

Approved July 17, 2018

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JULY 10, 2018, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy K. Walker, and Councilmembers Mike Green, Tasha Lowery (joined the meetings via telephone), Alan Summerhays, Marsha Vawdrey, and Michele Weeks

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Scott Cooley, City Engineer; John Eining, Police Chief; Russ Fox, Assistant City Manager; Rhett Ogden, Recreation Director; and Clint Smith, Fire Chief

Dinner

Study Meeting

1.0 Presentation: Housing Affordability - Housing Gap Coalition

1.1 Abby Osborne, Salt Lake Chamber, reviewed the future of housing affordability and growth for the Salt Lake Valley. She discussed the need for more housing in all price points, including single-family, townhomes and multi-family residences. She offered the Chamber as a resource for Councilmembers as they consider future housing needs for Draper.

2.0 Update: Parks CIP Quarterly Report

2.1 Rhett Ogden, Parks and Recreation Director, reviewed the Draper Parks and Recreation projects for the last quarter. The projects included:

- Pickleball Courts
- Corner Canyon Creek Trail
- Suncrest Park
- Draper Canal Trail
- Fielding Hill Park
- City Beautification Projects
- Capital Pavement Maintenance

3.0 Planning Commission Update

3.1 Christina Oliver, Community Development Director, reviewed the last Planning Commission meeting for the City Council.

4.0 Council/Manager Reports

4.1 These reports were taken care of at the end of the Business Meeting

** *The Mayor and Council left to attend the Children's Parade at Whisperwood Park*

Business Meeting

7:02:20 PM

1.0 Call to Order: Mayor Troy K. Walker

7:02:30 PM

2.0 Thought/Prayer and Pledge of Allegiance

7:02:35

2.1 Rhett Ogden offered the prayer.

7:03:36 PM

2.2 Chief John Eining led the Pledge of Allegiance.

7:04:00 PM

3.0 Recognition: Channing Hall Middle School Science Fair Teams

7:04:20 PM

3.1 Mayor Walker recognized the Channing Hall Middle School 6th and 8th grade science fair teams for being two of only fifteen teams in the entire country that were invited to compete in Washington DC in June. They both won 1st place in Utah for their grades, 1st place in the Western Region (which included 10 states) and were in the top 5 in the nation.

7:07:40 PM

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.

7:08:41 PM

4.1 No one came forward to speak.

7:08:53 PM

5.0 Consent Items

- a. **Approval of June 19, 2018, City Council Meeting Minutes**
- b. **Approval of Hidden Canyon Estates Phase 3 Final Subdivision Plat**
- c. **Approval of Resolution #18-46, Edelweiss Phase 4a & 4b TRSSD Annexation**
- d. **Approval of Resolution #18-55, Reappointing Gary Ogden as a Planning Commission Member**
- e. **Approval of Resolution #18-56, Reappointing Jamie Pogue to the Parks, Trails, and Recreation Committee**

7:09:40 PM

5.1 Councilmember Green moved to approve the consent items. Councilmember Lowery seconded the motion.

7:09:58 PM

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

7:10:14 PM

6.0 Action Item: Resolution #18-53, Amending the Traverse Range Conservation Easement

7:10:38 PM

6.1 David Dobbins, City Manager, reviewed the history of the City's acquisition of the SunCrest property. The City entered into an agreement with Salt Lake County for a conservation easement last year, and the County has asked for some minor changes to the agreement. However, the boundaries remain essentially the same. He explained if the resolution was approved, Salt Lake County would review the item and consider the agreement.

7:16:30 PM

6.2 Councilmember Weeks asked if the City could add acreage in the future. Mr. Dobbins answered in the affirmative.

7:17:22 PM

6.3 In response to a question from Councilmember Summerhays, Mr. Dobbins used the aerial map to identify which areas were between private properties and subdivisions. Councilmember Summerhays asked if there was a booklet with additional information on the easement. Mr. Dobbins said the entire easement was in the packet.

7:18:50 PM

6.4 Councilmember Weeks moved to approve Resolution #18-53 with the amendment to allow the Mayor to make minor changes to the easement if requested by Salt Lake County. Councilmember Lowery seconded the motion.

7:19:16 PM

6.5 Councilmember Weeks thanked everyone involved.

7:19:34 PM

6.6 Mayor Walker thanked Salt Lake County for their work on the easement.

7:20:22 PM

6.7 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

[7:20:36 PM](#)

** Councilmember Green asked to take item #9 out of order.

[7:20:54 PM](#)

9.0 Action Item: Provide Local Consent for a Bar Establishment Alcohol License for Seabird

[7:21:02 PM](#)

9.1 Councilmember Green moved to continue this item to a date uncertain. Councilmember Lowery seconded the motion.

9.2 A roll call vote was taken with Councilmembers Green, Lowery, Vawdrey, and Weeks voting in favor. Councilmember Summerhays abstained from the vote. The motion passed unanimously.

7.0 Public Hearing: Resolution #18-50, Request to Declare Approximately 217 Acres of Property as Surplus in the General Area of 1455 East Deer Ridge Drive

[7:22:49 PM](#)

7.1 Russ Fox, Assistant City Manager, explained the purpose for surplusing the property. He noted the slopes of the properties were extreme in some areas. He asked for direction from the Council on how they wanted to proceed.

[7:32:00 PM](#)

7.2 Councilmember Weeks asked if they were obligated to sell all the land if the City met the quota selling only a few acres. Mr. Fox answered in the affirmative.

[7:32:43 PM](#)

7.3 Councilmember Summerhays asked when the City decided to surplus the land, to which Mr. Fox responded by reviewing the history of SunCrest. Councilmember Summerhays asked about access to the surplus property. Mr. Fox noted where the potential access points could be located. Councilmember Summerhays clarified these access points would not be large enough to build a subdivision. The access would be required to come from outside the City. Mr. Dobbins clarified there was no determined access location.

[7:36:42 PM](#)

7.4 Councilmember Green asked if a road could be extended through one of the surplus properties. Mr. Fox answered in the affirmative. He noted development on most of these properties was not feasible. Councilmember Green asked if the parcels could be developed without granting any acceptations and deviations.

Councilmember Lowery clarified the City had complete discretion to give final approval for developers.

Councilmember Green asked if the utilities were functional. Mr. Dobbins answered in the affirmative. Councilmember Green asked if they were obligated to surplus all the properties. Mr. Fox stated the Council was not obligated to make a decision tonight.

7:42:47 PM

7.5 Councilmember Weeks asked if she could ask more questions after the public hearing.

7:43:00 PM

7.6 Councilmember Summerhays commented there was very little land to develop in this area.

7:44:50 PM

7.7 Mayor Walker opened the public hearing.

7:45:10 PM

7.8 Charles Schwab, resident, asked if Draper was running a surplus or a deficit economy. He asked if there was a financial need to develop this area. He asked the Council to consider other methods to generate revenue with the property.

7:47:39 PM

7.9 Lisa Hales, resident, said she was concerned with the access to the properties. She noted the properties were on a steep incline.

7:48:48 PM

7.10 Randy Hales, resident, expressed concerns with the roads. He said the wild life was pleasant and he did not want their habitats to be impacted. He asked the Council to consider conserving this property.

7:51:44 PM

7.11 Kim Grant, resident, said she was in favor of conserving the property.

7:53:47 PM

7.12 Elton Duka, resident, expressed concerns about the cost of water for the area. He was also concerned with the current condition of the infrastructure and who will pay for its repair: SunCrest residents or potential residents.

7:55:34 PM

7.13 Katie Burbank, resident, stated she was drawn to SunCrest because of Deer Ridge Road, the ability to access recreation year-round, and to be located above the inversion.

7:57:10 PM

7.14 David Hoffman, resident, said he was drawn to SunCrest because of off-leash dog park, trails, hiking, and cycling in the Deer Ridge area.

7:59:13 PM

7.15 James Tegeler, resident, stated there was a crime problem in SunCrest and limited access for fire and emergency vehicles. He noted the safety concerns outweighed the need to develop and asked the Council to consider preserving the land.

8:02:02 PM

7.16 Doug Long, resident, stated he lived in SunCrest, and he was concerned with the traffic in the area and the safety threats it posed to neighborhood children.

8:03:45 PM

7.17 Reed Gibby, resident, discussed the access to the proposed plots and explained the potential dangers of developing the area.

8:06:04 PM

7.18 Margaret Cook, resident, said she lived in the SunCrest development area. She explained she was not in opposition of surplusing certain plots.

8:08:17 PM

7.19 Nikki Wyman, Sandy resident, said she loved the area and the trails. She was in favor of conserving the land and not developing the properties.

8:09:31 PM

7.20 Sarah Danielson, resident, stated she believes this land is important and referenced a petition that has been circulating with a 1,000 signatures. She also discussed a 2016 Open Space Plan that Draper City had published. She urged the Council to maintain the area as open space.

8:10:30 PM

7.21 Clinton Fairbanks, resident, said he was in favor of preserving the mountainside from development. He noted there was also an online petition in favor of its preservation.

8:13:50 PM

7.22 Craig Boswell, resident, explained that he and his neighbors were in favor of the plots remaining as open space. He said there was a lot of wildlife that lived in area.

8:17:08 PM

7.23 Clinton DeYoung, resident, said he appreciated nature and the wildlife in this area. He asked the Council if the sale of this property would cover expenses that their taxes could not.

8:19:33 PM

7.24 Andrew Scarcella, resident, said it was clear there was a gap in the conservation easement.

8:20:06 PM

7.25 Maureen Botoman, resident, said she came to Utah for the Mountains. She noted development would disturb the wild life.

8:22:18 PM

7.26 Heather Vander Meydan, resident, said she enjoyed the trails in this area, and that the area needed to remain open space. She was not in favor of developing the property.

8:23:37 PM

7.27 Robert Weathers, resident, asked the Council to consider the economics of developing the area. He explained the costs would outweigh the benefits of developing the properties

8:24:35 PM

7.28 Tim Zvekan, resident, said he currently enjoyed the open space. He asked the Council to consider the economics of developing the property.

8:26:10 PM

7.29 Shauna Fuller, resident, said she moved to SunCrest in 1992. She noted there were very few developments. She asked the Council to conserve the last pieces of open space in the City.

8:28:00 PM

7.30 Mayor Walker closed the public hearing.

8:28:30 PM

7.31 Councilmember Weeks said she was pleased with the comments made by the residents. She said she liked the idea of surplusing the lower area and not the upper area. Her reason to consider the surplus was to pay for Deer Ridge. She suggested the residents search for grants to pay for the road and not surplus the area. Lastly, Councilmember Weeks expressed that she was in favor of protecting the wildlife in this area.

8:31:00 PM

7.32 Councilmember Green agreed with the residents that there needed to be a gap in the easement. He said the issue was they needed to find a way to pay for Deer Ridge road. He noted there were other ways to raise the money. Mr. Dobbins clarified the road cost would be about \$3.5 million. He explained the method in which the road was built was incorrect. Councilmember Green stated that while he did not want to disturb the wildlife, unfortunately the wildlife already had been disturbed.

8:35:02 PM

7.33 Councilmember Lowery said she agreed the road was in terrible condition. She said they needed to take responsibility and find a compromise with the residents.

8:35:25 PM

7.34 Councilmember Summerhays stated he had been fighting the sale of these properties for forty years. He explained it was not intelligent to build homes on the mountain. He said these homes had higher taxes because they had not been paid for using impact fees. The roads and infrastructure were paid for by the higher taxes and Deer Ridge needed to be repaired by the residents of the area.

8:38:39 PM

7.35 Councilmember Vawdrey said this was the first step in the process, and as a City they would be sensitive to the residents.

8:39:06 PM

7.36 Mayor Walker said he was on the Council when the property was purchased. He said he was in favor of preserving the upper area. He discussed a brief history of the surplused properties, and noted Draper had preserved large amounts of open space throughout the City.

8:43:26 PM

7.37 **Councilmember Lowery moved to approve Resolution #18-50 to surplus the land at approximately 1455 Deer Ridge Drive and approve the sale of the land contingent upon the following:**

- **A majority of the land is to be retained as a City park/City open space to include: hiking trails and a specific area designated as off leash**
- **Any development must respect the hillside sensitive zoning and follow the rules and guidelines inherent to the zone**
- **Any development must respect the current neighborhood with the minimum lot size of .5 acres and not to exceed 30 units maximum**
- **Any sale is at the complete discretion of the Council and must have Council approval to move forward**

Councilmember Vawdrey seconded the motion.

8:44:41 PM

7.38 Councilmember Summerhays said the off-leash area would need to be removed because it was a part of the watershed for other cities. Mayor Walker disagreed.

Mr. Barker stated he did not have an opinion regarding whether or not the area was a part of the watershed.

8:46:45 PM

7.39 Councilmember Green clarified the surplus was not an actual sale.

8:47:33 PM

7.40 **Councilmember Green moved to amend the motion to remove the language that would approve the sale of the land.**

There was discussion clarifying Councilmember Green's amendment.

Mayor Walker restated Councilmember Lowery's motion. Councilmember Lowery agreed. Councilmember Vawdrey seconded the amended motion.

8:50:33 PM

7.41 Councilmember Weeks said she would vote against his motion. She explained a half acre was too small, there was no rush, and it was not necessary to surplus more land than necessary.

Councilmember Green asked how they could limit the amount of land they would sell. Mayor Walker responded the City would decide how much land they wanted to sell.

8:52:10 PM

7.42 Councilmember Lowery said with the restriction placed on the land, there was a chance that no developer would want to purchase the property.

8:52:22 PM

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

8:52:42 PM

** *The City Council took a break at 8:52 p.m.*

** *The meeting resumed at 9:04 p.m.*

9:04:37 PM

8.0 Action Item: Ordinance #1326, Prohibiting the Feeding of Non-Domesticated Wildlife

9:05:15 PM

8.1 John Eining, Police Chief, explained the above stated ordinance is required in order for his department to receive its certificate of registration. The matter will be discussed in greater detail during the next City Council meeting.

9:06:20 PM

8.2 **Councilmember Green moved to approve Ordinance #1326. Councilmember Summerhays seconded the motion.**

9:06:37 PM

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

9:06:54 PM

10.0 Discussion: Fireworks Restrictions

9:07:08 PM

10.1 Mr. Dobbins suggested the Council choose not to make changes to the permissible areas this year. He said they needed to enact a zero-tolerance policy for firework use in restricted areas.

9:08:32 PM

10.2 Councilmember Weeks asked if there was a permissible time period for lighting fireworks. Clint Smith, Fire Chief, responded fireworks were permissible until 11:00 PM. Councilmember Weeks suggested they spread the word better on the rules.

9:10:42 PM

10.3 Councilmember Summerhays stated the boundaries had not changed since the ordinance was first enacted.

9:11:18 PM

10.4 Councilmember Green asked if these boundaries were as restrictive as they could manage. Mr. Dobbins said they could include more areas.

9:12:25 PM

10.5 Mayor Walker noted the last fire on the mountain was produced by fireworks.

9:13:09 PM

10.6 Councilmember Weeks and Councilmember Summerhays said they were in favor of reevaluating the ordinance for next year

9:13:16 PM

11.0 Public Hearing: Highline Plat Amendment & Subdivision

9:13:50 PM

11.1 Dan Boles, Head Planner, said this was previously discussed in March. He described where the property in question was located and what types of homes were built in the subdivision. He noted there was an area where the City would need to build a right-of-way in the future.

9:16:07 PM

11.2 11.2 Councilmember Weeks asked if the City had to buy property for the right-of-way. Mr. Boles stated the developer was doing what was required, and explained the road could be widened in the future.

Councilmember Green asked if this was a deviation, and he was informed that it was not. If the City were to require the developer to dedicate more land, it would be an exaction on the City's part.

9:17:09 PM

11.3 Councilmember Summerhays asked if Mr. Boles anticipated the City would purchase the land. Mr. Boles stated it was possible.

9:17:40 PM

11.4 Councilmember Weeks asked what was changing in the agreement with regards to the road. Mr. Boles explained a portion of the property would be set aside for future road expansion.

9:19:19 PM

11.5 Councilmember Summerhays asked if the City would purchase additional property in the future. Mr. Boles stated it was possible

9:19:51 PM

11.6 Ben Seastrand, applicant, explained the original plans did not address the road issue. He stated he was available to answer any additional questions.

9:20:24 PM

11.7 Councilmember Summerhays asked if the proposal was less or more land than the original plan. Mr. Seastrand clarified they were proposing less than the original plan.

9:21:00 PM

11.8 Mayor Walker opened the public hearing.

9:21:14 PM

11.9 Jason Williams, resident, stated he lived near this development. He expressed concerns with how the water drained into his property, and this needed to be considered as part of the project.

9:22:45 PM

11.10 Mayor Walker closed the public hearing.

9:22:51 PM

11.11 Councilmember Summerhays asked the developer to address Mr. Williams's concern.

9:23:00 PM

11.12 Mr. Seastrand stated this was something they had considered.

9:23:40 PM

11.13 Councilmember Green moved to approve the Highline Plat Amendment and Subdivision. Councilmember Vawdrey seconded the motion.

9:23:58 PM

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

9:24:12 PM

12.0 Public Hearing: Sunset Ridge at South Mountain Plat Amendment

9:24:40 PM

12.1 Councilmember Marsha Vawdrey indicated she has a potential conflict of interest with this item, so she recused herself from the discussion and vote.

** *Councilmember Vawdrey left the meeting at 9:24 p.m.*

9:24:54 PM

12.2 Maryann Pickering, Planner, described the location of the proposed development as well as the area zoning. She explained the developer had filled in a location that was designated for non-disturbance. Aerial photographs of the subject property were then presented.

9:26:23 PM

12.3 Councilmember Summerhays asked about the slope grading before it was filled. Ms. Pickering stated the slope was about a 30% grade. Councilmember Summerhays asked if the developer obtained a disturbance permit. Ms. Pickering answered in the negative and said this was a violation on the site.

Councilmember Green asked if there was a fine imposed, to which Ms. Pickering answered in the negative.

Councilmember Lowery asked if they should consider putting a fine into effect.

9:27:44 PM

12.4 Councilmember Weeks said they should make a motion to address their ordinance concerning the fine.

9:28:23 PM

12.5 Tony Howell, applicant, said he was guilty of putting in the fill and explained it was an oversight on his part.

9:30:18 PM

12.6 Councilmember Green noted this was the developer's property. He said the issue was the line of disturbance. Scott Cooley, City Engineer, clarified there was a portion of this on City property.

9:30:56 PM

12.7 Mr. Howell explained their plans to revegetate the land and keep the area safe. Councilmember Green asked how much it would cost to remove the fill. Mr. Howell stated removing the fill would negatively affect the residents in the area.

9:32:57 PM

12.8 Mark Miller, excavator, explained he was responsible for filling this land. He stated the cost of removing the fill would be \$50,000 to \$60,000. Councilmember Summerhays stated there was no good solution for punishing the misdeed. Mr. Miller stated it was an honest mistake.

9:36:25 PM

12.9 Mayor Walker opened the public hearing.

9:36:44 PM

12.10 Buzz Richman, resident, said he wanted to see the mistake fixed and it was the developer's responsibility to see the situation rectified.

9:37:44 PM

12.11 Rich Edwards, resident, said he wanted the developer to return the property to its natural state. He suggested any landscaping done on the property be approved by the new HOA.

9:39:16 PM

12.12 Warren Schanback, resident, said he was concerned with the public landscaping being appropriate. He explained that excavating the land would not solve the issue.

9:41:06 PM

12.13 Steve Carter, resident, said he was concerned with their view being blocked by a development. He said he was in favor of the property returning to its natural state.

9:42:02 PM

12.14 Brad Duckworth, resident, said the developer had done a great job other than the mistake of filling in the grade. He described the improvements the developer had made, and said as long as the property was landscaped appropriately he would be happy.

9:43:27 PM

12.15 Scott Burton, resident, said he understood this property would be a park, and he would be content if this were to be the case.

9:44:52 PM

12.16 Kathy Kopalonec, resident, stated she bought the house she lives in so she would not have a neighbor on that side of her property. She asked that the lot in question be a “no build” area and stated she would like it to be a beautiful place in the community.

9:45:35 PM

12.17 Tony Mares, resident, agreed with the comments made by his neighbors. He noted there was garbage scattered on the property.

9:46:45 PM

12.18 Mayor Walker closed the public hearing.

9:46:51 PM

12.19 Councilmember Summerhays asked if Mr. Howell was amenable to installing a park. Mr. Howell stated there were never plans for a park; there were plans for landscaping. Councilmember Summerhays suggested a compromise to landscape the land, and Mr. Howell agreed landscaping would be the best solution.

9:49:12 PM

12.20 Councilmember Green asked if the City was liable for anything. Mr. Cooley answered in the negative

9:49:32 PM

12.21 Mr. Cooley explained the specific violations and stated there were necessary steps for investigating the land if the Council decided to keep it filled.

9:53:12 PM

12.22 Councilmember Green asked if the only remedies were to (1) deny the plat amendment or (2) require the developer to remove the fill. Mr. Cooley answered affirmatively.

9:54:03 PM

12.23 Councilmember Green moved to deny the Sunset Ridge at South Mountain Plat Amendment and order Perry Construction to restore the property. Councilmember Weeks seconded the motion.

9:54:40 PM

12.24 Councilmember Lowery asked to amend the motion to make sure they fix the erosion problems. Councilmember Green agreed to the amendment and Councilmember Weeks stated her second stands.

9:56:21 PM

12.25 Councilmember Lowery asked if they should require the developer to finish the restoration within six months. Mr. Cooley explained the developer would be motivated to finish the restoration quickly.

9:56:54 PM

12.26 Councilmember Weeks noted the restoration needed to be done correctly and the time restraint could hinder their restoration. Councilmember Lowery asked Mr. Dobbins if they could put a time limit on the restoration. Mr. Dobbins reiterated the developer would be motivated to finish the task.

9:58:42 PM

12.27 Councilmember Lowery moved to amend the motion to include a six-month time period. The motion failed for lack of a second.

9:58:59 PM

12.28 Councilmember Summerhays asked Mr. Cooley if this was the best course of action. Mr. Cooley stated he was not certain because there needed to be more investigation done first. Councilmember Summerhays said he was certain the land would sink and was unsuitable for housing.

10:02:17 PM

12.29 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, and Weeks voting in favor. The motion passed unanimously.

** *Councilmember Vawdrey returned to the meeting at 10:02 p.m.*

10:02:46 PM

13.0 Public Hearing: Ordinance #1332, City-Initiated Text Amendment for Subdivision Approval Process

10:03:48 PM

13.1 Ms. Pickering explained the City initiated this change because City Code did not align with State law. The primary change would remove the City Council from review and approval process for subdivision applications. She said the Planning Commission recommended approval.

10:05:04 PM

13.2 Councilmember Weeks said she thought this was taking a lot of power away from the City Council. Ms. Pickering explained the Planning Commission went over everything with regards to City Code.

10:06:50 PM

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

10:07:43 PM

13.4 Councilmember Summerhays moved to approve Ordinance #1332. Councilmember Green seconded the motion.

10:08:10 PM

13.5 Councilmember Weeks said this would give too much power to the Planning Commission, a body which is not elected. Councilmember Summerhays said he is not concerned because the City has rules and ordinances in place to guide the Planning Commission's decisions. Councilmember Weeks reiterated there have been instances where the Council has not agreed with the Planning Commission's recommendations.

10:08:48 PM

13.6 Councilmember Green stated preliminary plats, final plats and plat amendments are all subdivisions of parcels wherein a rezone has to come before the Council first. He said once the developer meets zoning requirements, the Council no longer has any discretion.

10:10:02 PM

13.7 Councilmember Vawdrey stated the City was attempting to align with State Code requirements.

10:10:14 PM

13.8 Councilmember Green asked if the code could include language stating that if a noticing violation occurs, the Council would review the plat amendment. Mr. Barker suggested denying the developer the ability to amend the plat. Councilmember Green agreed and said a fine should be imposed for violations.

10:11:30 PM

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

10:11:56 PM

14.0 Public Hearing: Ordinance #1333, Jenson Farms Right-of-Way Vacation

10:12:21 PM

14.1 Ms. Pickering explained the proposal and using the aid of an aerial map, identified the location of the right-of-way.

10:13:08 PM

14.2 Councilmember Green asked who owned the property. Ms. Pickering stated there are three property owners. Councilmember Green asked if the City was encroaching on their property rights. Ms. Pickering answered in the negative and stated the property owners had been informed.

10:13:49 PM

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

10:14:09 PM

14.4 Councilmember Summerhays moved to approve Ordinance #1333. Councilmember Vawdrey seconded the motion.

10:14:32 PM

14.5 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

10:14:44 PM

15.0 Action Item: Resolution #18-52, Amending the Jenson Farms Development Agreement #17-233

10:15:00 PM

15.1 Mr. Fox presented the staff report and explained the details outlined in the above stated development agreement.

10:17:28 PM

15.2 Councilmember Green asked if the resolution would affect the residents' property rights. Mr. Fox answered in the negative. He explained how the surrounding residents would be affected.

10:18:12 PM

15.3 Councilmember Summerhays asked if this would cause the City any additional problems. Mr. Fox answered in the negative.

10:19:02 PM

15.4 Tim Gough, applicant, stated the reason for this amendment is to allow them to begin working on the infrastructure which will benefit the development to the north.

Councilmember Green asked if neighbors would be affected, to which Mr. Gough responded in the negative.

10:20:42 PM

15.5 Councilmember Vawdrey moved to approve Resolution #18-52. Councilmember Lowery seconded the motion.

10:21:03 PM

15.6 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

10:21:16 PM

16.0 Action Item: Resolution #18-51, Amending the Hidden Canyon Estates, Mercer Mountain, and Lakeview Heights Master Development Agreement #15-83

10:21:32 PM

16.1 Mr. Fox presented the staff report and explained the details outlined in the above stated resolution.

10:23:51 PM

16.2 Councilmember Green asked staff to clarify the purpose for the change. Mr. Fox explained the developer wanted to finish the project before the ground froze. He explained the developer has made the final subdivision plat application for Lone Peak Canyon Estates (HCE Phase 9). However, the final plat does not meet several provisions of the City Code. The developer is requesting the Council consider adding language to the sixth amendment which would modify the following requirements from the City Code:

- Provide a signed Mylar prior to final plat approval as per Section 17-4-030(D) of the DCMC
- Side lot lines are not at right angles as per Section 17-5-020(E) of the DCMC.
- Gated subdivisions require a conditional use permit per 9-27-200(C).
- Pedestrian access into the subdivision will not be gated per 9-27-200(C) (2).
- Secondary subdivision entrances to be gated are required to conform to the same standards as the primary entrance. Canyon Edge Drive's gate does not meet the requirements of 9-27-200(D).
- No lot or unit driveway is allowed within 100' of any gated point of access or egress.
- The lighting at the gate entrance is placed at the corner of lot 2 and 8 and not up in the gate area.

10:28:24 PM

16.3 Councilmember Weeks asked if the developer was not meeting the Code. Mr. Fox stated he had helped the developer resolve several issues, and explained the items listed were requested as deviations.

10:29:02 PM

16.4 Councilmember Green asked if staff was content with the deviations, and staff answered affirmatively. Mr. Cooley explained they had worked with the developer to meet the requirements.

Mr. Dobbins remarked these items were minor issues and this was a unique situation.

10:30:49 PM

16.5 Councilmember Summerhays moved to approve Resolution #18-51. Councilmember Green seconded the motion.

10:31:16 PM

16.6 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

10:31:29 PM

17.0 Council/Manager Reports

10:31:45 PM

17.1 Councilmember Weeks said the Coyote Hollow Trailhead Committee recommended the meetings be recorded. She said a lot of money was being spent on the trailhead. Rachelle Conner, City Recorder, noted it was an ad hoc committee and they were not required to record the meetings. Council consensus was that the meetings should be recorded.

Councilmember Weeks stated parking outside Rosegate had prompted several comments from residents. Mr. Barker noted staff was following up with the property owner to find a solution. He said if the developer did not find a solution the City would start installing no-parking signs.

Councilmember Weeks stated she sent emails regarding MODA Town Center and wanted to make sure they were addressed. She asked if Kelle Land received the information she requested. Mr. Barker stated he forwarded an email to Council with the information.

Councilmember Weeks asked about a potential giardia problem at the dog park. Mr. Ogden said his department staff was putting up signs warning community members of the issue.

10:38:51

17.2 Councilmember Lowery suggested putting a dog park somewhere without water.

10:39:16 PM

17.3 Councilmember Green suggested they draft a social media policy for staff and Councilmembers. He said they should explore a cemetery on the 217 acres. He explained they had the money available and this would be a creative way to save the land. Councilmember Weeks agreed this was a good option for the property.

Councilmember Weeks said she had issues with Councilmember Green's proposition for a social media policy. She noted it could infringe on her first amendment rights. Mr. Barker noted he had worked on a policy wherein first amendment issues were properly addressed.

Mayor Walker asked if someone else wanted to support the social media policy. Councilmember Summerhays stated he would support the policy.

Mayor Walker asked Councilmembers who would support the policy on the hillside cemetery. Councilmember Lowery stated she would support the policy.

10:43:02 PM

17.4 Councilmember Summerhays explained there were parking issues on a road by Cotton Wood Hills. Mr. Cooley stated this issue was discussed during the Chapter Committee Meeting. He said they would look into solving the issue.

Councilmember Summerhays noted there were cars parking in inappropriate areas. Mr. Cooley said they would need to sign the area and enforce parking. He said he would also discuss the matter with business owners.

18.0 Adjournment

10:47:28 PM

18.1 Councilmember Green moved to adjourn the meeting.

10:47:30 PM

18.2 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

18.3 The meeting adjourned at 10:47 p.m.