

Approved 1/21/2014

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, January 7, 2014, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

“This document, along with the digital recording, shall constitute the complete meeting minutes for this City Council meeting.”

PRESENT: Mayor Troy Walker, and Councilmembers Bill Rappleye, Jeff Stenquist, and Alan Summerhays

STAFF PRESENT: David Dobbins, City Manager; Russ Fox, Assistant City Manager; Doug Ahlstrom, City Attorney; Rachelle Conner, City Recorder; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; Bryan Roberts, Chief of Police; Garth Smith, Human Resource Director; and Bob Wylie, Finance Director

Study Meeting

1.0 Dinner

2.0 Presentation: CDBG Study – Affordable Housing

[5:47:27 PM](#)

2.1 Nora Lake-Brown, David Paul Rosen & Associates, presented the results of the affordable housing study that was conducted for the City. She also reviewed recommendations for the City in order to utilize more CDBG funds.

[6:30:29 PM](#)

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

Business Meeting

1.0 Call to Order

[7:01:22 PM](#)

1.1 Mayor Walker called the meeting to order and welcomed those in attendance. He excused Councilmember Bill Colbert from the meeting this evening.

2.0 Comment/Prayer and Pledge of Allegiance

[7:04:29 PM](#)

2.1 Rhett Ogden offered the prayer and led the Pledge of Allegiance.

3.0 Citizen Comments

[7:06:54 PM](#)

- 3.1 Dan Shoell, 1201 East Pioneer Road, noted there is a yield sign on the 1300 East roundabout that is on the right side of the road where it is difficult to see. He would like to have that moved to the center of the island so the vehicles can see it better. The vehicles going south on 1300 East do not yield very well, and he would like to make it safer.

[7:08:06 PM](#)

4.0 Consent Items

- a. Approval of December 17, 2013, Minutes
- b. **Resolution #14-01**, Reappointing Statutory Officers—Chief of Police, City Engineer, and City Recorder
- c. **Resolution #14-02**, Appointing David Dobbins to VECC Board of Trustees
- d. **Agreement #14-02**, Point of the Mountain Trail Project with UTA
- e. **Agreement #14-03**, LiDAR Data Acquisition with Salt Lake County
- f. Approving Surplus Property for Auction
- g. **Agreement #13-13**, Amendment – Curtis Consulting

[7:08:18 PM](#)

- 4.1 **Councilmember Stenquist moved to approve the consent calendar as listed. Councilmember Summerhays seconded the motion.**

[7:08:34 PM](#)

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

5.0 Public Hearing: Ordinance #1080, For Approval of a Rezone of 6.12 Acres from RA2 to RM1, Located at Approximately 1375 East Country Oak Lane.

[7:09:12 PM](#)

- 5.1 Dennis Workman, planner, indicated this is a request for a rezone from RA2 to RM1 on approximately six acres located on the east side of 1300 East across from Draper Park. The proposed rezone anticipates a townhouse development with a density of up to eight units per acre. They could also have single-family lots of 10,000 square feet in size. The property, with the exception of the southernmost parcel, was rezoned from RA1 to RA2 last September. The Planning Commission and staff felt that putting a higher density project near the Town Center zone and the Trax station made sense. There is a demand for high-end homes on smaller lots. He added that the applicant has seriously considered developing according to a development agreement similar to the Wheadon Preserve project. That would take a lot of the guesswork out of what the end product would be. Mr. Workman then displayed photos of the area.

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- 5.2 Councilmember Stenquist noted the zoning that is being requested does not conform with the land use. He asked whether there was a reason staff did not propose a land use change

in conjunction with this. Mr. Workman replied State law does not require them to do a land use change. The applicants had questioned the need to spend the \$2,000 to amend the Master Plan.

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5.3 Councilmember Summerhays asked which homes they were planning to tear down. Mr. Workman explained that is a question for the applicants; however, he is not sure even they know the answer to that at this point.

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5.4 Councilmember Summerhays then questioned whether there were any people opposed to this request. Mr. Workman stated there are, and the Council will be hearing from them during the public hearing.

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5.5 Mayor Walker opened the public hearing.

[7:15:04 PM](#)

5.6 Dave Jensen, 1405 East Country Oak Lane, advised his property is not included in the rezone request; however, he is an adjacent homeowner. He noted the adjacent area has one-acre lots. If the landowners do not know what they are going to do on the property, this action is a little premature. They are talking about tearing down four homes, which seems to be a redevelopment of that area. He noted he is not in favor of this application.

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5.7 Dave Simister, 1285 Manfield Way, noted he has lived in this area for seventeen years. The property owners have the right to develop their property, and he is sure they will do a good job. However, he is not in favor of them bringing in eight units per acre when the homes in the area have one-acre lots. He has spoken with the applicant who says they are not planning to develop it at eight-units per acre, but once the zoning is changed, they can sell it to someone that wants to put in that density. This is a pristine area in Draper, and he would like it to remain that way. Now is not the proper time for these changes to be made.

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5.8 Mike Dowland, 12747 South 1370 East, said when he first heard about this issue, he was told to go look at the Wheadon Project. That is a nice project, and it is very close to I-15, Bangerter Highway, and Traverse Mountain Road, which are all major corridors. The proposed area only has access to the west onto 1300 East, which is a two-lane road. The applicants are proposing forty homes on those six acres. Most homes have two cars and some have more. That would be at least eighty more vehicles in that area, and there are already traffic issues. He said he does not think this project will work in this area.

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5.9 William Wagner, 4113 South 3305 East Salt Lake City, said his wife Sue was born and raised near this area. Sue is the trustee for the Crosgrove Property Trust. He read a statement from eight of the living heirs to this trust. The statement opposed the rezoning of the B&B property. Their opposition is based on three areas:

- The proposal is not in compliance with the Master Plan
- The negative impact that high density would have on the integrity, aesthetics, and value of the surrounding neighborhood and property values
- The added traffic pressure a high-density development would have on the area

Mr. Wagner stated they are in favor of moderate controlled growth, planning that maintains and improves the integrity of the existing neighborhood, and development projects that fit smoothly into the infrastructure of an established neighborhood.

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5.10 Boyd Brown, 12278 South Fort Street, noted he is in favor of this rezone. He has heard a lot of reasons to oppose this request. It is a great area and has been for many years. Since the Master Plan was adopted, there have been many changes to this area, such as the location of the Draper City Hall, the City Library, Senior Center, Trax Station, and great commercial development along 12300 South. The community has changed, and there are a lot more diverse groups with needs for different housing types. This zoning allows the flexibility for empty nesters to have really nice high-quality homes without a large yard. He has been in the business for a long time, and the response they received on the Fort Street project was very favorable. People want to stay in this area, and this rezone would allow for that. He has spoken with the applicants, and their intent is to have a high-class, high-quality project.

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5.11 Mayor Walker closed the public hearing.

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5.12 Brent Pollard and Bret Hilton, applicants, introduced themselves. Mr. Pollard indicated there has been so much misinformation going around in reference to this proposal. His intention is to have a place available for people who are tired of taking care of their yards. This is a very unique parcel due to the close proximity of the Draper City Park, Library, Senior Center, and the Trax station. This property is the best location for this type of development, and he intends to stay in this area. He lives in a nice home right now, and he plans to build a nice high-end development for a retired type person that does not want to maintain a one-acre lot. The Wheadon Project is a very unique project, and there is a need for that kind of home. He intends to build an even nicer home than that.

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5.13 Mr. Hilton said there is a lot of confusion about what this proposal is and what it is not. There is a collector street right next to this property, and to the east is the railroad track.

They applied for the RM1 zone, even though their intent is not to do eight units per acre, because there is a lack of any other zoning between a single-family zone and a multi-family zone. The RM1 zone is the only option they had for their development. The applicants are open to anything the City wants to do to protect themselves. A development agreement would provide more comfort. The applicants are not looking to see how many homes they can jam into this area. Land is disappearing, and the City is losing opportunities to provide this type of housing.

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5.14 Mr. Pollard indicated he would like to have a development agreement similar to the Wheadon development. It is almost identical to what he and Mr. Hilton would like to do. There are a few changes, but it is close.

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5.15 Councilmember Summerhays said the applicant mentioned he would like to build this development for empty nesters. He asked whether they planned to have two or three-story homes or just ramblers. Mr. Hilton indicated he has been approached by people that want ramblers and others that want two or three stories. The applicants are planning to have a mix. People do not want to put money into the land. They want to put their money into the house.

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5.16 Councilmember Rappleye said he did some quick numbers, and he thinks the R3 zone would allow ten to thirteen lots. Mr. Hilton noted the RM1 zone limits the lot size to 10,000 square feet. They cannot go any smaller than that. Some kind of development agreement that allows only single-family would be great.

[7:41:53 PM](#)

5.17 Councilmember Stenquist said the applicant brought up a good point that the City does not have a zone that would fit what he is envisioning. The RM1 zone does not fit with the Land Use Plan. He said he would like to allow this application to follow the usual course, and they could continue this to the next meeting in order to see if staff can work on a development agreement with the applicant.

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5.18 Councilmember Summerhays noted Councilmember Stenquist is absolutely correct in saying that there is a big gap in zoning options. He agreed to allow this item to run the normal course.

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5.19 Councilmember Rappleye stated it would be prudent for the Council to look at a development agreement so the City Council and residents know what they will be getting. When he moved into his home, he was at a dead end street; now there is a high school

there. He did not envision that when he purchased his home. He said he is in favor of allowing this item to run the normal course.

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5.20 Mayor Walker asked what the schedule is for the widening of 1300 East through that area. Glade Robbins, Public Works Director, indicated it is under design right now, and they are hoping to have it done this summer.

6.0 Public Hearing: For Approval of a Minor Three-Lot Subdivision, Also Known as Dana Subdivision, Located Generally at 13105 South Boulter Street in the RA2 Zone.

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6.1 Jennifer Jastremsky, Planner, stated this item was scheduled to be heard by the zoning administrator on December 6, 2013; however, due to the level of neighborhood involvement, staff felt it would be better heard through the normal subdivision review process by going to the Planning Commission and City Council. The application is for a three-lot subdivision. There is one existing home on the property. The land use is Residential Low/Medium Density, which allows one-acre and half-acre lots. The zoning is RA2, which has a minimum lot size of 20,000 feet. Lot one will retain the existing home with access on Boulter Street. Lots two and three will be placed behind and their access will be from a private lane. The driveway will be twenty feet in width, and the maintenance will be shared by the owners of lots two and three. The Planning Commission added a condition of approval that a note be added to the subdivision plat referencing the separate access easement and maintenance agreement documents. The applicant has obtained all of the necessary agreements and easements for this development, including temporary construction easements with neighboring property owners for that road. She displayed photos of the property. The Planning Commission forwarded a positive recommendation, and staff is also recommending approval.

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6.2 Councilmember Summerhays said it looks like all of these lots are over 20,000 square feet. He asked whether this area requires curb, gutter, and sidewalk. Ms. Jastremsky replied it does not. It will be twenty feet wide with sixteen feet of pavement and two feet of curb on either side.

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6.3 Mayor Walker opened the public hearing.

[7:49:41 PM](#)

6.4 Carl Patterson, 13103 South Boulter Street, said he does not have any real concerns with what is being proposed; however, his property is much lower than the property in question. They have a grading plan that should address any grade issues, and it shows a solution on the front lot; however, it is physically impossible to do that. He said there is an out-building on the front lot that is proposed to stay, and the runoff from the roof is

supposed to be maintained on that property. However, it drains to his property so he is driving in mud all the time. It has been this way for years, but the property used to be an irrigation ditch and pasture. He said where they are planning to develop and improve the property; he would like the developer to provide a solution to the runoff problem. Mr. Patterson advised the City staff should be commended. They have been very kind and polite as he has dealt with them about this.

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6.5 Councilmember Summerhays questioned whether it would solve the problem if they fix the runoff from the out-building. Mr. Patterson indicated he has spoken with the developer, and they have discussed options but he has not heard anything concrete about what they could do. They could put a rain gutter on the shed and allow it to drain down, but they would have to provide some kind of drainage from the shed to Boulter Street. It can be done; they would just have to be willing to do it.

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6.6 Troy Dana, 1516 Cherry Creek Lane, said he appreciates everything Jennifer and the staff has done. They have been very helpful. He said he was not at the Planning Commission meeting, so he was not aware of the water runoff issue. He does not have a problem with addressing the runoff concerns. They do have drainage on the engineering plans. He will make sure they do it the right way. They can rip out the trees, so there is no need to water that area.

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6.7 Mayor Walker closed the public hearing.

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6.8 Councilmember Rappleye moved to suspend the rules. Councilmember Summerhays seconded the motion.

[7:55:07 PM](#)

6.9 A vote was taken with Councilmembers Rappleye, Stenquist, and Summerhays voting in favor. The motion passed unanimously.

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6.10 Councilmember Rappleye moved to approve a minor three-lot subdivision located generally at 13105 South Boulter Street in the RA2 zone with the provision that the approval be granted after all of the runoff issues are handled with Engineering approval. The motion was seconded by Councilmember Summerhays.

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6.11 Councilmember Rappleye stated this makes sense. It is a nice area, and the way the lane is already provided for, it will be very low impact for the surrounding area.

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

7.0 Public Hearing: Resolution #14-3, Declaring Lots B, C, and Part of Lot A of Centennial Heights Plat "B" as Surplus Property and Authorizing Their Sale

[7:57:14 PM](#)

7.1 Doug Ahlstrom, City Attorney, gave a brief history of this property. The LDS Church desires to build a chapel on these lots. The City Council held a public hearing, and the Council approved the surplus and sale of this property. The legal description needs to be changed in terms of the open space designation. They also have to have a formal legal description so the resolution can be recorded. The action tonight is to include those items. He reviewed the changes with the City Council.

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7.2 Councilmember Summerhays asked whether this changes the price at all. Mr. Dobbins noted it does not.

[8:02:03 PM](#)

7.3 Mike Davey, LDS Church representative, indicated he is not the applicant, but he would be happy to answer any questions.

[8:02:28 PM](#)

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

[8:02:39 PM](#)

7.5 Mr. Ahlstrom indicated the legal description is very long and sometimes requires small tweaks. He asked the City Council to approve this resolution and add in that this is subject to any minor changes in the legal description.

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7.6 Councilmember Stenquist moved to suspend the rules. Councilmember Summerhays seconded the motion.

[8:03:09 PM](#)

7.7 A vote was taken with Councilmembers Rappleye, Stenquist, and Summerhays voting in favor. The motion passed unanimously.

[8:03:14 PM](#)

7.8 Councilmember Stenquist moved to approve Resolution 14-3, declaring lots B, C, and part of lot A of Centennial Heights Plat "B" as surplus and authorizing their sale with the understanding that there might be some minor changes to the legal description. Councilmember Summerhays seconded the motion.

[8:03:41 PM](#)

7.9 Councilmember Summerhays noted the Church is going to improve the much needed water detention area down there and several other things that make this very desirable.

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

8.0 Public Hearing: Ordinance #1083, For Approval of a Text Amendment to Allow a Single Drive Through Lane in the Town Center Zone

[8:04:41 PM](#)

8.1 Dan Boles, planner, indicated this request is for a text amendment that would allow a single drive through lane in the Town Center zone. He displayed maps of the areas that would be affected. Restaurants in this zone are currently not allowed to have a drive through. The Planning Commission had some concerns with this request due to the fact that a drive through could have noise impacts. The Planning Commission forwarded a negative recommendation to the City Council with the understanding that they are not really opposed to them if it was a conditional use they could look at on a case-by-case basis. Banks are allowed to have a drive through in the Town Center, and this would make all things equal.

[8:07:59 PM](#)

8.2 Councilmember Summerhays asked whether this is pertaining to Sacred Grounds that Mr. Dipo would like to reopen. Mr. Boles said it is.

Councilmember Summerhays then questioned whether there are any other businesses that have expressed interest in having a drive through. Mr. Boles noted Food for Thought might like to have one as well.

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8.3 Councilmember Stenquist said Sacred Grounds would be mainly for coffee in the mornings. The City does not necessarily want to open the door to fast food restaurants in this area; however, he is okay with the intended uses of Sacred Grounds and Food for Thought. He asked what type of conditions they would apply to a conditional use that would help control the type of business that goes in there. Mr. Boles stated they could add buffer requirements such as a wall, and those would have to be put in the Code.

Mr. Fox noted they could also put in design conditions such as the drive through lane has to be in the back.

Councilmember Stenquist noted he would like the conditions to prevent a fast food restaurant from locating there, as well as other uses that would have the same affect.

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8.4 Councilmember Summerhays said a case-by-case would be his choice. Mr. Dipo had Sacred Grounds there for a few years but the down turn in the economy caused him to close. Councilmember Summerhays noted he understands the concern about other uses coming in.

[8:12:14 PM](#)

8.5 Councilmember Stenquist stated if it is a conditional use, it gives the Planning Commission some ability to make sure it is an appropriate use for the Town Center area.

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8.6 Councilmember Rappleye noted there is a Town Center overlay and other things that take care of the overall development. That will handle some of the concerns. One of the issues with this thing is the screening. It is a small scale area, so the conditional use would take care of that. It is also a fairness thing. The conditional use process is a good idea and can handle some of the negative effects that can occur with a drive through.

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

[8:14:07 PM](#)

8.8 Councilmember Rappleye moved to suspend the rules. Councilmember Stenquist seconded the motion.

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

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8.10 Councilmember Rappleye moved to approve Ordinance #1083, to allow a single drive through lane in the Town Center zone as a conditional use permit. Councilmember Stenquist seconded the motion.

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8.11 Councilmember Summerhays noted this would allow the Planning Commission to set conditions for allowing the drive through. Councilmember Rappleye indicated that is correct; however, they have to meet certain conditions in order to meet the requirements.

Councilmember Summerhays said he is just going to have to have faith in the Planning Commission that they will take care of this. He does not have a problem with Mr. Dipo trying to make a go of this again; he is just concerned with opening this up for other uses.

[8:17:08 PM](#)

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

9.0 Public Hearing: Resolutions #14-05 and 14-06, Declaring a 20-Acre SunCrest Parcel and a 100-Acre Parcel Located Generally at 2400 East 16000 South as Surplus

[8:18:04 PM](#)

9.1 Russ Fox, Assistant City Manager, indicated this item would declare specific parcels in SunCrest as surplus. He displayed a map showing the areas in question. When the City purchased SunCrest in 2012, they had looked at areas to sell off for development areas or for other uses such as the Highland water tank area. The current zone on the properties is RR-22 zone, which is half-acre rural residential zoning. The SunCrest area Master Development shows both of these areas as development areas. The issue before the City Council tonight is for them to decide what they want to do with these properties. They have to declare both properties as surplus before they can consider the sale of the properties.

[8:21:29 PM](#)

9.2 Councilmember Summerhays advised these parcels are master planned to be developed residential. Mr. Fox noted that is correct. The City did not change the Master Plan for this area.

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9.3 Councilmember Stenquist said these are properties that are currently within the city limits, but there would need to be access and utilities provided. He asked what obligation the City would be under to provide services to that property if it were to develop. He said the property owner would most likely petition to be annexed into Highland City; however, he is not sure Highland would be willing to do that. He said he does not think the smaller parcel is the one in dispute because it is adjacent to SunCrest Drive and pretty easy to provide services to.

Mr. Fox indicated that is correct. The 100-acre property is the issue. Draper would not be able to provide services at this point. The original Master Plan had a road system that would go over and tie into the 100-acre property and would go into what they considered as Phase 7 over by Corner Canyon. The utility lines would have followed along in that area. The Highland piece would have to have several steps completed before the development could occur. They would have to look at a boundary line adjustment, because Highland would most probably be the only community that would be able to provide services. They have a water tank in that area that could service part of this property, and there is a road network proposed for access.

Councilmember Stenquist stated as long as this parcel is in Draper City, it is a part of the Traverse Ridge Special Service District (TRSSD). Mr. Fox stated that is correct.

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9.4 Mayor Walker clarified that tonight the City Council is just considering declaring this property as surplus as the first step in the process towards selling it. Mr. Fox stated yes. This is one of the areas the City had determined they wanted to sell. A group may want to purchase it for open space and preservation. Even if the City were to go through that process, they still need to declare it as surplus.

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9.5 Councilmember Stenquist stated if they went through the process and declared it surplus, they would still have the ability to dictate density and the type of development they want to see there. Mr. Fox noted that is correct. That is why they would go through an RFP process. The City would be able to evaluate the proposals to see which one they like the best.

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9.6 Mayor Walker opened the public hearing.

[8:30:06 PM](#)

9.7 Heather Groom, 5886 West Timber Ridge Lane Highland, said she is speaking on behalf of several people. She distributed a petition with over 120 signatures of Highland residents that are opposed to the City declaring this area as surplus. She noted many of the residents paid a premium for their lot because it backed up to open space; however she realizes that developers will tell people inaccurate information. If this area were to develop, it would block the current residents' access to the trails. On the back side of Highland, they have a trail system that goes up and meets in at Alpine at the Hog Hollow Road. The topography of this area is difficult. The ravine is very deep, and it is also a very important area for wildlife. The trail system is very important to the residents. There is a conservation group that is interested in this parcel of property. She asked the City Council to allow for more time for the residents to come up with a good plan that would benefit the City of Draper as well as the residents. There is a great concern for this area.

Mayor Walker asked, for the record, whether the residents are concerned about the 20-acre parcel. Ms. Groom indicated they are not. Their concern is for the 100-acre parcel.

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9.8 Fraser Bullock, 5937 West Chatham Circle Highland, observed that access to this area is very difficult due to the ravine. There are access issues and other issues with what Draper is going to do and what Highland is going to do. All of the Highland residents will show up at the Highland Council meeting and tell them they do not want the City to do this. The residents are asking the Draper City Council to give the residents a little time. They are working on a proposal for the City Council that could work for Draper as well as the Highland residents.

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9.9 Rob Clawson, 11511 North Low River Circle Highland, said he did the development just below this area. He looked at developing the proposed area; however, there are many issues with the earthquake fault lines, water tanks, and there was a problem with providing utilities due to the Federal canal. The City of Alpine has a moratorium with any building with height, so that property would loop in and be cut off. As a developer, he sees a lot of problems with it. Surplussing it would be something they could do to give someone a tax credit. They could sell it for open lands. The Federal government gives great tax credits for that. Micron is in the process of developing the land across the street, and they will have a water tank for that area.

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9.10 Paul Tonks, 15381 South Eagle Crest Drive, noted this area falls under the SunCrest Owners Association. If this area were to become a residential area, they would have to include them as part of the owners association or to segment them off. His concern is that if they segment them off, there will be other residents in SunCrest that would want the same thing. There is no way they would want to go all the way up the hill to access the clubhouse because there is no real good access to them. The TRSSD would also be a problem in this area. Keeping this area as open space might be the best solution. Allowing residential development would be a problem.

[8:43:24 PM](#)

9.11 Nate Shipp, 13658 Kennington Court, noted he thinks this a great idea. He would like to hear a discussion about where the proceeds from the sale would go.

[8:43:55 PM](#)

9.12 Carolyn Lambert, 5934 West Timber Ridge Lane Highland, said a year ago she was searching for the perfect place to call home. The two towns they explored extensively were Highland and Draper. They wanted a community with beauty, history, open space, and an eye towards preserving that which is lovely. They settled in Highland with the mountain in their backyard. She read a passage from her journal regarding the need for open space and less development.

[8:47:15 PM](#)

9.13 Richard Rozier, 677 Lakeview Drive Alpine, encouraged the City Council to allow more time for the neighbors to come up with a proposal for the City Council that might resolve some of the issues while putting some money in the coffers of Draper City and allowing a conservation easement to be created.

[8:48:29 PM](#)

9.14 Shawn Benjamin, 360 West 13165 South, noted there is a Master Plan, and this area was slated for residential development. He said he would like to hear if there are other areas that might be in the works for surplus and whether this is just moving forward right now because it is low-hanging fruit.

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9.15 Mayor Walker closed the public hearing.

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9.16 Councilmember Summerhays said he would like to answer some of the questions. Over the last ten to twelve years, the City has spent millions of dollars on open space. The City has over 80 miles of trail, and they did that at quite an expense to the residents of Draper. The City purchased this property because they got a very good deal from Zion's Bank. The open space is great, but there is a large cost to maintain it. Mr. Dobbins told them a few months ago that they need three full-time employees to help maintain the open space in the city. The City Council does not know if they will even be able to sell the 100-acre piece, but they need to declare it surplus before they can even try. The money from the sale would probably go in the Parks Fund, but that would be determined in the future.

[8:52:58 PM](#)

9.17 Councilmember Stenquist said the City went through quite a process to obtain open space. He gave a brief history of the acquisition of open space in the city. By the City purchasing the SunCrest property, they saved the area from being developed into 3,000 homes. The purchase was done with the intention of allowing a lot of open space; however, the City indentified specific parcels that they would consider selling off for development. Part of the issue they struggle with as a City is that a great number of people that use this open space are not Draper residents and do not contribute to the maintenance of the open space with taxes. The City has looked at ways to capture some of the revenue from outside the city for the non residents that utilize the open space. They do not want to put toll booths at the trailheads or fences around the open space and require people to pay to play. They want it to be available to everyone. He understands that people bought their property with assumptions that were not correct, because there was never a promise that this area would be open space. It has never been designated for that. It has always been slated for development. The City is looking at ways to recoup their money from the SunCrest investment. That was their intention by going through with this tonight. With that being said, the City is open to options. If a conservation group is willing to purchase that land, the City would look at that. Most of the concerns he has heard tonight are valid in terms of this being a challenging piece to develop. The Councilmember Stenquist asked staff if declaring this surplus this evening obligates the City to sell it. Mr. Fox said it does not. This is just the first step in the process. Even if it is an outside conservation group that wants to purchase the property, they still need to go through this process.

[9:00:00 PM](#)

9.18 Councilmember Rappleye said he appreciates the comments that have been spoken tonight. Councilmember Stenquist was correct in saying the City Council did spend a lot of time studying this issue. These particular parcels were not chosen randomly. They were chosen because these were the best possibility. They are not the best in all cases, because there are a lot of issues with hillside development. Draper City has struggled with that. These were the two best possibilities to surplus off. Whether they get purchased

for open space or something else remains to be seen or whether they are declared surplus at all. The City has spent a lot of money on open space, and the City needs some reimbursement. It is critical to the City's financial success of making this thing work. It is great to have City parks, but they are expensive to maintain. Draper wants to be a good neighbor to Highland and Alpine. He has met with residents there, but they have to find a way to make this financially feasible for the City. That is what the City is trying to do tonight. He appreciates the Highland residents' suggestion to give them time to see what they can come up with. He is in favor of doing that.

[9:02:46 PM](#)

9.19 Mayor Walker noted when the City purchased the first section of Corner Canyon they had the residents vote on a bond. When they bought this property, the City did not do that. They were in litigation with this property, and this purchase solved a huge part of that problem. The City had to make a decision quickly and had to do that without a vote of the people. In the discussion when they decided to make this deal, they knew there were parcels they were going to sell. They spent \$5.6 million to purchase this area, and that is a lot of money for a City of this size. Draper is the only city that straddles two counties. Salt Lake County has stepped up to help preserve open space, but Utah County has not done anything nor has Highland or Alpine. He noted the mood of the Council at the time is that these parcels would be sold. He does not care who they sell them to. If a conservation group wants to pay for the property and preserve it, he is fine with that. However, the City intends to recover some of their \$5.6 million. They need to spend money on water infrastructure and repaying the taxpayers back for the money that was spent. He expressed appreciation for the comments that have been made this evening.

[9:05:49 PM](#)

9.20 Councilmember Summerhays said someone mentioned that they had contacted someone in reference to a conservation easement. He asked who was contacted.

Ms. Groom said she has spoken with Wendy Fisher with Utah Open Lands and Ms. Fisher had noted she has spoken with Larry Ellertson from the Utah County Commission in reference to this piece. The County does not have conservation easements right now, but they are kind of looking into this.

[9:06:45 PM](#)

9.21 Mayor Walker clarified that this is not a situation where Draper is just going to give this property away with a conservation easement. The City wants to recover a significant amount of the money spent on SunCrest.

Ms. Groom stated she is aware of that. That is why they are asking for more time. They would like to have a fundraiser and work with the conservation group. They believe this is possible and so does she. They feel they have a really great solution to present to the City Council, but they need a little more time. She understands this does come down to money to some degree.

[9:08:57 PM](#)

9.22 Councilmember Stenquist said Mr. Benjamin had asked whether there are other parcels to sell. Councilmember Stenquist advised that is not really the case. There were these two parcels, and they have looked at a few more parcels that could be sold. Councilmember Stenquist then said he feels like if they go ahead and declare the property surplus they could entertain bids. That does not necessarily mean it would sell at a particular time. That would give these groups time to go through their process and raise funds. The City is perfectly willing to give them time. This action is just a formality for the City to declare this surplus property and entertain bids to see what interest is out there.

[9:10:12 PM](#)

9.23 Councilmember Stenquist moved to suspend the rules. Councilmember Summerhays seconded the motion.

[9:11:18 PM](#)

9.24 A vote was taken with Councilmembers Stenquist and Summerhays voting in favor and Councilmember Rappleye voting no. The motion failed for lack of a majority vote.

[9:11:56 PM](#)

9.25 Councilmember Rappleye expressed his opinion that the neighbors made a good case, and he is not in a great rush. He understands there is not a problem with the upper parcels, and they could have split it out; however, he is fine with this item just running the normal course. This will come back to the Council fairly soon. It sounds like the neighbors are really close to having something to present, so in all fairness he is willing to wait.

[9:14:10 PM](#)

9.25 Mr. Dobbins clarified for those in attendance that the next meeting would be held on Tuesday, January 21, 2014.

10.0 Council/Manager Reports

[9:15:50 PM](#)

10.1 Councilmember Rappleye indicated Healthy Draper has secured funds for a trail project. The project is in the early stages, and it will be in the Little Valley area. The intent is to provide a low-end child's bike park. The details have not been worked out and the funding, which will be about \$80,000, will come in two different phases. The County is planning to participate, and he wanted the City Council to be aware of what is going on. At some point, the City Council will have to approve the use on this parcel.

[9:17:40 PM](#)

10.2 Councilmember Summerhays noted that some time ago someone had asked staff to have a storage facility next to the Day Barn. The cost came in at approximately \$50,000. The

City could purchase an 8-foot round granary for about \$5,000, and it would match the aesthetics of the barn. This is a low-cost way to store the chairs.

[9:19:16 PM](#)

10.3 Mayor Walker stated there is a traffic issue on 700 East by Harmons. The trucks park along there and block the line-of-site for the people living in the condominium community. His father has almost been hit a couple of times, and Mayor Walker said he had another resident complain about a neighbor almost getting hit. There was a serious accident there recently because of the same problem. He asked whether they can prohibit the parking of the trucks along that street. Mayor Walker noted his father had spoken with one of the truck drivers who said they park there because Sandy City will not let them.

Chief Roberts indicated the accident investigation is still ongoing, and it is definitely an initiative they are looking at.

[9:21:03 PM](#)

10.4 Mayor Walker indicated they need to talk about filling the vacancy they have on the Council now. He noted for the public that on the Draper City website there is a link with information about filling the City Council vacancy. The deadline to submit a name or letter of interest to the City Recorder is Tuesday, January 14, 2014, at 5:00 p.m. A person can submit a letter with their name, address, telephone number, and the list of qualifications. The requirements are that the person is a registered voter and a resident of the City of Draper for at least one year.

The Council and staff then discussed the process going forward. The Council will interview all of the applicants on Tuesday, January 21, 2014, and will vote to appoint the new Council Member that evening.

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10.5 Mr. Fox advised he has had a request from a group that would like to do a cell tower at Galena Park. The lease rate is \$1,500 per month. The consensus of the Council was to pursue this.

[9:37:23 PM](#)

10.6 Mr. Ogden briefed the Council on the recreation activities that are going on right now. They have approximately 1,100 students participating in basketball right now, and youth fishing registration also opened that day.

11.0 Adjournment

[9:40:50 PM](#)

11.1 A motion to adjourn was made by Councilmember Rappleye and seconded by Councilmember Summerhays. The motion passed unanimously.