

Approved July 15, 2014

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JULY 1, 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, Alan Summerhays, and Marsha Vawdrey

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, Police Chief; and Garth Smith, Human Resource Director

Study Meeting

1.0 Dinner

[5:53:38 PM](#)

2.0 Discussion: Zoning – Keith Morey

2.1 Keith Morey, Community Development Director, presented maps to the City Council with the current zones. He advised staff will be going through an extensive General Plan revision next year. A lot of the things they want to talk about tonight will help that process. Right now, they are having many rezone requests coming through their department, and staff would like to have a general idea of what the City Council would like to see in the city. That will help staff steer the developers as they come in to talk about their ideas. It is expensive to go through the rezone process.

The Council and staff then discussed the various zones in the city and the use of development agreements.

3.0 Council/Manager Reports

[6:32:10 PM](#)

3.1 Mr. Dobbins indicated some residents in the Traverse Ridge Special Service District (TRSSD) have submitted an application for a referendum on the TRSSD budget and certified tax rate. Staff has put together a timeline for the process. If they get enough signatures, this will be put on the ballot in November.

The Council and staff then discussed the process and the repercussions of this action. Mr. Dobbins indicated the City has asked their financial advisors to come up with the baseline service cost for the City and the costs for services in the TRSSD. LeGrand Bitters,

Special Service District Association, will come to the July 15th Study Session to discuss options with the City Council.

Mr. Dobbins noted there has been some discussion about what to do with the Ballard house on Fort Street and 13200 South. He asked the Council to think about what they would like done.

Mr. Dobbins then advised the City Code states the City has to give the Historic Preservation forty-five days after a demolition permit has been applied for. He asked whether the City Council wants staff to do the RFP for a contractor right now, so they can get the process started. The contractor will not start the demolition, but they would be able to start getting things in order in case that is the direction the City Council decides to go.

Business Meeting

[6:59:18 PM](#)

1.0 Call to Order

Mayor Walker called the meeting to order and welcomed those in attendance.

[6:59:44 PM](#)

2.0 Thought/Prayer and Flag Ceremony

[7:00:20 PM](#)

2.1 The thought was offered by Brigadier General Dallen Attack, Utah National Guard.

[7:03:21 PM](#)

2.2 The flag ceremony was performed by the Utah National Guard Color Guard.

[7:06:20 PM](#)

3.0 Citizen Comments

[7:09:11 PM](#)

3.1 Lindsey Goeckeritz, 727 Old English Road, noted she has formed a group to assist in reviving the proposal to use the old Park School as a community arts center complete with a theater. Based on a feasibility study done by Cooper, Roberts, Simons, and Associates, this plan would restore the exterior of the building and completely repurpose and renovate the interior. She has heard and respects the City's comments and concerns given at previous Council meetings regarding the safety of the building and the cost to preserve it. It is her understanding that there is no current estimate of cost for renovation, but the study being completed currently will address those concerns in depth. The Park School is an asset that the Arts in the Park committee feels could serve the community by being transformed into a vibrant community arts center that could provide a much needed arts venue for the south end of the Salt Lake Valley. The nearby Trax station could

provide easy access for those in the valley to come and enjoy the unique heritage in Draper and take advantage of the wonderful historic downtown area. At the June 17th Council meeting, a deadline of August 31st was given to provide a fully funded proposal for the Park School to the Council. She appreciates the Council's faith in her abilities to raise \$10 million that quickly; however, she asked whether a more realistic timeline could be given. She asked the City Council to extend the demolition of the Draper Park School for one year to allow her to raise the necessary funds to renovate the building.

[7:11:45 PM](#)

4.0 Recognition: Kent Player for his service as the Parks, Trails, and Recreation Committee Chair

- 4.1 Mayor Walker noted Mr. Player has served as the Chairman of the committee for many years. He and his wife are going to be the Grand Marshals in the Draper Days parade this year. The City presented Mr. Player with a print of the Historic Draper painting in City Hall to thank him for his service.

[7:17:17 PM](#)

5.0 Consent Items

- a. Approval of June 17, 2014, Minutes
- b. Approval of Side Letter of Agreement with Utah Transit Authority for the Southwest Salt Lake County Transit Corridor Project
- c. **Agreement #14-119**, Awarding Auditing Services to Hansen, Bradshaw, Malmrose, & Erickson
- d. **Agreement #14-120**, For Approval of a Cooperative Agreement with Utah Department of Transportation for Cost Sharing of Restriping 700 East from 11400 South to 11796 South
- e. Approval of the Galena Townhomes Final Plat

[7:17:27 PM](#)

- 5.1 Councilmember Stenquist moved to pull Item E from the consent calendar. Councilmember Summerhays seconded the motion.**

[7:17:48 PM](#)

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

[7:18:12 PM](#)

- 5.3 Councilmember Stenquist moved to approve items A-D on the consent items. Councilmember Summerhays seconded the motion.**

[7:18:57 PM](#)

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

[7:19:23 PM](#)

5.5 Councilmember Stenquist moved to approve Item E on the consent calendar subject to the final plat meeting the City's driveway setbacks requirements. Councilmember Rappleye seconded the motion.

[7:20:16 PM](#)

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

[7:20:48 PM](#)

6.0 Public Hearing: Ordinance #1115, On the request of Ty Vranes, representing VP Homes for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential Agricultural) to R3 (Residential) on an approximately 1.0 acre site at 11953 South 800 East. The application is otherwise known as the Indian Meadows Phase II (VP) – Zone Change Request.

[7:21:21 PM](#)

6.1 Keith Morey, Community Development Director, displayed an aerial map of the subject property. The future designation for the property is Residential Medium Density and the current zone is RA1 Residential. The applicant does intend to access this parcel from the private lane that runs on the south side of the property.

[7:22:38 PM](#)

6.2 Councilmember Summerhays asked where the acre of property that the City owns is located. He was told it was to the north of this property.

[7:23:10 PM](#)

6.3 Mayor Walker opened the public hearing

[7:24:15 PM](#)

6.4 Al Tumbridge, 781 East 11900 South, noted he does not have a problem with the zone change; however, he does have an issue with the parcel the City owns. He has had an agreement with the City for ten years to have a landscape buffer on the north end of the property, yet nothing has been done. It is a dust bowl that is continually driven on. The City would require him to landscape his property, and they should be held to the same standard.

[7:26:37 PM](#)

6.5 Mayor Walker closed the public hearing.

[7:26:49 PM](#)

6.6 Ty Vranes, applicant, noted they are not looking to develop 3 lots on this property because of the private drive. They will only have two lots that are at least 17,000 square feet. The R3 zone is consistent with the Draper City General Plan. They also have R3 in

the vicinity. The developers held a neighborhood meeting and did not have any opposition to the proposal.

[7:29:15 PM](#)

6.7 Councilmember Summerhays moved to suspend the rules. Councilmember Vawdrey seconded the motion.

[7:29:34 PM](#)

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

[7:29:51 PM](#)

6.9 Councilmember Summerhays moved to approve Ordinance #1115, which would change the zoning designation from RA1 (Residential Agricultural) to R3 (Residential) on an approximately 1.0 acre site at 11953 South 800 East. Councilmember Vawdrey seconded the motion.

[7:30:33 PM](#)

6.10 Councilmember Summerhays noted this property has been up for sale for many years. This proposal fits with the general area.

[7:31:05 PM](#)

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

[7:31:18 PM](#)

7.0 Public Hearing: Ordinance #1105, On the request of Burgess Cline for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential Agricultural) to R3 (Residential) on 1.0 acres at 12845 S. Fort Street. The application is otherwise known as the Sunghyun Zone Change Request.

[7:31:49 PM](#)

7.1 Mr. Morey advised this request is to change the zone from RA1 to R3. He displayed a map of the area as well as pictures of the lot. He noted it appears that at some point there was intent that this would be a separate lot. The future land use designation is low to medium density residential, and the current zone is RA1. He reviewed the size of the surrounding parcels. He indicated staff feels this request meets the intent of the City Code and the zoning standard to suggest approval. The Planning Commission did forward a negative recommendation to the City Council.

[7:33:44 PM](#)

7.2 Councilmember Summerhays noted he always thought it was already split off. It has a swimming pool on the property and a grandmother's house to the side of it.

[7:34:21 PM](#)

7.3 Mayor Walker opened the public hearing.

[7:34:34 PM](#)

7.4 Sterling Farr, 965 East New Hope Drive, pointed out that the proposed request is not in conformance with the current Master Plan. He stated this property is directly south of one of Draper's historic homes. It is right next to a Victorian home on a one acre property, and it is also close to the remaining historic properties on Fort Street. The idea of putting a home on a one-third acre parcel does not fit very well with the character of the area. He said the current owner and occupant of the property will not be the last owner. If the zone is changed now, the next owner could put two additional homes on it. Low density housing and open space are critical and important pieces of the character of Draper, particularly in the historical part of the city. He urged the City Council to keep Fort Street the way it is unless they like the idea of becoming like the south part of Sandy. He asked them to deny this request.

[7:37:18 PM](#)

7.5 Andy Andrelczyk, 12934 Fort Street, agreed with Mr. Farr's statements. He noted he feels a strong need for open space and preserving the historic feel of Draper, and he does not think that changing the zoning is the way to meet those needs. He said he does not believe that the General Plan calls for R2 in this area. He does not want to see Fort Street turn into another 1300 East with the traffic problems.

[7:39:08 PM](#)

7.6 Mayor Walker closed the public hearing.

[7:39:21 PM](#)

7.7 Burgess Cline, applicant, noted he was born and raised in a house on Fort Street. His parents still live there. He loves Draper and does not want to see a lot of changes either. The current owners purchased the property with the impression that they had two separate lots. They found out the lot was subdivided illegally, so they are now asking for a zone change. The property owner would like to sell off the smaller lot to help with their finances and mortgage. The parcel is one-third acre, and there are other R3 developments in the vicinity. They are willing to spot zone the area in order to keep the .7 acre parcel in the RA1 zone, which would prohibit anyone from building three homes on the property. This lot is an eyesore in the area right now. They would like to build a small home there, which would clean up the area. They care about the value of the area.

[7:43:36 PM](#)

7.8 Councilmember Summerhays moved to suspend the rules. Councilmember Colbert seconded the motion.

[7:43:52 PM](#)

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

[7:44:16 PM](#)

7.10 Councilmember Summerhays moved to deny Ordinance #1105, which would change the zoning designation from RA1 (Residential Agricultural) to R3 (Residential) on approximately 1.0 acres located at 12845 South Fort Street. Councilmember Colbert seconded the motion.

[7:44:50 PM](#)

7.11 Councilmember Summerhays noted there are two homes on that property already. The mother-in-law lives in one, and there is the main home. They put a breezeway between the two homes in order to get a permit. That is why he is denying this request.

[7:45:48 PM](#)

7.12 Councilmember Colbert noted he will sustain the Planning Commission recommendation for denial. He stated half acre lots are fine in this area, but nothing smaller. The City needs to be careful with approving the R3 zoning in this area.

[7:46:24 PM](#)

7.13 Councilmember Stenquist stated he thinks one-third of an acre is not high density, and he does not necessarily feel it would be detrimental to the neighborhood. The homeowner does not want to maintain that property and would rather have a home there. Many of the existing lots on Fort Street are narrow long lots. A new house on this lot would not look much different than some of the existing narrow lots.

[7:48:53 PM](#)

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

[7:49:21 PM](#)

8.0 Public Hearing: Ordinance #1111, On the request of Ryan Button for approval of a Zoning Map Amendment changing the zoning designation from A5 (Agricultural) to RM1 (Residential) with a Development Agreement on approximately 18.3 acres at 962 E. Roundhouse Road. The application is otherwise known as the Deer Run Preserve Zone Change Request.

[7:50:01 PM](#)

8.1 Mr. Morey displayed an aerial view of the property. This parcel was historically intended to be a Town Center with a commercial component. Their intent is to take the storm drain issues in the area and have an entry way feature. They would have single-family homes to realign the road to reduce speeds, and they would have higher-density homes around the circle. The developer recognized the value of the views the existing townhomes have, so they did a view analysis to make sure what they build does not impact the existing views. There has been support of the project from the neighbors, but there have also been some concerns. The developer has tried to address the concerns. Mr.

Morey noted there is an area that is intended for park space, and the developer will turn it over to the city. However, they will have an owners association to maintain it. They feel they might not have the expertise to maintain some of the equipment, so the developer has spoken with the Parks employees. The Parks employees have agreed to look at what maintenance would be involved with the equipment. The surrounding neighbors wanted good connectivity throughout the development, so the developers have put trail systems into their plan. There is a development agreement that addresses the concerns of the area. The Planning Commission is recommending approval.

[7:57:06 PM](#)

8.2 Mayor Walker opened the public hearing.

[7:57:34 PM](#)

8.3 James Alger, 14109 Senior Band Road, said he attended a Council meeting three months ago and introduced the developers to the City Council. The Planning Commission voted unanimously to change the zone. He noted this has been a breath of fresh air in working with these developers. He said he admires the integrity and ethics these developers have shown while working with the neighbors.

[8:00:29 PM](#)

8.4 Donna Evans, 1187 Bow Meadow Lane, questioned whether the City Council would approve the development agreement tonight along with the rezone. She suggested that the City Council hold off on approving this unless the development agreement is also approved. She loves the look of this proposal. The HOA sounds like a great idea, but how they collect dues is always a little sketchy. She suggested they set up a Special Service District to collect the fees in order to make it work.

[8:02:14 PM](#)

8.5 Ron Steed, 987 East Senior Band Road, advised he is not sure how the City Council can make an educated decision about this without a development agreement. He commented that the current townhomes are not harmonious with the community as a whole. He said he thinks this will make it even worse. The height of the units, since there is no definitive plan, might block the view of the existing homes. This area is served by Water Pro, and there are issues with water pressure. He is not sure what adding another eighty plus units will do to that existing problem. The traffic patterns are extremely dicey, and this would be difficult throughout the day due to the location of the school.

[8:05:27 PM](#)

8.6 Rod Coombs, 14212 Band Road, said he is delighted that there is a plan for this area. This is the first time seeing this plan, and it is visually appealing; however, he wants to be cautious. He asked whether there is a way to limit the rentals in this development. He said he is also concerned about parking issues on the street. He expressed appreciation that this is being cautiously looked at for solutions. He said he would like the agreements in place prior to this being improved.

[8:08:51 PM](#)

8.7 David Bennett, 921 East Spiers Lane, advised he has lived there for twelve years. Within the last twelve months there was a meeting at City Hall in reference to the parking in this area, and this proposal looks like it has even higher density. He does not see any parking lots, so he feels this might have a larger parking problem. He said he is concerned that the plan and the zone are not linked together. When the buses are running in the mornings and afternoons, it is hard to drive through the area. He urged the City Council to look at the traffic and do what they can to make it safe for the children walking to school.

[8:10:37 PM](#)

8.8 Brian Farmer, 14134 Peppy Band Road, stated his concerns are that the smaller units are three floors, which is forty-five feet in height. That will block a view. He said he has one of the highest units there, and his view will be blocked. There is nothing in writing stating how high these units will be, and that is a concern. The impact to the views will decrease the value of the homes.

[8:12:06 PM](#)

8.9 Aaron Lopez, 993 East Senior Band Road, reiterated some of the concerns brought up by other neighbors. He said he does not know how tall the other townhomes will be, so he does not know the impact to him. The garages are quite small, so people will park on the street, which creates congestion. The amphitheater is just south of this area, and the parking lots do not hold all of the vehicles of the people attending the programs. The vehicles are parked on the streets. He is also concerned about over crowding the elementary school.

[8:13:48 PM](#)

8.10 Lyle Page, 14148 Canyon Vista Lane, noted he also owns a unit in the townhouse development. He said he would like to see a development agreement in place prior to this zone change taking place. Parking is a huge issue in this area. There is always an issue with emergency vehicles getting through the area. He is concerned about the height of the units.

[8:15:06 PM](#)

8.11 Mayor Walker closed the public hearing.

[8:15:23 PM](#)

8.12 Tim Soffe, applicant, stated he has a lot of experience with this land. He designed City Hall to go on this property at one point. He said the property is currently in a holding zone of A5. He is requesting an RM1 zone, but they are not asking for the eight units per acre that is available in that zone. They have submitted a development agreement that limits the density according to the plan that will be an exhibit. They have drafted the development agreement, and it is part of the agenda packet. Staff has reviewed the agreement. Mr. Soffe indicated they are doing what they can to preserve the views. The portion of property of the proposed development is significantly lower than the existing development. The commitment to the existing neighbors is to try to keep the level of the

buildings lower than the first floor deck. As the property feathers down, they will lower the structures to two-stories on the edges in order to preserve the views. The developer has also agreed to locate the structures further away from the property line to help stabilize the slope. The development agreement specifies the density, product type, open space, how it will be built, and how it will be maintained. He asked the City Council to approve the development agreement and rezone. Mr. Soffe then reviewed some of the other features of the plan, which included the connectivity, a public park, and combining the three detention basins into two and treating them as an entrance feature to the development. The storm drains will be maintained by the City, and the landscape will be maintained by the HOA. They will also provide trail connectivity through the project and to the parks and schools. One of the big concerns they have tried to address is the protection of value. The developers are estimating the value of the proposed homes to be in the \$300,000 to \$600,000 range. As for parking, every unit will have a minimum of two-car garage and a two-car driveway. Some units could have more off-street parking available.

[8:22:19 PM](#)

8.13 Councilmember Summerhays asked whether there is any upper connection right now for the existing homes. Mr. Soffe displayed the access on a map. He noted it is quite a steep slope right now.

[8:24:18 PM](#)

8.14 Mr. Soffe commented that he really appreciates the help they have received from this neighborhood. It was a very interactive process, and he would like to be involved in more processes like this.

[8:25:18 PM](#)

8.15 Councilmember Stenquist stated he has appreciated the efforts that Mr. Soffe has made with the neighbors. He lives in this neighborhood and attended one of the meetings himself. Councilmember Stenquist said he bought a home across from the existing town homes prior to them being built, and his views got blocked by the townhomes. He knows what that feels like.

[8:26:19 PM](#)

8.16 Councilmember Summerhays noted there is a development agreement that goes along with the rezone request.

[8:27:19 PM](#)

8.17 Mr. Dobbins commented that because there is a development agreement with this application, if there is anything the developers have said they are willing to do that is not part of the development agreement, it needs to be a part of the motion. Staff wants to make sure the development agreement and expectations are very clear.

[8:28:43 PM](#)

8.18 Councilmember Rappleye asked what the maximum height allowed is in the current code. Morey explained it is thirty-five feet.

Councilmember Rappleye then noted what was planned for this area in the Master Plan had more density than what is being proposed now. Mr. Morey clarified that the zoning they are asking for now would actually allow more density than what they are showing the Council that they intend to build. Part of that was in an effort to be sensitive to the surrounding neighbors and from comments they had received from the neighbors.

[8:29:54 PM](#)

8.19 Mr. Dobbins indicated the City Code defines how the building heights are measured. It is not from the top of the roof. They look at the grade and the midpoint and determine the height from that. In this case, he recommended the City Council determines the maximum height and how it is measured.

[8:30:38 PM](#)

8.20 Councilmember Summerhays stated he would like the developer to spell out the exact number of units allowed in the development.

[8:31:09 PM](#)

8.21 Councilmember Rappleye stated the City Council should go through the development agreement to make sure all of the details are spelled out how the City Council wants them.

[8:31:26 PM](#)

8.22 Councilmember Summerhays said Councilmember Stenquist spoke with some neighbors and received comments. He asked what the comments were. Councilmember Stenquist noted any comments that he received via email he forwarded on to the rest of the Council. He said he will make sure he continues to forward on anything he receives for the record. People are ready for this property to be developed. It is an eye sore right now, and it is not a good piece of property. Generally, people are supportive of the project. At one time, this was zoned commercial, so there was an expectation of having an opportunity for retail. That is very important from a revenue standpoint. However, many of the neighbors would prefer residential. In reality, this is not a very commercially viable piece.

[8:34:04 PM](#)

8.23 Councilmember Colbert asked whether the two cul-de-sacs are private lanes. Mr. Soffe responded that they are, and they are thirty-five foot in width.

Councilmember Colbert noted there have been issues with emergency access on the private roads. There is also a concern with vehicles parking on the street. Mr. Soffe stated each unit will have at least four off-street parking spaces, so that should help.

Councilmember Colbert then expressed concern with some of the infrastructure in the park being maintained by City staff. In reality, this park will probably not be used by any residents that do not live in this subdivision. The parks crews are already understaffed. Mr. Soffe explained they sat down with Brad Jensen. Mr. Jensen voiced his concern with

taking care of the landscape maintenance because they do not have the man power. However, they do have the expertise to maintain the playground equipment and trails, which they like to do. This development will have maintenance crews that excel in landscape maintenance that will take care of that aspect.

Councilmember Colbert advised HOAs can work but often they do not. He said he does not know what will happen if the HOA decides they no longer want to maintain it.

[8:38:07 PM](#)

8.24 Councilmember Rappleye said he has been disappointed with how many of the projects in this area have failed, and he is hopeful this one will go through. A development agreement is one way to make sure that happens. He said he thinks the park issue can be addressed if there is some good strong language included in the development agreement and perhaps a performance bond that is included long term so it stays with the property.

[8:39:34 PM](#)

8.25 Mr. Soffe commented that a lot of times it is what they saddle an HOA with. If people are happy with the amenities and they are using the amenities, they are happy to pay for them. If they get good use out of a small well maintained park with a play ground, and it is inclusive of their yards and snow removals, the HOAs success rate goes way up. If there are too few units that are trying to take care of more than they can handle, then the residents are not happy. The balance he is trying to create is a public facility that the City does not maintain but does have the expertise for trails and equipment. The concept should work.

[8:41:19 PM](#)

8.26 Councilmember Stenquist recommended the City Council allow this item to follow the regular course. He said he is concerned about the two cul-de-sacs being private. He would like to better understand how this would work.

[8:42:04 PM](#)

8.27 Councilmember Summerhays stated every year since he has been on the Council, Councilmember Stenquist has brought up the parking issues in his neighborhood when there is snow. This will be the same thing. He asked Mr. Soffe to look at options for snow removal. Mr. Soffe advised he will look into that. He said they realize they have a lot of detail work to accomplish with this project.

[8:43:07 PM](#)

8.28 Councilmember Rappleye advised the spec elevations for the single-family homes are very impressive, and he hopes they really end up looking like that. Mr. Soffe indicated they recognize the value of the area up there. It is intrinsic to this area, and to under shoot it would be a travesty.

[8:43:37 PM](#)

8.29 Councilmember Stenquist commented that in the big picture and a potential Trax stop here, part of the impetus of allowing higher density in the area is to have a good location

for a Trax station. They will keep reminding UTA that there should be a Trax station here.

[8:44:28 PM](#)

9.0 Public Hearing: Ordinance #1114, On the request of Chad Anderson, representing Goff Mortuary for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential Agricultural) to CC (Community Commercial) on an approximately 1.7 acre site at 11859 South 700 East. The application is otherwise known as the Anderson and Goff Mortuary – Zone Change Request.

[8:45:02 PM](#)

9.1 Mr. Morey displayed a map of the subject property. There are three existing homes on the property, and some would be removed. The future Land Use Map shows this area to be Community Commercial. There were some concerns expressed at the Planning Commission meeting in terms of setbacks and buffering. Staff feels this application meets all of the requirements of the intended zone, and they believe any concerns of the residents could be addressed in the site plan process.

[8:46:53 PM](#)

9.2 Councilmember Colbert asked whether they can cremate at the mortuary. Jennifer Jastremsky, Planner, noted it would not be allowed at this location.

[8:48:01 PM](#)

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

[8:48:32 PM](#)

9.4 Chad Anderson, applicant, advised he does not want to be compared to SereniCare. This is a totally different type of business. He currently owns Goff Mortuary in Midvale, and they currently serve a lot of the residents in Draper. He said he is interested in placing a nice facility in Draper to further serve those residents. This facility will not have a crematory.

[8:49:34 PM](#)

9.5 Councilmember Rappleeye asked how many buildings they are planning for this site. Mr. Goff replied he is currently working on the site plan, and there will only be one building. However, the home on the south of the property will not be taken down. There would be two structures. The mortuary will face south and will have a colonial style. They will enter off 700 East.

[8:51:27 PM](#)

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

[8:51:40 PM](#)

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

[8:51:50 PM](#)

9.8 Councilmember Stenquist moved to approve Ordinance #1114, which would change the zoning designation from RA1 (Residential Agricultural) to CC (Community Commercial) on approximately 1.7 acres located at 11859 South 700 East. Councilmember Summerhays seconded the motion.

[8:52:09 PM](#)

9.9 Councilmember Stenquist noted this is a busy street and is perfect for a commercial corridor. This use is harmonious with the area and will be a benefit for the residents.

[8:52:47 PM](#)

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

[8:52:59 PM](#)

10.0 Action Item: Agreement #14-101, For approval of a Franchise Agreement with TW Telecom of Utah, LLC.

[8:53:17 PM](#)

10.1 Doug Ahlstrom, City Attorney, advised he received an inquiry from TW Telecom to establish a franchise in Draper. He communicated with them and gave examples of franchises the City has already entered into. TW Telecom is interested in entering into the agreement for ten years. Most of the build out will be in commercial areas and not in residential.

[8:54:24 PM](#)

10.2 Jerry Oldroyd, applicant, introduced himself and advised he is an attorney for Ballard Spahr.

[8:54:45 PM](#)

10.3 Councilmember Stenquist asked whether the intention is to run fiber optic cable to commercial areas. Mr. Oldroyd indicated this is primarily for commercial and enterprise companies. It has been their market plan for many years. TW Telecom has been in business for a number of years, and they have been very profitable. They are very anxious to provide telecom and high speed broadband to business and enterprise customers in the Wasatch Front area.

Councilmember Stenquist asked whether they will be seeking permits to install the infrastructure under the roads or will they be going overhead on poles. Mr. Oldroyd replied it depends on the engineering and what the easiest and most commercially reasonable way to get to a customer. The preference is always underground because it is

more stable; however, it is more disruptive to the city. It is usually cheaper and faster to use the existing poles.

[8:56:58 PM](#)

10.4 Councilmember Rappleye noted he spent a lot of years working on these agreements in a prior profession in the cable industry. He advised ten years for a franchise agreement is really on the shorter end. This is a pretty standard agreement.

Mr. Oldroyd agreed that it is a standard agreement. He said he has worked closely with Mr. Ahlstrom to accomplish this. He complimented Mr. Ahlstrom for being so helpful and the timeliness of his comments. It has been a very good process for them.

[8:58:04 PM](#)

10.5 Councilmember Summerhays asked whether this company is in other states. Mr. Oldroyd responded they are not in the entire country. They do a lot in the west. The company is headquartered in Colorado. They are looking for a national footprint.

[8:58:57 PM](#)

10.6 Councilmember Rappleye moved to approve Agreement #14-101, approving a franchise agreement with TW Telecom of Utah, LLC. Councilmember Vawdrey seconded the motion.

[8:59:19 PM](#)

10.7 Councilmember Rappleye advised everything looks in order. He thanked Mr. Oldroyd for his comments. This is something the businesses need. This is a good service for the business community and will help tech companies grow.

[8:59:47 PM](#)

10.8 Councilmember Stenquist noted the City received franchise tax revenue. He asked whether there is any idea of how much revenue will be generated. Mr. Ahlstrom explained those taxes are paid directly to the State Tax Commission, so until he receives their report he cannot say how much this will bring in. He has looked at the other two franchises, and they are very different in amounts.

Mr. Oldroyd noted the amount generated will be dependent on how successful they are with customers. The rate is based on gross revenue.

[9:01:01 PM](#)

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

11.0 Action Item: Resolution #14-45, Amending the Consolidated Fee Schedule

[9:01:26 PM](#)

11.1 Bob Wylie, Finance Director, advised staff is proposing two changes to the consolidated fee schedule. The first is related to the cemetery fees. This will increase the fee for burials and openings and closings on weekends and holidays. The increase is an additional \$200. The second change is for the water rates. The Jordan Valley Water Conservancy District has adopted a 3.9 percent increase, and staff is proposing those costs be passed on to the customer. Staff is also proposing the delinquent administrative fee of \$50 be moved from the water deposit and into a separate line item in the water fee.

[9:02:55 PM](#)

11.2 Councilmember Colbert asked whether the residents are only charged the administrative fee if their water is turned off. Mr. Wiley explained the fee is charged when staff cuts the late notice and Public Works sends it out. It is usually several months out.

[9:03:21 PM](#)

11.3 Councilmember Vawdrey moved to approve Resolution #14-45, amending the consolidated fee schedule. Councilmember Rappleye seconded the motion.

[9:03:42 PM](#)

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

[9:03:56 PM](#)

**** Council/Manager Reports**

[9:04:14 PM](#)

****** Councilmember Rappleye thanked Chief Roberts for Deputy Chief Eining stepping in to check out some suspicious individuals at the Trax Station. He also thanked him for the reports the City Council is receiving in references to the calls for service. It is important for the City Council to know what is going on in the community.

Councilmember Rappleye then indicated they are starting to see a lot of graffiti in the community and it is not being removed. The City used to do a good job handling that. It is important for the community to stay on top of that. Chief Roberts replied it is a concern on the Police Department also. The School Resource Officer's are now assigned as the graffiti investigators. They work Monday through Friday, and they will be spear heading the efforts.

[9:06:15 PM](#)

****** Councilmember Colbert advised there has been some tagging along Highland Drive at the new development near the Fire Station. It is a shame to see that.

[9:06:52 PM](#)

** Councilmember Vawdrey commented that the Children's Parade is scheduled for July 15th, and they have the presentation scheduled for Special Assessment Areas. Mr. Dobbins noted he will look at the timing to see if they have to make changes.

Councilmember Rappleye noted he also might want to look at the times for the Safety night in August.

Councilmember Vawdrey then advised someone brought to her attention that there will only be two officers assigned at the rodeo. She said that concerns her if that is really the case. They need more officers than that. Chief Roberts stated he will look into it and get back with her.

The Council agreed that there would need to be additional officers at the rodeo.

Councilmember Vawdrey indicated she would like to have a field trip to the Equestrian Center. They need a group to spearhead efforts to make the area more usable and work together on the improvement for the bikes.

Councilmember Rappleye said he would like to look at options to add parking to that area.

[9:10:12 PM](#)

** Councilmember Summerhays said it is time to think seriously about having a demolition derby. They would have to finish a couple of the shuts, and they would have to get some bleachers. It will take a minimum of two years to get this going, and it will be a minimal cost.

Councilmember Colbert noted there are probably things they can use the Equestrian Center for.

Councilmember Vawdrey commented that if they can expand the parking lot and make the arena how they need it, they could have someone market it. However, it is not ready yet.

Councilmember Summerhays advised a gentleman had asked him to talk to the Council about a property acquisition, so he would like to add that to the closed door.

[9:14:21 PM](#)

** Councilmember Colbert indicated the Unified Fire Authority has people in SunCrest doing brush removing. He expressed his appreciation for them moving forward with this.

Councilmember Rappleye noted they are going to try to put together a press conference to get some public acknowledgement for these efforts.

[9:16:12 PM](#)

** Mayor Walker indicated that Senator Hatch, as part of the 113th Congress, recognized

fallen officer Derek Johnson in the Congressional record. Senator Hatch has provided copies of that record for the City and Derek's family. Senator Hatch also mentioned the Utah County Deputy that was killed as well.

[9:16:57 PM](#)

12.0 Adjourn to a Closed-Door Meeting to Discuss Property Acquisition, Litigation, and the Character and Professional Competence or Physical or Mental Health of an Individual.

[9:17:00 PM](#)

12.1 Councilmember Summerhays moved to adjourn to a closed door meeting. Councilmember Rappleye seconded the motion.

[9:17:15 PM](#)

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

12.3 The meeting adjourned at 9:17 p.m.