

Approved 10.17.2017

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, OCTOBER 3, 2017, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH**

PRESENT: Mayor Troy K. Walker, and Councilmembers Bill Rappleye, Jeff Stenquist, 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; Russ Fox, Assistant City Manager; Rhett Ogden, Recreation Director; John Eining, Deputy Police Chief; Mike Kelsey, Fire Battalion Chief, Glade Robbins, Public Works Director; and Bob Wylie, Finance Director

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**Open House: Fire Prevention – Draper City Hall**

**Dinner**

**Study Meeting**

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**1.0 Presentation by the Draper Arts Council Regarding a Potential Partnership for a New Auditorium with American Preparatory Academy (For Information Only – No Action Taken)**

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1.1 Vic Carsey, Draper Arts Council, presented a proposal to have the City partner with the American Preparatory Academy to construct a new auditorium. He used Sandy City and Bluffdale as examples of cities that have done or are currently exploring this option with area schools. The City Councilmembers agreed to tour the Mount Jordan Middle School auditorium and the American Preparatory Academy site; however, there was no commitment to move forward with any partnership.

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**2.0 Council/Manager Reports**

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2.1 Councilmember Weeks expressed concern with speeding vehicles on 13200 South Fort Street to 1300 East. She indicated it will get worse when the City opens 13200 South to thru traffic. She asked whether digital speed signs could be installed. Councilmember Summerhays agreed it would be good to have those signs installed.

Deputy Police Chief John Eining indicated the road would be open at 6:00 a.m. the next day, and they plan to have officers in the area doing enforcement in the morning and evening during the heavy traffic periods.

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2.2 Councilmember Stenquist stated he was advised that the speed bumps on Golden Pheasant are not working. He expressed his opinion that they should be removed.

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2.3 Mayor Walker asked staff to put together the cost to run the waterline all the way up Corner Canyon Road. It might be beneficial to do this project in conjunction with the Edge project. The project is currently funded to go behind the Steeplechase subdivision. This is important to assist with wildland fires in that area.

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2.4 David Dobbins, City Manager, stated staff has been asked to put together a breakdown of the high-density housing in the City. They are breaking it down by categories, which include:

- Approved and unbuilt
- Vested and unbuilt
- Zoned residential

He questioned whether there are any other categories the Council is interested in having included. Councilmember Weeks asked that the number of existing units be included as well.

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2.5 Russ Fox, Assistant City Manager, advised that T-Mobile currently has a 40-foot cell tower in the Steep Mountain Park. It is a stealth tower with lights. Verizon is interested in co-locating on the pole, and would like to increase the height by another 20 feet. He asked if any of the Council were in favor of allowing this. The Council was unanimous in not wanting to allow the co-location.

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2.6 Councilmember Summerhays expressed concern with the City allowing shorter driveways. He said he would like to change the ordinance to require driveways to be longer than 20 feet in length. Councilmember Weeks agreed and stated she would like to add that streets need to be wider than 20 feet in width. Councilmember Summerhays, Councilmember Rappleye, and Councilmember Weeks were in favor of putting these items on a future agenda.

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\*\* **Closed-Door Meeting – Litigation**

\*\* Mr. Dobbins expressed a need to go to a closed-door meeting to discuss litigation.

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\*\* **Councilmember Summerhays moved to adjourn to a closed-door meeting to discuss litigation. Councilmember Stenquist 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**

[7:03:33 PM](#)

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

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

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2.1 Rhett Ogden offered the prayer.

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2.2 Sammy Pickering led the Pledge of Allegiance.

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**3.0 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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**3.1 No one came forward to speak.**

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**4.0 Consent Item**

a. Approval of September 19, 2017, City Council Minutes

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**4.1 Councilmember Weeks moved to approve the consent item. Councilmember Summerhays seconded the motion.**

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

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**5.0 Public Comment: Ordinance #1281, Amending Draper City Municipal Code Chapter 15-3 "Outdoor Smoking Prohibitions" to Address Vaping and E-Cigarette Usage**

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5.1 McKelle Hamson, Communities That Care Coordinator, expressed appreciation to the Council for their support in amending City Ordinance to include the following terms to the definition of “parks”: splash parks, dog parks, skate parks, arenas, amphitheaters, playgrounds and outdoor swimming pools. Ms. Hamson also reviewed amendments to the definition of outdoor smoking to include the following: inhaling, exhaling, burning or heating a substance containing tobacco, using nicotine intended for inhalation through a cigar, cigarette, pipe, or hookah, use of an e-cigarette or any other oral, smoking device intended to circumvent the prohibition of smoking.

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5.2 Councilmember Summerhays asked if the proposed amendments were based on guidelines set forth by the health department. Ms. Hamson answered affirmatively, and indicated that the amendments would apply to Draper City recreational areas.

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

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**5.4 Councilmember Vawdrey moved to approve Ordinance #1281. Councilmember Rappleye seconded the motion.**

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5.5 Councilmember Weeks stated that she was impressed by the young individuals who presented this proposal during the last City Council meeting.

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5.6 Councilmember Rappleye stated that in speaking with other individuals regarding this subject, no one has voiced opposition to the amendments as they have been outlined.

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**5.7 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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**6.0 Action Item: Jenson Farms Rezone, Land Use Amendment and Development Agreement, Request by Randy Bowler of Bowler Properties for approval of a Master Plan Amendment from Low/Medium Density to Residential Medium Density and a Zone Change from the RA1 (Residential Agricultural) and A5 (Agricultural) Zones to the R4 (Single Family Residential) Zone**

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6.1 Maryann Pickering, Planner, presented the staff report as well as an aerial image of the subject property. She stated at the Council meeting held on September 19, 2017, the Council requested that a lot breakdown be included in the proposed development agreement. The applicant has since met this request. Furthermore, some clarifications

were added to the development agreement after the staff report was sent to the Council. Specifically, the development agreement must be recorded before any rezone goes into effect. She explained Section 2c of the development agreement requires a connection to the subdivision to the north. It has been clarified that it would be connected to the street known as Junegrass Drive, and it will be done as part of Phase 1 of the Jensen Farms project. Additionally, the following sentence was added to Section 17: “Unless the development agreement is recorded, the zoning action is not valid”. Ms. Pickering stated that should the Council decide to approve the rezone tonight with the modified development agreement, a sample motion has been provided for the land use amendment, the zone change and the development agreement.

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6.2 Councilmember Weeks asked about the connection into the Ivory Homes development and stated this was supposed to take place during Phase 4. Additionally, she recalled that a bridge was going to be built across a creek in order to access a park. She asked if the modifications to the Development Agreement will allow the access to be built onto 11400 South earlier than in Phase 4. Ms. Pickering answered affirmatively, and stated the access will connect to the road running through the Ivory Development as part of Phase 1. Councilmember Weeks also asked if the Development Agreement addresses piping through the development for secondary water access. Ms. Pickering deferred the question to Mr. Robbins.

Glade Robbins, Public Works Director, said he was not sure whether or not piping for secondary water has been planned as part of the proposed development. However, piping will be installed through the development located to the north.

Councilmember Summerhays said if secondary water access is provided to the development to the north, and depending on the direction of the sewer district and WaterPro within the next few years, he believes there will eventually be secondary water access on the west side. He mentioned piping throughout the west side of Draper City was upgraded from 16 inches to 24 inches.

Mr. Dobbins stated he does not believe there is any secondary water piping presently running through the Ivory Homes development. The development in question is located in the Draper City water service area. Many of the property owners in that area would like to have secondary water access, and the City has raised the issue with WaterPro. Mr. Dobbins clarified that secondary water is not part of either of the development agreements mentioned in this discussion.

Councilmember Rappleye asked if secondary water was purchased with shares. Mr. Dobbins responded in the affirmative, and explained water shares will need to be arranged with WaterPro. He explained water shares function as a funding mechanism and that someone has to pay for the infrastructure. He said the issue is that if they don't put the infrastructure within the subdivision, the opportunity is bypassed in the future.

Councilmember Weeks stated the residents on 700 West have raised the issue of high water bills, and have therefore expressed a desire in obtaining access to secondary water. She said the City has previously discussed installing secondary water pipes underneath 700 West when the road is redone; however, she stated they should also provide the right plumbing as new development occurs, via development agreements.

Councilmember Summerhays reiterated his previous remarks, and explained there are sewer pipes up through Bangerter Highway where secondary water could potentially be disbursed.

Councilmember Weeks said due to all of the new development occurring throughout the area, and they have discussed redoing 700 West, it would be the perfect opportunity to install a secondary water line. She inquired as to which entity will be responsible for putting in the system later, if it is not installed at the time 700 West is redone. Mayor Walker answered it will be WaterPro's responsibility to install the secondary water line, since it is their water system.

Councilmember Stenquist commented that nobody is obligated to provide access to secondary water.

Mr. Dobbins said secondary water is optional for homeowners; if every homeowner wants access to secondary water, then the homeowners will need to pay to have the system installed. Councilmember Summerhays added the homeowners would pay a connection fee.

Councilmember Stenquist explained this type of consideration was completely unfeasible, stating it was "crazy talk". Councilmember Weeks disagreed, and explained it was worthwhile for them to discuss options for secondary water access. She said she took offense to Councilmember Stenquist's remark.

Mayor Walker stated the Council could make a motion requiring that secondary water access be addressed within the Development Agreement.

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6.3 Councilmember Summerhays asked if the applicant was comfortable with making the road connection in Phase 1 instead of Phase 4 of the project.

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6.4 Randy Bowler, applicant, said originally they had proposed to not make the connection until Phase 4. This was due to the extreme cost of constructing a bridge across the creek. Mr. Bowler said as of today he has met with a representative of Ivory Homes, and they have reached an agreement to share this cost. Therefore, they are proposing to include this connection in Phase 1 instead of Phase 4.

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6.5 Ms. Pickering clarified the types of motions that need to be made in regards to this item.

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**6.6 Councilmember Stenquist moved to approve the Jenson Farms Land Use Amendment Request by Randy Bowler of Bowler Properties for the purpose of amending the land use map from Residential Low/Medium Density to Residential Medium Density, application MA-372-2016, based on the findings listed in the Planning Commission Staff Report dated January 3, 2017 and in the City Council Request for Action dated September 28, 2017. Councilmember Summerhays seconded the motion.**

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**6.7 Councilmember Rappleye thanked Mr. Bowler and Ivory Homes for this development proposal. He said the community indicated they wanted more access points throughout this area, and that request has been met.**

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**6.8 Councilmember Summerhays agreed with Councilmember Rappleye's remarks.**

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**6.9 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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**6.10 Councilmember Stenquist moved to approve the Jenson Farms Zone Change and modified development agreement request by Randy Bowler of Bowler Properties for the purpose of amending the zoning map from A5 and RA1 to R4 and entering into a development agreement, applications MA-330-2016 and DA-043-2017, based on the findings listed in the Planning Commission Staff Report dated January 3, 2017, and in the City Council Request for Action as modified by the findings below:**

- 1. That the connection to the north in Phase 1 required in the development agreement creates a cohesive development pattern for the residential subdivisions in the area.**
- 2. That the rezoning of the property by the City Council is not valid until the development agreement is recorded.**

**Councilmember Summerhays seconded the motion.**

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**6.11 Councilmember Stenquist stated there has been a lot of discussion on this item, including the purchase of land for a park, a church in the area, and connectivity between these two subdivisions. He said this is one of the largest undeveloped areas in Draper, and it will be home to many of the City's future residents. He said connectivity and the amenities that have been discussed will create a beautiful development.**

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**6.12 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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**7.0 Action Item: Resolution #17-63, for Approval of the SunCrest Conservation Easement Property**

[7:29:12 PM](#)

7.1 David Dobbins, City Manager, stated the City is trying to move the conservation easement for the Suncrest property forward as quickly as possible, so that it can also be approved by Salt Lake County before the end of the calendar year. Approval of Resolution #17-63 would indicate the Council's support of putting the subject property (55 acres) in the conservation easement, thereby allowing staff to finalize the legal description as well as complete a baseline survey of the entire area. Mr. Dobbins clarified the language of the proposed Resolution provides allowance for a future road, as well as possible utilities within the road.

Mayor Walker explained there are several topographical issues throughout the subject property which would make any type of development a difficult process due to the amount of grading required.

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7.2 Councilmember Stenquist asked if by approving Resolution #17-63, the Council will be able to vote on the actual conservation easement sometime this year. Mr. Dobbins answered affirmatively. He said he has been working with Utah Open Lands on getting the conservation easement and the baseline survey completed. He said he met with Salt Lake County this week to map out a timeframe that will hopefully allow the Council to adopt the conservation towards the end of November.

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7.3 Councilmember Summerhays asked if there will be any flexibility with the conservation easement. Mayor Walker replied that this easement will be modeled after the Corner Canyon easement, which allows for trails and restrooms to be built.

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**7.4 Councilmember Weeks moved to approve Resolution #17-63. Councilmember Summerhays seconded the motion.**

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7.5 Councilmember Weeks thanked the residents for educating the Council on why the subject property should be included in the conservation easement. She said now that the bond is paid off, it is logical for these 55 acres to be added to the easement.

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7.6 Councilmember Vawdrey commented while she supports conservation easements and does not foresee development occurring in this area, she would prefer the City not put the 55 acres in the conservation easement until after the road is completed. She said the property can always be added into the easement later.



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7.7 Councilmember Stenquist explained they were ready to surplus this property for development last December. Residents had asked the Council what would stop them from surplusng other areas, and as a gesture of good faith the Council agreed to hold off on the surplus of this property until they could put the rest of the area under a conservation easement. He said there was never any intention or representation that these 55 acres would also be included with the conservation easement. The Council simply said they would hold off on surplusng this property until the rest of the property was under the conservation easement. He said this was always his intention and what the Council had represented. At this point, the City has surplused the other 110 acres and he would like to get the conservation easement done as soon as possible.

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7.8 Councilmember Rappleye asked if the proposed Resolution applies to all of the property in the easement or just the 55 acres. Mayor Walker explained the Resolution indicates the Council's support for including the 55 acres as part of the conservation easement.

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7.9 Mayor Walker commented the City is fortunate to have Salt Lake County as a willing partner on this issue, because they also see the value in conserving property in perpetuity for recreational purposes. He said once the easement passes it will be a crown jewel in the area.

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7.10 Councilmember Stenquist thanked Mayor Walker for his hard work on this matter as well.

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

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**8.0 Adjournment**

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**8.1 Councilmember Summerhays moved to adjourn the meeting. Councilmember Rappleye seconded the motion.**

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

8.3 The meeting adjourned at 7:39 p.m.