.09 acres. The second part of the application is to amend the text, which includes:

- Increases the maximum building/structure height from 100 feet to 175 feet
- Makes allowance for a future structure to be located on the south parcel that will serve as a pavilion
- Clarifies that the Rocky Mountain Power corridor is exempt from the requirement to install trees and tree diamonds
- Increases the height of one of the tower signs from 40 feet to 90 feet
- Increases the sign face of one of the tower signs from 200 square feet to 675 square feet

Mr. Workman then displayed pictures of existing signs in the city so the City Council could get an idea of how big the proposed sign could be. He indicated the sign would be the same style of the existing aquarium sign; however, it would be allowed to be double in height and could be the size of a typical billboard.

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9.3 Brent Anderson, applicant, advised the sign company recommended that height due to slope of the property in relation to the freeway. He will have to pay \$5,000 per foot of

height, so he will go as low as possible in order to save money. Mr. Anderson clarified that this is just for the one sign.

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9.4 Councilmember Vawdrey questioned the purpose of adding new signage. Mr. Anderson stated the current site is seven acres, and the new site is nine acres. They are more than doubling the size of the campus. The signage will accommodate everything happening on the entire campus.

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9.5 Councilmember Rappleye stated that is a really big sign, and it sets a new bar for Draper that could be a problem. The text allows for a multi-sided sign. The Karl Malone sign, which is smaller, can be seen from quite a distance. He expressed concern that this could be overkill and it could allow for more signs of this size and height.

Mr. Anderson asked whether it would help to change the language to say double-sided rather than multi-sided. Councilmember Rappleye stated yes, but the height is also an issue. It is too high, and the size is as large as a billboard.

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9.6 Councilmember Weeks asked how large the Karl Malone Toyota sign is. Mr. Workman indicated it was allowed to be 25 x 31 feet, which is 775 square feet. The current sign is 100 feet tall and 735 square feet.

Councilmember Weeks noted Mr. Anderson did not want to use all of the height because each foot would cost him \$5,000. Mr. Anderson stated the cost is a factor, and height does not equal a good design. The best signage is at eye level to the freeway. That is their goal.

Councilmember Weeks questioned whether Mr. Anderson would be okay if the City Council did not vote on it this evening to allow him time to determine an exact height. Mr. Anderson stated yes and said he could use a crane to determine the height they would need.

[8:14:50 PM](#)

9.7 Councilmember Rappleye indicated the only thing the City Council can consider is what Mr. Anderson is telling them tonight. They really cannot change the language on the fly because this is Mr. Anderson's proposal.

[8:15:16 PM](#)

9.8 Councilmember Summerhays noted Mr. Anderson said there was a grade difference with the new property and asked how considerable it was. Mr. Anderson replied it is a combination of how the site slopes as well as how 12300 South comes up. If the sign is too low, the public would not even be able to see it until they come up to it and then it is too late.

[8:16:35 PM](#)

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

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**9.10 Councilmember Rappleye moved to continue this item to a date uncertain to allow the applicant to determine the exact changes to the text.**

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9.11 Councilmember Weeks asked whether this would continue the item to the meeting next week. Mr. Barker indicated the staff report would have to be in by tomorrow or Thursday for the next meeting.

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9.12 Mayor Walker questioned whether the motion is to continue this until the next meeting or a date uncertain. Councilmember Rappleye stated he would like to continue it to a date uncertain because there may be a problem with being able to get it ready.

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**9.13 Councilmember Vawdrey seconded the motion.**

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9.14 Councilmember Weeks asked whether Mr. Anderson would be able to get the information to staff in time for it to be on the agenda next week. Mr. Anderson replied it is possible. He stated if the Karl Malone sign is at 75 feet, he cannot imagine needing his sign to be higher than that. If this is a matter of adjusting that height, he is willing to adjust it down. They can come back to the Council later if they determine the sign needs to be higher. They are a few years out before they will start developing this project.

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

[8:20:35 PM](#)

**10.0 Action Item: Resolution #17-25, a Request by Edge Land 16, LLC to Annex Property into the Traverse Ridge Special Service District**

[8:20:48 PM](#)

10.1 Mike Barker, City Attorney, advised this is a request to annex the Hidden Canyon Estates project into the Traverse Ridge Special Service District (TRSSD). This application complies with the requirements of the Utah State Code, and it complies with the development agreement on the property. If approved, the appropriate paperwork will be filed with the Lt. Governor's Office.

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**10.2 Councilmember Stenquist moved to approve Resolution #17-25. Councilmember Summerhays seconded the motion.**

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10.3 Councilmember Stenquist said the property in question will benefit from some of the services provided by the TRSSD, and it is helpful to provide more residents contributing to that pool of money to get those services provided.

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

[8:23:21 PM](#)

**11.0 Action Item: Hidden Canyon Estates Phase 2 Final Subdivision Plat, Request for Approval of a Final Subdivision Plat for Hidden Canyon Estates Phase 2 on 18.9 Acres Located Approximately at 15000 South Suncrest Drive**

[8:23:40 PM](#)

11.1 Ms. Jastremsky displayed a map of the Hidden Canyon Estate phases. The applicant has requested approval of Phase 2 with conditions, which runs outside of the City's normal process. Typically, redlines are addressed prior to a final plat coming to the City Council for approval. She reviewed the outstanding items as follows:

- \$500,000 paid to the City for trail improvements
- Signed mylar
- South Valley Sewer District approval
- Approval to grade on adjacent property
- Address outstanding redlines on construction drawings
- Easement or agreement to construct a public road on Metropolitan Water property

Ms. Jastremsky explained during the preliminary process, the applicant was looking at placing a stubbed road into Edelweiss. The commitment was not obtained, so that limits the developer to 50 lots, which was approved with Phase 1. Providing this new access will allow them to continue building. In order to build the new access, they lowered the grading for the majority of the property. That necessitated them moving the proposed stub road approximately 180 feet to the south. The applicant for Edelweiss is reviewing whether they can modify their development to match the newly proposed stub road location. The applicant has provided a map showing how the connection to Edelweiss will work. The new proposed access point would have to cross property owned by Metropolitan Water District of Salt Lake and Sandy. The applicant has not yet obtained permission to build a public street across their property, so that road cannot be built until that permission is obtained. There are a few items that have to be approved with the final plat, which includes deviation to street designs. The new road is designed to be 61-70 feet wide to allow for turn lanes. The applicant is proposing to have a portion of the road that goes through Metropolitan property to not have sidewalks, which is why it goes from 70 to 61 feet. A

deviation would have to be one of extra width because the standard is 56-foot wide. There is a small portion on Ember Drive that will also seek a deviation for the elimination of the park strip. It is adjacent to property that will be dedicated to the City and is contiguous with the City's detention pond.

[8:29:00 PM](#)

11.2 Councilmember Stenquist asked about the elimination of the parks trips. Ms. Jastremsky explained it helps with maintenance and what the City is required to maintain.

Councilmember Stenquist expressed concern with the snow storage in the winter. He questioned who would be responsible for clearing the sidewalks. Ms. Jastremsky indicated the properties adjacent to these sections are vacant, so there is property for the snow to be plowed onto.

[8:31:38 PM](#)

11.3 Councilmember Summerhays indicated they did widen the road from 56 to 61 feet. Ms. Jastremsky replied that is correct because they need turn lanes onto Suncrest Drive.

[8:31:49 PM](#)

11.4 Ms. Jastremsky then indicated that because that road is wider, she asked the City Council to amend condition number 9 if the Council approves this item because it does not include the wider width. There is one more deviation needed. City Code requires a right-hand turn lane from Suncrest Drive onto Edge Way. The applicant is proposing to eliminate that right-hand turn lane. According to the traffic study, that is not needed. There is the other access further down that has a right-hand turn lane. The traffic study determined that is where the people coming from the south will access the development. Engineering is supportive of that deviation.

[8:33:28 PM](#)

11.5 Councilmember Summerhays questioned whether these companies are paying impact fees. Ms. Jastremsky stated yes they are.

[8:34:29 PM](#)

11.6 Councilmember Stenquist noted he would like to hear from Edelweiss about whether that connection works.

[8:34:41 PM](#)

11.7 Bruce Baird, attorney for Edelweiss Development, stated they are not opposed to the development at all. They have been working cooperatively with City staff and Edge Homes for several months to design this. He noted that moving the road even a little bit does trigger some domino consequences to his client. They will be coming in to ask for some modifications to their development agreement and preliminary plat. They are not major changes but one is allowing a private road which is currently prohibited. They also need to match grade and deal with utilities and the crossing of the pipeline. They would also like to have the same 50 lots that this development has. They do not want to access through Stoneleigh Heights, so they might have to ask for a deviation with the number of lots

triggered by a second access and emergency access at the 50 lot number if this connection has not been built. Mr. Baird indicated they are supportive of this development. They have worked with City staff, and Mr. Cooley has been very cooperative. Their plan would be to work quickly with City staff to amend the development agreement and the previously approved preliminary plat that actually showed the previous connection.

[8:37:44 PM](#)

11.8 Steve Maddox, Edge Homes, agreed with everything Mr. Baird just indicated. One of the conceptual agreements with the approval of Phase 1 is that they would enter into a memorandum of understanding. Hidden Canyon Estates was unable to come to that conclusion, so they are presenting a secondary access. They are entering into an agreement with the South Valley Sewer District, so they will absolutely be able to support and sustain and deliver some of the connectivity including water. There will be some consequences with them moving the road, and the biggest consideration is just moving this forward. City staff has been instrumental in getting this done. Mr. Maddox stated Edge Homes will not be constructing pavement on that portion of road so when they come in and build, there will be connectivity, and there will not be grading issues. Mr. Maddox then indicated they had discussed the \$500,000 payment to the Parks Department during the field trip yesterday. He advised they will be leaving three miles of a potential trail as native, and the volunteers with the trail committee can bring that up to the standard. Edge Homes will be providing the \$500,000 to the Parks and Recreation Department to be utilized as needed for two potential trailheads.

[8:40:59 PM](#)

11.9 Dave Mast, Mercer Mountain, thanked Nate Shipp for the new plan. He stated he likes the Edelweiss plan. There is not a detention basin on the plan, and that makes him very happy.

[8:42:12 PM](#)

**11.10 Councilmember Rappleye moved to approve the Hidden Canyon Estates Phase 2 Final Subdivision Plat with the conditions previously stated. Councilmember Summerhays seconded the motion.**

[8:43:04 PM](#)

11.11 Ms. Jastremsky reminded the City Council that condition number 9 needs to be amended.

[8:43:10 PM](#)

**11.12 Councilmember Rappleye moved to include a change to condition number 9 that approves the width that was shown this evening. Councilmember Summerhays seconded the change.**

[8:43:52 PM](#)

11.13 Councilmember Stenquist clarified that this approval is still contingent upon all of the conditions being met before it is approved and signed.

[8:44:14 PM](#)

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

[8:44:29 PM](#)

**12.0 Action Item: Resolution #17-23, Adopting an Interlocal Cooperation Agreement between Draper City and Traverse Ridge Special Service District**

[8:44:58 PM](#)

12.1 Glade Robbins, Public Works Director, explained this is the agreement they signed originally in 2015 between the City and the TRSSD. This covers the cost for additional snow plowing and street light service. The agreement requires a yearly renewal. They have incorporated some minor changes, such as the removal of equipment the TRSSD no longer owns. The District has also requested the City bill them quarterly for the services provided.

[8:45:47 PM](#)

**12.2 Councilmember Weeks moved to approve Resolution #17-23. Councilmember Rappleve seconded the motion.**

[8:46:16 PM](#)

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

[8:46:33 PM](#)

**13.0 Adjourn to a Closed-Door Meeting to Discuss Litigation**

[8:46:53 PM](#)

**13.1 Councilmember Summerhays moved to adjourn to a closed-door meeting to discuss potential litigation. Councilmember Vawdrey seconded the motion.**

[8:47:06 PM](#)

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

13.3 The meeting adjourned at 8:47 p.m.