

Approved 03/18/2014

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, March 4, 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 Colbert, 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; Glade Robbins, Public Works Director; Bryan Roberts, Police Chief; Garth Smith, Human Resource Director; and Bob Wylie, Finance Director

Study Meeting

1.0 Dinner

2.0 Council/Manager Reports

6:00:00 PM

2.1 Councilmember Rappleye noted he would like a study done for the area of 13800 South from Bangarter to 600 East to determine the land use for that area.

Councilmember Rappleye then advised the City had received a letter from OSHA indicating the Park School was a liability. He recommended placing construction fencing around the building to prohibit entry to the building. The Draper Arts Council uses the building to store costumes, so those would have to be removed. He stated the City might be able to fund a storage shed for the costumes for one year if needed.

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2.2 Councilmember Colbert said the wood light poles owned by the Traverse Ridge Special Service District need to be stained.

Councilmember Colbert then indicated in March the SunCrest Owner’s Association is having an information meeting for the salt substation.

Russ Fox, Assistant City Manager, indicated staff will bring information boards and be there to answer questions for the residents.

Councilmember Colbert advised at the last Mountainland Association of Governments (MAG) meeting, they talked about Bus Rapid Transit (BRT). Utah County is so different than Salt Lake County. The cities do most things for themselves, and the County does very little.

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- 2.3 Councilmember Stenquist stated he attended the Association of Municipal Council, and they talked about the prison relocation. They were able to answer a lot of questions and address a lot of concerns. By the end of the meeting, the members were very enthusiastic about it.

Councilmember Stenquist then expressed his opinion that the Utah League of Cities and Towns should have stayed neutral on Senator Adams' bill in reference to air quality. There are a lot of bills this year that will not be heard because of the budget talks and lack of time.

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- 2.4 Councilmember Rappleye noted the Legislature has pulled the \$100,000 funding for the DARE Program out of the Public Safety bill.

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- 2.5 David Dobbins, City Manager, indicated the City has sold all of the plots in the cemetery. Staff suggested placing more lots in between the rows on the walkways. Mr. Dobbins said he is not recommending they do this.

Councilmember Summerhays noted years ago many people bought plots for everyone in their family, and then the family has moved away. The City has no contact information for these people to see if they are interesting in keeping their plots. He recommended staff find out how many plots are like this, and advertise that the City of Draper is looking for the owners and if no one comes forward, the City could sell the plots. Councilmember Summerhays noted there is still a need for more cemetery space. He asked whether staff has identified any other areas such as by the dog park.

Mr. Dobbins said staff will work on identifying how many plots there are like that and areas that could possibly be used for a cemetery.

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- 2.6 Mayor Walker indicated he attended the ground breaking of the new Rock Church on Sunday.

Mayor Walker noted he attended the Lone Peak Hospital Board meeting the other day. They are excited about being in the community.

Mayor Walker then advised that Johnny Anderson is having an event tomorrow to promote the transit tax bill. The Salt Lake Conference of Mayors voted unanimously with one abstention to support the transit tax. The event is at noon tomorrow, and they will have the electric bus and the hybrid bus on site. Mayor Walker then indicated they have a wave bus up and operating. That is amazing technology that will change the world.

Mayor Walker then briefed those present on the BRT funding that was proposed for the Orem/Provo line. The Utah Transit Authority is prepared to walk away from the funding if the Provo residents continue to fight the 900 East route.

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2.7 Jim Bacon, Unified Fire Authority, invited the Council to attend their banquet on Saturday night. On March 22, 2014, they will be having a Fire School 101. It is an informational opportunity that runs approximately six hours. He then introduced Jeremy Robertson as a new fire captain at Station 114. He is also the Union President.

Jeremy Robertson introduced Heather Vest and Tyler Livingston who are paramedics at Station 114. Captain Robertson expressed appreciation to Chief Bacon for allowing them to come to this meeting to deliver invitations for Fire School 101. He then explained the purpose of the fire school is to give the elected officials the chance to see what the fire fighters do.

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2.8 Mayor Walker noted he picked Tracie Gunderson as the newest Planning Commission member. He recommended the alternates get paid the same amount as the Planning Commission Members if they attend the meeting. He asked staff to amend the ordinance to allow for this.

Business Meeting

1.0 Call to Order

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1.1 Mayor Walker called the meeting to order and welcomed those in attendance. He excused Councilmember Vawdrey from the meeting.

2.0 Comment/Prayer and Flag Ceremony

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2.1 The prayer was given by Pastor Lee Mashburn of the Hidden Valley Presbyterian Church.

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2.2 The Pledge was led by Yael Amaya.

3.0 Citizen Comments

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3.1 Mary Chidsey, 1244 East Spring Ridge Drive, noted her comments are about the minutes the City Council is about to approve regarding 13200 South from February 18, 2014. In those minutes, Councilmember Stenquist stated that the Council discussed the proposal in

an open meeting, and he is not sure how the meeting was noticed or communicated to the residents, but the Council had that discussion and provided direction to the staff. Ms. Chidsey noted the meeting Councilmember Stenquist is referencing is the meeting of December 3, 2013, and on the agenda, the discussion took place in the closed session held prior to the business meeting. None of the residents on 13200 South were noticed or knew that it would be discussed in that meeting. The minutes from that meeting do not have comments from the residents because not one person from 13200 South was there. She expressed her opinion that it should be noted in the minutes that a decision was made that night in the public meeting, but no one was noticed, and no one knew that it would be part of the public meeting. They thought it was part of the closed meeting and what the three neighborhood representatives had talked about with City officials would be presented in the closed meeting and then the neighbors would be noticed.

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4.0 Presentation: Mayor and Council Recognition of Kenzie Hall, American Idol Contestant

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4.1 The Mayor and Council presented Kenzie Hall with an award to recognize her efforts as a contestant on American Idol. Miss Hall represented the City of Draper very well.

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4.2 Kenzie Hall then performed a song for those present.

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5.0 Consent Items

- a. Approval of February 18, 2014, Minutes
- b. Approval of February 21-22, 2014, Retreat Minutes
- c. **Resolution #14-12**, Appointing Tracie Gunderson to the Planning Commission
- d. **Agreement #14-23**, Assessment-in-Lieu, Oliverson's 13370 S. Fort Street
- e. **Resolution #14-20**, Deed of Dedication, Oliverson's – 13370 S. Fort Street
- f. **Agreement #14-07**, Assessment-in-Lieu, Dana Subdivision
- g. **Warranty Deed and Agreement #14-27**, Acknowledgement and Satisfaction of Planned Development Agreement – Steep Mountain Church

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5.1 Councilmember Stenquist moved to pull Item A off the consent calendar in order to discuss it. Councilmember Rappleye seconded the motion.

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

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5.3 Councilmember Stenquist moved to approve consent items B through G. Councilmember Summerhays seconded the motion.

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

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5.5 Councilmember Stenquist stated since the issue regarding item A was raised in the Citizen comments; he wanted to clarify the process for the record. The minutes accurately stated what he said but he wanted to clarify that the 13200 South discussion was held during the public meeting. It was not a noticed action item, but it was discussed during the Council/Manager reports. It is common practice for the Council and staff to discuss items, and the Council will give staff direction at that time. It is important to keep in mind that the Council approves the written minutes; the official record of the meeting is the actual recording. The written minutes are a summary of the meeting, and the residents can listen to an actual recording of what was said. He recommended Ms. Chidsey listen to the recording from the meeting so she could get an accurate picture of what was said. There were no public comments received that day, which is not a surprise. There were none solicited, and there was not an open forum available at that meeting. It was just a discussion amongst the Councilmembers.

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5.6 Mayor Walker noted that item was not discussed in a closed meeting. The City had public hearings on that item many times. The City took as much input as they could from the residents in that area, and then they made their decision based on what the Council felt was best for the entire community. That decision had already been made, and the meeting with the citizens group was to see if the Council could be convinced to change their mind. The residents were not successful in doing that. It was not discussed in a closed meeting.

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5.7 Councilmember Stenquist moved to approve the minutes of February 18, 2014. Councilmember Summerhays seconded the motion.

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

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6.0 Action Item: Ordinance #1084, For Approval of a Zoning Map Amendment from RA1 Residential to OR Office Residential Located at 309 East 13800 South. This application is otherwise known as the Miller Rezone

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6.1 Keith Morey advised the City Council heard this item at the last Council meeting. He noted the current land use is Residential Low Density. There was some discussion in the past about the density request and whether it was appropriate. Staff felt that it did meet the design guidelines for the Town Center area. The Planning Commission gave it a positive recommendation as well. The Council has taken the time to collect and review the information to prepare themselves to make a decision this evening.

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6.2 Councilmember Rappleye stated they spent a lot of time going over this request.

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6.3 Councilmember Rappleye moved to deny Ordinance #1084. Councilmember Colbert seconded the motion.

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6.4 Councilmember Rappleye noted as he looked at that area, there is commercial to the west, but he is concerned about commercial moving further east. There is a nature park planned across the street from the proposal. There is a successful residential development across the street there. It looks like it would be imprudent to allow commercial going east. He expressed his opinion that the property is viable as a residential use. He noted this use is not appropriate for a commercial zone.

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6.5 Councilmember Colbert stated it is premature to allow commercial on that lot because it is contrary to the position the City has taken for a number of years. He recommended the City revisit this entire area and look at the appropriate uses. There may be some need to increase the density for residential for better transition from commercial to residential.

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6.6 A roll call vote was taken with Councilmembers Colbert, Rappleye, and Stenquist voting in favor. Councilmember Summerhays seconded the motion. The motion passed unanimously.

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6.7 Councilmember Summerhays noted the OR zone is a great zone, and it provides a good buffer between residential and commercial.

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7.0 Action Item: Agreement #14-26, For Approval of an Assessment-in-Lieu Agreement with Sunny and Tyler Leggett for Property Located at 12368 South 1700 East

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7.1 Glade Robbins, Public Works Director, stated the Leggetts have built a home on 1700 East, and they are ready to occupy it. This item is for an assessment-in-lieu

agreement for the improvements along the street. He displayed the estimate for the costs of the improvements from the City and from the contractor. Right before the meeting, the City Engineer received a new break down from the contractor, and the difference in cost is \$15.

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7.2 Councilmember Summerhays asked Mr. Robbins to explain what the difference in the cost was prior to this new figure. Mr. Robbins advised the contractor left some of the required items and the flare of the drive was not considered.

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7.3 Sunny Leggett noted they have already paid \$1,600 for engineering to get to this point. The City's bid has that down for \$994. Mr. Wolverton has agreed to allow the Leggett's to install the tree and the sod, so that should be removed from the amount. She also asked the City to provide a timeline for the installation of the improvements. If the City decides not to put in the improvements, she would like to get her money back.

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7.4 Councilmember Colbert noted there is about \$1,000 in engineering. He asked what that was for. Mr. Robbins explained the engineering they had done was for the home. This engineering is to lay out the curb, gutter, and staking the ground.

Councilmember Colbert then questioned whether the City would have a problem with the homeowner installing the tree and the sod. Mr. Robbins stated no as long as it was done according to the plans.

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7.5 Mayor Walker indicated the Leggetts have built a new home on this lot, which triggered the requirement for curb, gutter, and sidewalk on this section of the road. The staff has advised that the improvements for this area should be installed by 2015. He explained for the public that when someone builds a home, they can put in their own curb, gutter, and sidewalks as long as it is done according to City standard. They can also pay the City money in lieu, and the City will install the improvements when they do it on the rest of the road. The Leggetts do not want to pay the money to the City, and they do not want to put in improvements that will not connect anywhere. This discussion is how they will handle the assessment-in-lieu.

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7.6 Councilmember Colbert noted the ordinance requires this. He said he understands the Council needs to look at changing the ordinance in the future regarding reimbursement of funds if the City does not install the improvements within a specific amount of time. The reason they are having this discussion is because the City thought the property owner had a much lower estimate for the installation of the improvements. It looks like the City's estimate was just validated. He said he is not sure the Council has the freedom to do much other than potentially waive the sod and tree installation.

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7.7 Councilmember Stenquist asked whether they can include in the motion that they approve the agreement at an amount not to exceed the engineering estimate and allow the staff to discount certain line items.

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7.8 Councilmember Stenquist moved to approve Agreement #14-26, approving an Assessment-in-Lieu agreement with Sunny and Tyler Leggett for property located generally at 12368 South 1700 East for an amount not to exceed the Engineering estimate. He directed staff to reduce fees as they see appropriate. Councilmember Colbert seconded the motion.

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7.9 Councilmember Summerhays stated the ordinance does not allow the City to give back funds, so that is not a part of this motion.

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

[7:45:27 PM](#)

8.0 Action Item: Agreement #14-14, Right-of-Way Purchase Agreement with Jaxarr, LLC for Property Located Generally at 13460 South 1300 East

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8.1 Mr. Robbins noted this is another request for an assessment-in-lieu. The property in question is on 1300 East. Mr. Carr has built a home there, and the cost of the improvements is \$12,700. The City would require a future construction easement when 1300 East is widened. That is valued at \$500, which would reduce the improvements to \$12,200. The right-of way the City would need to acquire from Mr. Carr is valued at \$3,966, and he would get credit for some thickened asphalt and landscape in the amount of \$766. The total of that comes to \$4,732, and the difference between the two costs that Mr. Carr would have to pay the City is \$7,468.

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8.2 Mayor Walker noted this is an action item, and the Council normally does not take public comments on action items. However, since he allowed it on the last item he will allow it on this one. He cautioned that he does not want to get in the habit of allowing public comments on items that have not been noticed as public hearings. Tonight is the last night he will allow it.

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8.3 Jamie Carr, resident, indicated the plans are to widen the road at 1300 East, and the schedule to do this is five years down the road. He said he will put in the improvements on his property; however, the improvements will be torn out when they widen the road.

He said he is willing to trade the four-feet of land needed for the widening in lieu of putting in the improvements.

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8.4 Councilmember Stenquist stated he understands where Mr. Carr is coming from; however, he believes it is based on the assumption that the road will not get widened. The City has already widened a portion of the street last year. This summer the City will widen 1300 East from 13200 South to the roundabout, and he does not think it is that far off before the City finished off the widening of the last section. He said he is particularly concerned about that area because there is no curb, gutter, and sidewalks for the students walking to the middle school. This is a project the City is going to want to complete. If the City can complete the section of sidewalk from 13400 South to the end of Mr. Carr's property, they will have contiguous sidewalk all the way from Waynes World Drive up 1300 East. Councilmember Stenquist advised he is willing to take whatever approach is the best one whether it is an assessment-in-lieu or the resident putting in the improvements. He said he does not have a preference.

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8.5 Mr. Robbins indicated Mr. Carr has the two options. They can put in the improvements themselves, or they can pay the money for the assessment-in-lieu.

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8.6 Councilmember Stenquist moved to approve Agreement #14-14, approving a Right-of-Way Purchase Agreement with Jaxarr, LLC. for property located generally at 13460 South 1300 East. Councilmember Summerhays seconded the motion.

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

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9.0 Action Item: Agreement #14-13, Assessment-in-Lieu with Jaxarr LLC for Property Located Generally at 13460 S. 1300 E

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9.1 Councilmember Colbert indicated it is his understanding that the homeowner does not want to do the assessment-in-lieu.

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9.2 Mayor Walker noted they have passed the motion to purchase the right-of-way for whatever the price is. This item is approving an assessment-in-lieu.

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9.3 Councilmember Rappleye stated it sounds like Mr. Carr would rather put his own infrastructure in. He guessed that would mean that Mr. Carr would not agree to this assessment-in-lieu.

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9.4 Councilmember Stenquist advised this is a two-party agreement. The Council can always approve it, but Mr. Carr does not have to sign it.

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9.5 Councilmember Rappleye asked Mr. Ahlstrom if Mr. Carr could just put the improvements in himself if he does not want to sign the agreement. Mr. Ahlstrom agreed that he would have to install the improvements himself. However, the City would probably be ripping them out when the road is widened.

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9.6 Mr. Robbins and Mr. Dobbins reiterated that the first item the Council approved was a right-of-way agreement the City needs to complete the road widening. The City agreed to pay \$4,732. This item is the assessment-in-lieu. Mr. Carr is asking that the amount in that agreement for what he would have to pay in the future would be equal to what the right-of-way was. The agreement is for the larger amount, but the property owner would like the two amounts to be equal. If the Council approves what is in the packet, it is for the higher amount. If they approve what the gentleman is asking for, it is a different amount. If they want to do this, the motion would have to reflect that change.

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9.7 Councilmember Colbert stated the City is already going to give him \$4,732 for the right-of-way purchase. The assessment-in-lieu would be for \$12,200 for a difference of \$7,468. If Mr. Carr does not sign the agreement, he will have to put in the improvements.

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9.8 Councilmember Colbert moved to approve Agreement #14-13, approving an Assessment-in-Lieu Agreement with Jaxarr, LLC. for property located generally at 13460 South 1300 East. Councilmember Stenquist seconded the motion.

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9.9 Councilmember Colbert noted he hopes that both parties can get together to make this work.

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

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10.0 Public Hearing: Providing Local Consent for an Off Premise Alcohol License for Ridge at Lone Peak

[7:59:00 PM](#)

10.1 Mr. Morey noted the Wadsworth's have entered into an agreement with the City to lease the SunCrest Market building and turn it into the Ridge at Lone Peak. They have some plans to do a unique café/restaurant, and they desire to have the alcohol licenses made available to them. The off premise alcohol license permits a convenience store to sale beer, and the beer sales cannot exceed twenty percent of the sales. The Code requires the business to be a certain distance from open space, public schools, and churches. This location meets the distance requirements.

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10.2 Councilmember Colbert indicated the street located in front of this building is used for a school bus stop. He asked whether that is an issue. Mr. Morey noted it is not a problem.

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10.3 Mayor Walker opened the public hearing.

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10.4 Brett Shields, 1774 Lone Oak Drive, noted the 200-foot distinction for the park is a concern for him because there are children playing there. He is also concerned about the location of the bus stop. There are 16 buses that come and go between 6:00 a.m. and 4:00 p.m. In the summertime, the community has events in the open space every weekend. He expressed concern that the restaurant will be serving alcohol, and the community members walk in the area with their families. There are also a lot of after school activities that occur in the community center, which is within the 200 foot radius of the restaurant. He said as a community member and father of 5 kids, he does not see the wisdom of approving an alcohol license at this location. He is opposed to this request and will fight against it.

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10.5 Mayor Walker closed the public hearing.

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10.6 Patrick Bowler, 1767 Longbranch Court, said he appreciates the comments about the bus stop and everything. He said he moved to SunCrest to get away from things and appreciates that SunCrest is different from other areas and has a lot of diversity. There was a market and a school bus stop there before, and the market sold alcohol at the time. He said he was not aware of any problems that had occurred there.

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10.7 Councilmember Colbert indicated there is a difference between what these licenses provide. One allows for beer sales. This is not a bar that is being proposed. As a resident, he would be concerned with that. This is not a place for people to just go and drink beer. He is on the Owners Association (OA) Board, and he saw the plans for this establishment. The plans look interesting and exciting.

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10.8 Councilmember Stenquist clarified that the off premise license is for the market portion. He has been on the Council for eight years, and he has never had anyone come to protest an alcohol license. This is not a typical commercial center; however, it is something that the residents of SunCrest have been wanting for a long time. They want the market to reopen, and there has been a lot of clamor for that.

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10.9 Councilmember Colbert said he understands the concern. The OA has the ability to prohibit alcohol consumption on any of the properties. As far as he is aware, it has never been a problem.

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10.10 Councilmember Colbert moved to provide local consent for an Off Premise Alcohol License for Ridge at Lone Peak. Councilmember Summerhays seconded the motion.

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10.11 Councilmember Colbert stated this is similar to what the City allows throughout the town. People generally do not consume the alcohol on premise with this type of license.

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

[8:12:10 PM](#)

11.0 Public Hearing: Providing Local Consent for a Full Service Alcohol License for Ridge at Lone Peak

[8:12:09 PM](#)

11.1 Mr. Morey stated this request is for the full service alcohol license. This license allows the establishment to sell alcohol with food only. Alcohol sales cannot exceed 30 percent of the gross sales of food. The State limits the license to 1 per 4,534 population. The City of Draper has issued 8 of these licenses. The City does not monitor the percentages. The State does a thorough job, and they are very rigid about auditing the figures and making sure the restaurant comply with the percentages.

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11.2 Calvin Wadsworth, 2151 East Iron Horse Place, noted he is the developer. The Wadsworths conducted a survey of the SunCrest residents. They are trying to satisfy the needs of the residents in SunCrest as well as running a viable business. Their concept consists of a market place. Over 1,000 of the survey respondents, all from Suncrest, noted that they want a market. The Wadsworth's also want to develop a family-friendly restaurant, and it needs to be a destination kind of a place in order to survive. The only way they believe to get people from all around to come to the restaurant is to offer as many options as they can. That is why they are requesting a full service alcohol license. The survey was clear that over fifty percent of the respondents indicated the alcohol would be important to them. This is not a bar. This is a place for people to bring their family, and if they want to have a glass a wine with their dinner, they can. They cannot just come up there and drink. The law is quite clear on this. The Wadsworth's are just trying to bring something to the community that is beneficial and will provide something to increase the market value of the area.

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11.3 Mayor Walker opened the public hearing.

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11.4 Lisa Holcomb, 1884 East Vista Ridge Court, noted she is a SunCrest resident, and she took the survey. She supports the liquor license. She is excited about bringing her children and grandchildren to the restaurant and enjoying a glass of wine with her meal. She is looking forward to having that uniqueness in the area to draw people up to this area.

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11.5 Neal Roberts, 15139 Auburn Ridge, advised Mr. Wadsworth indicated this will be a family business. Mr. Roberts expressed his opinion that there is not one person here this evening that would bring their child into a place where there is liquor. That is not a family event. This is a small residential area, and this would not bring anything good in.

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11.6 Steven Clarke, 14764 Haddington Road, stated he has twenty-two years of public school education, and he understands the concerns about children. As with most public educators, he has always had a second job in the restaurants. A restaurant atmosphere is rarely a problem with children and alcohol due to the State regulations. As a SunCrest resident, this is a great opportunity. This is a pace they can walk to and enjoy each other's company. Throughout most of the day, this is an athletic community with the trails. The market will be a great place to go for a Gatorade, espresso, or bike repair items. He sees the busses every day, and there is probably a twenty minute maximum transition and then the kids are gone. He encouraged the Council to allow this license.

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11.7 Brett Shields, 1774 Lone Oak Drive, stated selling beer at the market is fine because it is against the law for the alcohol to be consumed on the premises. It has been duly noted that 600 feet is the space requirement set by the State, and it is because there are children. He thinks the restaurant would be great without alcohol being served openly. The market will be wonderful, and it will be an asset to the community. This is a tough place to do business because there are not enough residents to support it. He suggested the City lower the market rent in order to make it feasible for Mr. Wadsworth to do business. If this is a destination, many people will be driving down the hill. He noted it is not a good idea to have impaired drivers on the road. If there is even one accident, it is too many. The liability on the hill is higher than it is down in the city.

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11.8 Patrick Bowler, 1767 Longbranch Court, stated he is in favor of this. The restaurant will be open at a different time than the buses, so he does not see this as an issue. He said he will walk there, and he is glad they are bringing it in. This will be a great thing for the community. As far as drunk driving, the police can beef up patrol if they find there is a problem.

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11.9 Julie Hall, 1787 Walnut Grove Drive, stated she is against this because she has children, dogs, and she is a runner. She loves running on the trails and roads. There is something so special about being up there and not having through traffic and feeling safe. Adding alcohol is not something she is interested in. She asked the Council to consider keeping that down in the city. She loves the idea of the market but not the restaurant.

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11.10 Steve Hall, 1787 Walnut Drive, noted he is also against this item. He is fine with them selling beer in the convenience store, but he does not want alcohol served in the restaurant. In the summertime, the community center is full of kids. In the wintertime, no one would be walking to the restaurant. They will be driving. He lives a mile away from the pool and he drives to that as well. Introducing alcohol to drivers on the road is a bad choice, and the liability is great for the City.

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11.11 Mayor Walker closed the public hearing.

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11.12 Mr. Wadsworth stated if the community does not want them there, he does not want to be there. He is not going up there to make money. He does not need it.

[8:30:08 PM](#)

11.13 Councilmember Stenquist asked the applicant to clarify the hours of operation for the restaurant. Mr. Wadsworth indicated the restaurant will open at 5:00 p.m. and close whenever the last patron leaves.

Councilmember Stenquist noted this is a dinner oriented restaurant. Mr. Wadsworth stated yes, it is a family brasserie. The market concept was designed to benefit people who wanted breakfast and lunch. The market will be open at 6:30 a.m. On weekends, the restaurant will be open earlier for breakfast.

[8:31:15 PM](#)

11.14 Councilmember Rappleye asked how many chairs they will have in the restaurant. Mr. Wadsworth replied there will be about seventy.

[8:31:29 PM](#)

11.15 Councilmember Summerhays stated he owns a restaurant and has the same license that Mr. Wadsworth is requesting. The highest his alcohol sales have been is one and one half percent of his food/alcohol gross.

[8:32:12 PM](#)

11.16 Mayor Walker noted Utah has a unique set of alcohol laws. Sometimes it is helpful to understand what the various alcohol licenses allow. The first license approved tonight was for beer sales similar to convenience stores. This application is a restaurant license similar to Applebee's or Goodwood.

[8:32:59 PM](#)

11.17 Councilmember Colbert advised he knows there is a lot of fear and concern; however, he sees this as being no different than Applebee's. The residents in SunCrest are interested in having this market open up, and it needs to have a business plan that makes sense. The rent on this building is very affordable because the City had very little interest in this facility. The Wadsworth's have a reputation for doing things right, and the plans are very exciting. He expressed his opinion that this will be very good for the community. Utah has a lot of control over the liquor licenses, and there are very little problems with the restaurants. The Wadsworth's performed a survey and they have taken the results into consideration while forming their business plan.

[8:35:45 PM](#)

11.18 Councilmember Colbert moved to provide local consent for a Full Service Alcohol License for Ridge at Lone Peak. Councilmember Summerhays seconded the motion.

[8:36:04 PM](#)

11.19 Councilmember Colbert stated the applicant is putting his personal resources into this business, and he understands what it takes to be successful. Councilmember Colbert indicated he does not think people will be inebriated when leaving this facility. The City allows this in other facilities in the community, so he is not sure why they would not allow it here.

[8:36:38 PM](#)

11.20 Councilmember Stenquist expressed appreciation to those that came out to speak on this item. The City does not get many comments of these applications. Councilmember Stenquist stated he has four children, and his family has been personally impacted by the affects of alcohol. He understands the concerns; however, he is inclined to support this application because he does not see this being different from other restaurants. If it is a problem, the City can take another look at it.

[8:37:32 PM](#)

11.21 Mayor Walker asked Mr. Morey about the distance to the swimming pool. Mr. Morey noted that State law only applies to public spaces. If the City owned or managed a park up there, that would be an issue. However, the facilities up there are not public spaces.

[8:38:55 PM](#)

11.22 Russ Fox, Assistant City Manager, advised the State Code does allow for a variance, so the local consent could still be given in certain circumstances.

Councilmember Stenquist noted on the flip side they could also deny the local consent if they wanted to.

[8:39:38 PM](#)

11.23 Mayor Walker noted with respect to going forward, if this application passes tonight, if there is a problem or issue with the license or the way it is being used, the City Council has the right to revoke an alcohol license. Mr. Morey stated that is correct.

[8:40:14 PM](#)

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

[8:40:26 PM](#)

12.0 Public Hearing: Ordinance #1085, On the Request of Draper City for Approval of a Text Amendment Modifying Definitions and the Permitted and Conditional Use Charts in Several Zoning Districts in Relation to Vehicle and Equipment Rental or Sales. The application is otherwise known as the City Initiated Vehicle and Equipment Rental or Sales Text Amendment Request

[8:41:03 PM](#)

12.1 Jennifer Jastremsky, City Planner, noted the Planning Commission and City Council reviewed a text amendment last November to allow vehicle equipment rental or sales in the Community Commercial zoning district. At the time, the City Council had concerns with the equipment rental or sales in that zone, so they asked staff to come back with some text amendments to modify the definitions and clean it up a little. In December the City Council approved a moratorium to prohibit that use until this text amendment came through. Staff created five new definitions, and separated commercial vehicle and

equipment from standard vehicles, so it is easier to control. This led to changes in the actual zoning districts themselves. She then reviewed the various zones.

[8:44:31 PM](#)

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

[8:44:39 PM](#)

12.3 Councilmember Rappleye moved to suspend the rules. Councilmember Colbert seconded the motion.

[8:45:14 PM](#)

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

[8:48:09 PM](#)

12.5 Councilmember Rappleye moved to approve Ordinance #1085, approving a text amendment modifying definitions and the permitted and conditional use charts in several zoning districts in relation to vehicle and equipment rental or sales. Councilmember Colbert seconded the motion.

[8:49:12 PM](#)

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

[8:49:40 PM](#)

13.0 Action Item: Ordinance #1086, GRAMA Text Amendments

[8:49:51 PM](#)

13.1 Doug Ahlstrom, City Attorney, noted the State passed the Government Records Access Management Act many years ago. The City enacted their own ordinance, which makes those State provisions effective within the city and added to them in 1998. State law has changed numerous times; however, the Draper City Code has not been updated to reflect those changes. The action tonight is to make the changes to bring it into compliance with State law.

[8:51:13 PM](#)

13.2 Councilmember Rappleye moved to approve Ordinance #1086. Councilmember Summerhays seconded the motion.

[8:51:42 PM](#)

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

[8:52:01 PM](#)

2.0 Council/Manager Reports – Continued

[8:52:01 PM](#)

2.9 Mr. Robbins noted that on March 26, the Draper Irrigation Company will hold their annual stock holders meeting. As part of that meeting, there are Board of Director votes that will take place. There are four people running, of which two are current board members. He recommended Stephen L. Tripp and Kent S. Ware be voted back in.

[8:52:56 PM](#)

2.10 Mr. Fox advised the Wadsworths are interested in buying the market from the City. He asked whether the City Council is interested in selling. Councilmember Summerhays recommended they wait for a bit and give the City time to think about it.

Councilmember Rappleye noted they can order the appraisal in order to see what it is worth. Councilmember Summerhays agreed to that.

Councilmember Colbert noted that Wadsworths are making a large investment in the facility, and they do not want to lose that. Mr. Fox stated the Wadsworths have the first right to refusal to purchase the building.

[8:57:16 PM](#)

14.0 Adjournment

[8:57:18 PM](#)

14.1 A motion to adjourn was made by Councilmember Summerhays and seconded by Councilmember Stenquist.

[8:57:25 PM](#)

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