

Approved 7.18.2017

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JULY 11, 2017, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH**

PRESENT: Mayor Troy Walker, and Councilmembers Bill Rappleye, Jeff Stenquist (joined the meeting via telephone from 8:05 to 8:21 p.m.), Alan Summerhays, Marsha Vawdrey, and Michele Weeks

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Hazel Dunsmore, Human Resource Director; John Eining, Deputy Police Chief; Rhett Ogden, Recreation Director; Clint Smith, Fire Chief, Glade Robbins, Public Works Director; and Bob Wylie, Finance Director

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**Dinner**

**Study Meeting**

[6:00:11 PM](#)

**1.0 Update: Public Works Capital Improvement Projects Quarterly Report**

[6:00:26 PM](#)

1.1 Glade Robbins, Public Works Director, updated the City Council on the status of the Capital Improvement Projects.

\*\* The City Council left the meeting at 6:15 p.m. to attend the Draper Days Children's Parade at Whisperwood Park.

**Business Meeting**

[7:14:15 PM](#)

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

[7:14:31 PM](#)

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

[7:15:15 PM](#)

2.1 Brendan Roberts offered the prayer.

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2.2 Michael Britsch led the Pledge of Allegiance.

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**3.0 Recognition: Juan Diego Lacrosse Team - State Champions**

[7:16:24 PM](#)

3.1 Mayor Walker congratulated the Juan Diego Boys Lacrosse Team for taking the 2017 State Championship. This is their third state championship since 2012. They beat American Fork, Corner Canyon, and Park City in the playoffs and defeated Brighton in the State Division Final. Blake Davis was the game's Most Outstanding Player. Bo Caldwell and Hunter Easterly were 1<sup>st</sup> Team All-State selections, and Chantz Hower, Sam Burbank, and Brendan Roberts were 2<sup>nd</sup> Team All-State selections.

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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.

4.1 No one came forward to speak.

[7:23:08 PM](#)

**5.0 Consent Items**

- a. **Approval of June 20, 2017, City Council Meeting Minutes**
- b. **Approval of Resolution #17-26, Repealing Chapters 7000 – Compensation and Benefits and 8000 –Time Off of the Personnel Policies and Procedures Manual and Replace with Chapter 6000 – Compensation, Benefits and Leave Time. Staff: Hazel Dunsmore**
- c. **Approval of Resolution #17-35, Amending the 2017 Emergency Operations Plan**
- d. **Approval of Resolution #17-41, Appointing Members to the Tree Commission**
- e. **Approval of Resolution #17-42, Appointing Members to the Planning Commission**
- f. **Approval of Resolution #17-44, Designating Emergency Interim Successors. Staff: David Dobbins**
- g. **Approval of Resolution #17-45, Reappointing Ken Murdock and Ryan Summerhays to the Parks, Trails, and Recreation Committee**
- h. **Approval of Agreement #17-133, Assessment-in-Lieu, Clark's Quality Roofing - 12746 South Fort Street. Staff: Glade Robbins**
- i. **Approval of Agreement #17-140, Assessment-in-Lieu, Andrew Thomas - 12143 South 800 East. Staff: Glade Robbins**

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5.1 **Councilmember Weeks moved to remove Item G for discussion. The motion failed for lack of a second.**

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5.2 **Councilmember Rappleye moved to approve the Consent Items as slated. Councilmember Vawdrey seconded the motion.**

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- 5.3 Councilmember Weeks explained that she wanted to remove Item G because she is concerned with the amount of Councilmembers' family that are on the commissions. There is too much of the Council's influence on the various boards, and too much nepotism. She said other people should be given a chance.

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- 5.4 Councilmember Summerhays explained he does not have discussions with his son about the Parks, Trails, and Recreation Commission, and he does not give direction to him.

Councilmember Weeks said members of a committee that are related to Councilmembers tend to have more influence or credibility. There are a lot of people that would like to be on these boards, and there are too many that are related to Councilmembers.

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- 5.5 **A roll call vote was taken with Councilmembers Rappleye, Vawdrey, and Mayor Walker voting in favor. Councilmember Weeks and Councilmember Summerhays abstained from voting. The motion passed unanimously.**

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- 6.0 **Action Item: Resolution #17-43, Annexing a Portion of the Property of the Edelweiss Development into the Traverse Ridge Special Service District (TRSSD)**

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- 6.1 Dan Boles, Planner, noted when the Edelweiss preliminary plat was approved, one of the conditions was that each plat be put into the TRSSD. The applicant has made a request to be annexed into the TRSSD, and staff recommends approval.

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- 6.2 **Councilmember Weeks moved to approve Resolution #17-43. Councilmember Rappleye seconded the motion.**

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

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- 7.0 **Public Hearing: Rivermark (fka Fitzgerald) Preliminary Plat Request, Approval of a 27-lot Preliminary Plat on Roughly 17.35 Acres in the RA2 (Residential Agricultural-20,000/sf Minimum Lots) at Approximately 1060 East Pioneer Road**

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- 7.1 Maryann Pickering, Planner, advised this is a request for preliminary plat approval for a residential subdivision. A portion of this lot was recently rezoned to RA2. The preliminary plat meets all City standards for a subdivision, and there are no deviations being requested.

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7.2 Councilmember Summerhays asked whether the trails in that area will be connected. Ms. Pickering answered affirmatively and noted that it is required.

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7.3 Bryon Prince, applicant, said he would answer any questions.

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7.4 Councilmember Rappleye asked Mr. Prince to go over how the property would be accessed. Mr. Prince said it is a unique property in that every access point will cross an existing culvert. The two access points are from Cindy Lane on the south end, and from Manfield Way in the northeast corner. Councilmember Rappleye asked how many lots there are. Mr. Prince said there are 27 half-acre lots. They have not completed an impact study yet.

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7.5 Councilmember Weeks asked whether this is an Ivory Homes development. Mr. Prince explained he is representing the Boyer Company and Ivory Homes this evening. Mr. Prince continued that there is a standard 60-foot-wide right of way, and they are not asking for any variance.

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

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7.7 Pamela Clark Roberts, resident, said she is frustrated that there has not been an impact study done. The Fitzgeralds are good neighbors, but the trails will be crossing streets. Furthermore, there will be more traffic with 27 additional homes in the area. The solution is that there should be access from Pioneer Road. The neighborhood will be destroyed because of thoroughfares going through their neighborhood. She said Pioneer Road should be the access for ingress and egress.

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7.8 Ben Gordon, resident, said this development will have too much impact and that there has not been forethought in planning. There should be an impact study because this development will impact the neighborhood significantly. There needs to be better access with this many homes.

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7.9 Shauna Call, resident, expressed concerns regarding traffic and said a traffic study needs to be done. Until another access is found, she does not think this development should go forward.

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7.10 Brenda Andrewsen, resident, said Cindy Lane has problems related to speeding. Cindy Lane extends into the neighborhood. The walking paths are crossed by roads and traffic,

which is a safety concern. There are a lot of kids who use the trails. Speed is an issue, as is lighting at night. She is also worried about drainage underneath the neighborhood.

[7:45:08 PM](#)

7.11 Alan Shaw, non-resident, said there are challenges to overcome, but many of the people who would move into the neighborhood would be families with children. There could be solutions to the traffic challenges. He thinks the residential homes near the elementary school would be valuable.

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7.12 Martie Lelegren, resident, said her concern is the streets. The lot she's concerned about is the one at the very end. She asked if there will be any through streets, and how they plan to slow traffic on the through streets.

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7.13 Carol Sue Johnson, resident, said the access to the new development is her main concern. There needs to be a road that connects to Pioneer. Without this connection there would be too much traffic.

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7.14 Wyatt Christensen, resident, said his main concerns are traffic and safety for kids. A lot of people use the trails. The development looks good; however, they could do more with widening roads rather than sending traffic through smaller neighborhoods. The proposal as outlined is not safe.

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

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7.16 Mr. Prince said he appreciates the feedback. He said the proposed subdivision plat complies with all relevant City Ordinances, State Statutes and the General Plan. He said there are two access points and both meet the City road standards. He explained what is written in the City's ordinances and stated that they exceed the requirements outlined therein. Mr. Prince said the existing traffic conditions on 1300 East and in the surrounding area is not the Fitzgerald's problem. The Fitzgeralds have property rights, and they have put forth a plat that complies with all applicable standards. They want to preserve safety on the trail crossings, and he will continue to discuss this matter with staff as they have move forward with the final plat process.

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7.17 Councilmember Weeks asked whether there was any way to connect Walden Lane. She said she likes the half-acre lots. Ms. Pickering said the field property would have to be acquired first. When the large field is sold, a connection can be made. Councilmember Weeks said prior to the meeting there was talk about connecting Pioneer Road. Ms. Pickering provided an overview of the rest of the Fitzgerald property. She said this application is not for the remainder of the property in question. Councilmember Weeks said

there is not enough access, and traffic from this subdivision will go directly to 1300 East. Ms. Pickering said there is a temporary turnaround that will go away in the future. Councilmember Weeks asked if there has been a traffic study. Ms. Pickering said the Engineering Department did not require it as part of the initial review for the application.

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7.18 Councilmember Rappleye asked who owns the property on the east side of Draper Elementary. Ms. Pickering said the property in question is owned by the school district. Councilmember Rappleye said he has talked to people involved with the school. Another access point could help the school, and the school district might be willing to cooperate.

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7.19 Councilmember Summerhays said he likes half-acre lots.

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7.20 Councilmember Rappleye asked whether they could request the applicant to do a traffic study. Councilmember Weeks agreed.

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**7.21 Councilmember Weeks moved to continue this item until August 1, 2017. Councilmember Vawdrey seconded the motion.**

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**7.22 A roll call vote was taken with Councilmembers Rappleye, Vawdrey, and Weeks voting in favor. Councilmember Summerhays voted no. The motion carried with a majority vote of 3-to-1.**

[8:03:05 PM](#)

**8.0 Public Hearing: Providing Local Consent for a Full-Service Alcohol License for Harmons @ Bangerter**

[8:03:25 PM](#)

8.1 David Dobbins, City Manager, said Harmons has requested a full-service liquor license, and the request complies with all the State and local requirements.

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

[8:04:04 PM](#)

**8.3 Councilmember Rappleye moved to provide local consent for a full-service alcohol license for Harmons @ Bangerter. Councilmember Summerhays seconded the motion.**

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

[8:04:45 PM](#)

\*\* Councilmember Summerhays advised he owns property in this Commercial Special District, so he recused himself from the discussion and vote.

\*\* *Councilmember Summerhays left the meeting at 8:05 p.m.*

[8:05:52 PM](#)

\*\* *Councilmember Stenquist joined the meeting via telephone at 8:05 p.m.*

[8:06:03 PM](#)

**9.0 Public Hearing: Draper Peaks CSD Zoning Text Amendment to Amend Portions of Chapter 9-18A of the Draper City Municipal Code as it Relates to the Signage Requirements for the Draper Peaks Commercial Special District Generally Located Along 12300 South between State Street and 300 East**

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9.1 Ms. Pickering explained the location of the subject property, which is zoned community commercial. This request is to allow for electronic message signs on the tower of pylon signs within the district. The lower monument signs on State Street or along 12300 South would not be allowed to be electronic. The height and width of the signs that are permitted today are not proposed to be changed as a part of this text amendment. There would be a limitation that 50 percent of the sign face could be electronic, and there are specific requirements about pixels, or visibility, and the timing of the sign for distraction of drivers. The applicant has included those references with their application. There are three monument signs out there today, and Ms. Pickering explained where they were located. With this change, these signs could be changed to electronic signs if the property owners decided to do that. The code currently allows for construction of one other sign like this within the district. They reformatted the text of the code to clarify the matter.

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9.2 Councilmember Weeks asked why this area was designated with its own signage language and how it was different from the rest of 12300 South. Ms. Pickering said this zoning was approved by the City Council in 2004. She said it was one of the first shopping centers that created a zoning ordinance to have its own regulations for its signs. As other projects came in, they included those sign regulations. Councilmember Weeks asked if electronic signs are allowed on the west side of the freeway. Ms. Pickering said it is not allowed.

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9.3 Councilmember Rappleye said electronic signs were adopted from the east side of the freeway all the way up to Draper Park. Dan Boles, Planner, said that is correct. Councilmember Rappleye said electronic signs are adopted along the freeway on some properties. This was excluded because it was a CSD.

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9.4 Councilmember Weeks asked if this amendment gets in line with everything else on 12300 South both on the east and west sides of the freeway. Ms. Pickering answered affirmatively.

Mayor Walker stated this is why the parking is the way it is near Café Rio and Chuck-A-Rama. The CSD was able to count the parking on the aggregate.

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

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**9.7 Councilmember Rappleye moved to approve Ordinance #1271. Councilmember Vawdrey seconded the motion.**

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9.8 Councilmember Stenquist said his concern is that they continue to proliferate higher density signage throughout the city. One of the things that helps keep Draper unique is the ambiance of minimal signage, and he doesn't think they are limiting businesses by keeping it that way. His concern is that bigger signage will spread from the freeway. He suggested they study the item more.

Councilmember Rappleye agreed; however, he said 12300 South has been approved for electronic signage and it hasn't proliferated because it is so expensive.

Councilmember Weeks said she is also concerned with having a lot of electronic signs. They may need to establish some codes in order to prevent a Vegas strip feel.

Councilmember Rappleye said the only place it's allowed is the freeway frontage and 12300 South; however, because it's a CSD it's separate. Others haven't done this because it's too expensive.

Councilmember Vawdrey said this part closer to the freeway seems odd to exclude.

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**9.9 A roll call vote was taken with Councilmembers Rappleye, Vawdrey, and Weeks voting in favor. Councilmember Stenquist voted no. The motion carried with a majority vote of 3-to-1.**

\*\* *Councilmember Stenquist left the meeting at 8:21 p.m.*

\*\* *Councilmember Summerhays returned to the meeting at 8:21 p.m.*

[8:21:06 PM](#)

**10.0 Action Item: Repeal & Re-enact Municipal Code 3-2-120, 3-2-130 Employee Appeal Process**

[8:21:20 PM](#)

10.1 Hazel Dunsmore, Human Resource Director, advised that staff has looked at Municipal Code with regards to the employee appeal process, and they need to make this change to bring it in compliance with State Code. They are also proposing a change in the way this process is conducted. State law requires that they have an appeal process, but it gives the City the authority to decide how that process will take place. This request is to replace the Employee Appeal Board, which consists of Councilmembers and employees, and replace it with a hearing officer. This position would be contracted and would therefore not add another staff position within the city. They would likely contract an attorney from another city.

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10.2 Councilmember Rappleye asked if this is similar to the Appeal Board. Ms. Dunsmore said it would be similar. One person would hear the employee's complaint.

Mr. Barker said that the hearing officer is normally someone who has HR experience.

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**10.3 Councilmember Summerhays moved to approve Ordinance #1265. Councilmember Weeks seconded the motion.**

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

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**11.0 Council/Manager Reports**

[8:26:20 PM](#)

11.1 Councilmember Rappleye explained that there is a resident in SunCrest who owns a corner lot adjacent to property that's owned by Draper City. He would like the Council to entertain the idea of surplusing the property in question with the intention of selling it to this resident.

Councilmember Weeks said she has spoken with resident as well, and she supports this idea.

Councilmember Summerhays said he also supports the idea.

Mr. Dobbins said the resident was willing to pay \$6.00 per foot for the City-owned property.

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11.2 Mayor Walker said there has been some confusion about what the paramedic situation is at the SunCrest Fire Station. He confirmed with staff that the Council passed a budget amendment to fully staff the station, but it might be helpful to clarify on the City's website how dispatch calls are handled from that station.

Mayor Walker then explained the City had agreed to join the Mountain Accord to study mass transit in the canyons, and the organization has been changed to the Central Wasatch Commission. They are waiting for the City to sign the Interlocal agreement which would allow Draper to be a member.

Councilmember Rappleeye asked if they could give a presentation on the matter and Mayor Walker answered affirmatively. Councilmember Weeks said she would like some more information. Mayor Walker said he would gather more information and have their CEO give them a presentation.

Rachelle Conner, City Recorder, advised the City approved that agreement in October 2016, so this has already been taken care of.

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11.3 Mr. Dobbins said, in relation to the earlier plat approval discussion, the road connections around the school have been an issue for years.

Councilmember Summerhays said there was a contract in place which would include a connection to Pioneer Road. Mr. Dobbins said they could wait until the development happens, or purchase property for road connections proactively. The other priority is making a second access to the school. As a City they need to start making some of these decisions.

Councilmember Weeks said she is in favor of buying Lot 1 because it would give the City options for the future; otherwise, their options could be limited.

Councilmember Summerhays asked what types of guarantees would be in place if the City purchased Lot 1. Mr. Dobbins said the school has always wanted the road access.

Councilmember Rappleeye said they should give Mr. Dobbins direction to purchase that lot and make a connection through the area in order to make residents happy.

Councilmember Vawdrey agreed that they should not pass up this opportunity.

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11.4 Mr. Dobbins said with the sale of the 110-acres, the City has \$7.3 million. There is an outstanding bond to pay off. He explained they will have to diffuse the bonds, and asked the Council if they want to start the process of paying off the bond.

Councilmember Summerhays asked if there was any way of this falling apart.

Mr. Dobbins replied there is no guarantee that there won't be an issue with the project down the road, but the City does have the money to start paying off the bond. Councilmembers Summerhays and Weeks were both in favor of paying off the bond. Councilmember Weeks said they should discuss later what they want to do with the rest of the money, but for now they should pay off the bond.

Mr. Dobbins advised the Council needs to give direction on the conservation easement and what property they want left in and left out of the conservation easement boundaries. The City will need to hire a surveyor to start drawing up the boundaries and legal description. One issue will be the 55-acres located next to the 110-acres.

Mayor Walker noted there is unanimous direction to proceed with paying off the bonds.

Councilmember Weeks asked whether there would be a study about what land to sell and what land not to sell. Mr. Dobbins said he will review the matter with the City Council in August.

Councilmember Summerhays wondered whether there was a signed copy of the easement. Mr. Dobbins said there is not a copy ready for review.

Councilmember Summerhays said they should talk about what to do with the balance of some of the properties. He would like to designate a couple hundred acres for Boy Scouts and Girl Scouts.

Mayor Walker said they should have a meeting to discuss this item, and possibly take a field trip out to the property in question.

## **12.0 Adjournment**

[8:44:56 PM](#)

**12.1 Councilmember Summerhays moved to adjourn the meeting. Councilmember Vawdrey seconded the motion.**

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

12.3 The meeting adjourned at 8:45 p.m.