

Approved December 2, 2014

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 18, 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; Rachelle Conner, City Recorder; Keith Morey, Community Development Director; Glade Robbins, Public Works Director; Bryan Roberts, Police Chief; and Garth Smith, Human Resource Director

Study Meeting

Dinner

[5:59:25 PM](#)

Council/Manager Reports

[5:59:49 PM](#)

Councilmember Colbert noted he was approached by someone who uses the Draper Trail System, and they expressed concern with the safety of the hikers due to the heavy use of mountain bikers on the trails and the speed in which they ride. He indicated he is not sure how to address this; however, it is a safety concern.

Councilmember Stenquist indicated the Park, Trails, and Recreation Committee (PTRC) has discussed this numerous times. They are taking steps to address the concerns. They have adjusted some of the trails to be one-way only, and they have built several new trails this year where bikes are not allowed.

Councilmember Colbert stated the City will need to explain this somewhere so the residents are aware of options.

The Council and staff discussed options and solutions.

Councilmember Colbert then noted the City should do something to bring SunCrest drive up to a condition that the Utah Department of Transportation would not be offended by it.

[6:09:11 PM](#)

Councilmember Rappleye advised the Tree Commission appears to be moving in a direction that is causing him some concern. The Commission would like to approve landscaping, but they do not have the authority to do that. He has not been able to attend

the past few meetings, but he is planning to attend the next meeting with the City Attorney to make the members aware of what their role is and what it is not.

[6:12:32 PM](#)

Russ Fox, Assistant City Manager, advised the City is interested in participating in a property exchange with two property owners by the Draper Historic Park. There are some areas that do not have sidewalks and other areas where the sidewalk is on private property. Mr. Fox indicated he will bring this action to the City Council for their consideration.

[6:17:04 PM](#)

Presentation: Mountain Accord

Layne Jones, Mountain Accord Program Manager, briefed the City Council on the Mountain Accord Project.

Mountain Accord is a multi-phase program that seeks to make long-term decisions regarding the future of the central Wasatch Mountains. Decision making for this program is broad reaching and will consider a range of issues and goals, centered on the interconnection of four key systems: transportation, environment, economy, and recreation.

Mountain Accord is collaboration with public and private interests including state and local governments, federal agencies, and industry and grass roots organizations. Decision making for this program will rely on input from each of these entities.

Utah's central Wasatch Mountains and canyons are a significant natural resource that enhances the quality of life for more than one million nearby residents and visitors. However, continued population growth in Salt Lake, Summit and Wasatch counties means the availability of efficient transportation, clean air and water, recreation resources, and land use will be threatened unless steps are taken now to balance these equally important resources.

The goal is to save the canyon from all of the traffic going to the various ski resorts. They want to bring light rail up Little Cottonwood Canyon, punch a tunnel through to Big Cottonwood Canyon, so people can access all of the ski resorts. They will then go up through the mountain to Park City and the resorts in that area. This is an expensive project, but the economic payoff is huge. The plan is that people will fly into Salt Lake and get on light rail at the airport and ride it to their ski location. This will cut down on the traffic accessing the canyons. This is similar to the system used in Switzerland.

[6:35:01 PM](#)

Adjourn to a closed-door meeting to discuss litigation and property acquisition.

[6:35:08 PM](#)

Councilmember Summerhays moved to adjourn to a closed-door meeting to discuss litigation, property acquisition, and personnel. Councilmember Vawdrey seconded the motion.

[6:35:18 PM](#)

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

Business Meeting

[7:41:42 PM](#)

1.0 Call to Order

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

[7:41:52 PM](#)

2.0 Public Comments

[7:42:21 PM](#)

2.1 Brian Coon, 13462 Lonerock Drive, explained he is here to talk about the freeway frontage signage requirements. He is the general manager of Camping World, and the current requirements prohibit him from putting up a pole sign. He used to have a billboard that they leased, so they had their signage there. They had the option to buy it, but they chose not to because he wanted to put a pole sign in place; however, when he came in to talk with staff about the requirements, he was told his business did not qualify for a pole sign. There is going to be a text amendment coming in to the City Council soon regarding the signs, and he asked them to consider this issue.

[7:44:12 PM](#)

2.2 Amy Baird, 2181 Village Vista Drive, thanked the City Council for helping out with the bus stop issues in SunCrest. The residents would like to keep the new bus stops and they would like to keep the signs that say bus stop ahead.

[7:44:55 PM](#)

3.0 Consent Items

- a. Approval of November 4, 2014, Minutes
- b. Approval of Agreement #14-246
- c. Approval of Right-of-Way Property Purchase Agreement with Rocky Mountain Power for Lone Peak Parkway Extension
- d. Approval of Agreement #12-139
- e. Canvass of the 2014 Traverse Ridge Special Service District Referendum Election Results

[7:45:59 PM](#)

3.1 Councilmember Rappleye moved to approve the consent items. Councilmember Summerhays seconded the motion.

[7:46:35 PM](#)

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

[7:46:53 PM](#)

4.0 Public Hearing: NY Pizza Patrol Beer License, On the request of William Herndon representing NY Pizza Patrol at 129 E. 13800 S. for approval of a beer only license.

[7:47:12 PM](#)

4.1 Keith Morey, Community Development Director, noted NY Pizza currently has a limited service alcohol license. Due to current insurance requirements, they have asked the City to change their license to a beer only license.

[7:49:06 PM](#)

4.2 Jim Rodriguez, applicant, explained this is a request to downsize their current license from wine and beer sales to beer only. The NY Pizza Patrol has been in this location for six years. They have determined that the cost and trouble of selling wine was not worth the hassle, so they will only be selling beer at this location.

[7:49:52 PM](#)

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

[7:50:05 PM](#)

4.4 Councilmember Summerhays moved to approve the beer license for NY Pizza Patrol. Councilmember Vawdrey seconded the motion.

[7:50:37 PM](#)

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

[7:50:51 PM](#)

5.0 Public Hearing: Hoggan Lane Plat Amendment, Request by Jarin Dana for Approval of a Plat Amendment in Order to Split Lot Two of the Hoggan Lane Subdivision into Two Lots. Property is Located at Approximately 1534 East Cherry Creek Lane.

[7:51:09 PM](#)

5.1 Mr. Morey displayed an aerial view of the property. The applicant would like to split this parcel in half and remove the existing structure. The current zone is RA2. The Planning Commission voted 3 to 2 to forward a positive recommendation to the City Council. One of the issues was the park strip on the other side of the sidewalk. Some of the Planning

Commission members did not see a need to remove the sidewalk in order to place a park strip on this side of the sidewalk, so they did not vote yes on this application.

[7:54:01 PM](#)

5.2 Jarin Dana, applicant, noted the trees that line the park strip are fifty-five years old, and the park strip is in good condition. There is a major water main connection on the north side, so that is why the park strip was not put in place at that location.

[7:55:02 PM](#)

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

[7:55:17 PM](#)

5.4 Councilmember Rappleye move to approve the Hoggan Lane Plat Amendment. Councilmember Colbert seconded the motion.

[7:55:42 PM](#)

5.5 Councilmember Rappleye expressed appreciation that the trees are being saved. It is a good call in this instance. This is a straight forward request.

[7:56:06 PM](#)

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

[7:56:20 PM](#)

6.0 Public Hearing: Noorda Zone Change, Request to rezone 1.46 acres from A5 to RA2, located at 12737 S. Costanza Way.

[7:56:36 PM](#)

6.1 Mr. Morey displayed an aerial map of the property. The current Land Use Map shows the future zone to be Low to Medium Density. It is currently zone A5. The applicant is requesting to rezone this to RA2. That zone is typical for what surrounds this property.

[7:57:37 PM](#)

6.2 Gus Sharry, Canyon Engineering, indicated that Draper staff has been excellent to work with.

[7:58:28 PM](#)

6.3 Councilmember Colbert asked whether Costanza Way is a private lane. Mr. Sharry stated it is, and they have looked ahead and feel that they can meet all of the requirements in the Draper City Code.

[7:59:10 PM](#)

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

[7:59:29 PM](#)

6.5 Councilmember Vawdrey moved to approve the Noorda Zone Change. Councilmember Summerhays seconded the motion.

[7:59:55 PM](#)

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

[8:00:08 PM](#)

7.0 Public Hearing: Dun Roamin Estates Zone Change, Request to rezone 4.9 acres from RA1 to RA2, located at 13000 South 1300 East.

[8:00:25 PM](#)

7.1 Mr. Morey said this is an application the City has seen before. At the last meeting, the City Council was concerned that the applicant did not have the signed affidavits for all of the parcels. The applicant has redrawn the map to only include the parcels he has affidavits for. He displayed an aerial map of the property. One of the big issues has been access along the private lane. The parcels to the rear of the property already have access off the private lane, so the applicant feels he has a prescriptive right that allows him to do that. From staff's perspective, this does seem to fit the surrounding neighborhood. The applicant has tried hard to be responsive to the concerns that have been expressed. The City Council has seen this application a couple of different times in a couple of different formats to try to meet the concerns and address the issues. The Planning Commission voted 5 to 0 in favor of this request.

[8:02:24 PM](#)

7.2 Councilmember Summerhays stated there are two easements for this property. He questioned which one they will use. Mr. Morey noted that has not been addressed yet. The rezone does not get into that detail. That is addressed with the site plan.

Councilmember Summerhays then asked whether both lots meet the requirements Mr. Morey noted staff has only looked at the private lane with the lot to the north. Staff feels it meets that requirement.

[8:03:53 PM](#)

7.3 Councilmember Rappleye said he received an email about the private lane issue. He said if this does get approved, they will take care of this in the site plan process.

[8:04:41 PM](#)

7.4 Mr. Dobbins clarified that the rezone does not give them any entitlement that they do not already have.

[8:05:12 PM](#)

7.5 Matt Lepire stated he has spoken with the neighbors to the south. They do not have a direct connect as to where this will access; however, they currently have an easement access to the north that has been used for well over forty years.

[8:06:06 PM](#)

7.6 Mayor Walker opened the public hearing.

[8:06:20 PM](#)

7.7 Jeremy Jensen, 13039 South 1300 East, said he sees the logic in why this could be rezoned; however, he is concerned that there will be additional rezone requests. He expressed that the large animal rights should remain. He is concerned that his neighbors will be encroached on. The traffic is severe in this location. Mr. Jensen indicated he is fine with this rezone as long as the planning is done right.

[8:08:10 PM](#)

7.8 Mayor Walker closed the public hearing.

[8:08:26 PM](#)

7.9 Councilmember Colbert moved to approve the Dun Roamin Estates Zone Change. Councilmember Vawdrey seconded the motion.

[8:09:11 PM](#)

7.10 Councilmember Colbert said this is not a site plan approval. There are issues that need to be worked out prior to the site plan approval being completed.

[8:09:36 PM](#)

7.11 Councilmember Summerhays reiterated that the City Council can address the issues during the site plan approval process.

[8:09:54 PM](#)

7.12 Councilmember Vawdrey said the City Council has seen this before, and she is more comfortable with this now than when it was previously shown to the City Council.

[8:10:10 PM](#)

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

[8:10:29 PM](#)

8.0 Public Hearing: Beehive Homes of Draper East Zone Change, Request to rezone 2.98 acres from RA1 to IC (Institutional Care), located at 1393 E. Pioneer Road.

[8:11:05 PM](#)

8.1 Mr. Morey displayed an aerial map of the location. The current Land Use Map shows the future use as Residential Medium Density. The existing zone is RA1. This is adjacent to the Town Center Zone to the west, and it is also adjacent to the RA2 zone to the east. He displayed the use table for the proposed zone. There is a potential for someone to ask for this property to be rezoned to the Town Center zone which would have more impact on the adjacent residential. When the applicant brought this application to staff, they felt it might be an appropriate residential transition. It is denser than single-family homes would be, but it is still residential in nature and is less dense than a commercial component

might be. The Planning Commission voted 3 to 2 in favor of this request. There was some concern about what the impact might be. There is no site plan available; however, there might be as many as 72 units at this location with maybe 20 employees.

[8:14:32 PM](#)

8.2 Councilmember Colbert asked the building height in the IC zone. Mr. Morey replied it is thirty-five feet, which is consistent with the residential.

[8:15:07 PM](#)

8.3 Councilmember Rappleye asked if someone proposed a single-family home in this area, what the typical zone request would be. Mr. Morey noted right now it is zoned RA1, and there is RA2 next to it.

Councilmember Rappleye stated there is typically more density allowed when it is within walking distance of transit, which this property probably is. This property is also adjacent to the CC zone. This area could conceivably be rezoned to R4 or R5. That could be more of an intense use than this one.

[8:17:32 PM](#)

8.4 Stan Ketcher and Michelle Ketcher, 711 East Pioneer Road, stated they are the owners and operators of Beehive Homes of Draper. They opened Beehive Homes of Draper in April of 2010, and they currently serve 35 senior adults. Most of those residents lived in Draper or have a son or daughter that lives here, and half of their staff lives in the Draper area. There is a need for additional assisted care in the area, so they would like to expand their business. This zone change will allow them to continue to serve the residents in the city, and it will allow them to provide quality assistance for decades to come.

[8:20:14 PM](#)

8.5 Councilmember Colbert asked whether they have learned anything from their current location that they would do differently if this were approved. Mr. Ketcher explained they would add more parking.

[8:20:35 PM](#)

8.6 Councilmember Rappleye said he had the opportunity to attend a birthday party over there for a 100-year old resident. He indicated he lost his mom over two years ago, and she was in a facility similar to this one; however, it was not as high of quality. He said he appreciates this type of care being offered.

[8:21:37 PM](#)

8.7 Councilmember Summerhays commented that his mother lived in the Beehive facility, and he appreciated the care she was given there.

[8:22:40 PM](#)

8.8 Mayor Walker opened the public hearing.

[8:23:07 PM](#)

8.9 DeVere Anderson, 1434 East Blacksmith Lane, said the Beehive Home facility is a very nice facility; however, this is the wrong location for this type of facility. This zone change does not conform to the General Plan. He read from the staff report pertaining to the rezone. He noted the traffic on Pioneer Road going west comes to a standstill at the entrance to his development. The proposed number of employees will generate approximately forty vehicle trips each day.

[8:26:54 PM](#)

8.10 Sam Leaver, 12533 Forge Way, noted Pioneer Road already has traffic congestion. The people living on the east bench have no other way of exiting the area except Pioneer Road. This is a two-lane road, and there are no current plans to widen the road. There is a concern with fires and accidents that could block the ability to evacuate the residents.

[8:30:14 PM](#)

8.11 Howard Tullis, 12579 Forge Way, stated he has lived in Willow Bend for twelve years, and he has seen the traffic increase due to the new development in the city. This zoning request will exacerbate the problem. Due to the curve in the road, it is difficult to see the oncoming traffic. He has been told that at one point there was a request to rezone this property for townhomes but the City Council denied that request. He requested the City Council deny this request and suggested the developer put this use in more of a commercial area. Currently, none of the commercial uses exit onto Pioneer Road. The reception center exits onto 1300 East. He reiterated that he would like the Council to deny this application.

[8:33:12 PM](#)

8.12 Sheryl Carlson, 1449 East Pioneer Road, stated she is not against change or development, but she believes this is the wrong location for this type of use. She said she is not sure why they need a transitional phase from the corner as it would work well as residential. This is an extremely dangerous road. Traffic comes very fast around that curve, and there is a blind spot. She said the road should be addressed before this is approved. Mr. Carlson expressed that the rezone will downgrade the home values in the area.

[8:34:50 PM](#)

8.13 Barry Andrus, 532 East Stokes Avenue, thanked the City Council for taking this matter under consideration. He stated he is representing the property owner that wants to sell this property. Over the past year, they have had many developers contact them with a desire to put a high-density housing project at this location. He noted the Beehive Home use will have less impact than a housing development would.

[8:36:35 PM](#)

8.14 Christine Keyser, 1418 Forge Way, stated she was reading the zoning purpose on the City website, and she thought it might be beneficial for those present to remember why the City zones area in the first place. She noted the zones were intended to protect the stability of the neighborhoods, encourage collectively new diverse housing options, and protect existing residential uses. The predominant use in these zones is intended to be

detached single-family dwellings. She asked the City Council to consider this as they make their decision.

[8:38:12 PM](#)

8.15 Ed Ross, 1419 Forge Way, noted he is the homeowner association president for the Willow Bend development. He stated the residents of Willow Bend are torn as to whether or not this should be approved; however, all of them are concerned about the current traffic congestion and the danger along that street. There needs to be something done to protect the residents in the area.

[8:41:20 PM](#)

8.16 Dennis Toland, 1725 East Blackhawk Drive Pleasant Grove, said he and his partner own the franchise for Beehive Homes. They just opened their 40th location in Utah in Park City. They are in 17 states, and have over 150 homes. They did not expect this to grow so quickly. The average age of the residents in their homes in Utah is 85 years old. They currently only have 2 residents in their homes in Utah that drive, and both of them live in St. George. All of the homes have private rooms with private bathrooms. They hire the staff to care for the residents 24 hours a day. The Beehive Homes are all single-story, and they are built to accommodate the residents. They are a very quiet neighbor, and the City has a lot of control over how the building looks. The biggest reason for wanting to come to a location like this is because the residents have lived in Draper, and they want to stay here. Mr. Toland noted this property is going to be sold, and the end result could have more density than this application. He said they would be good neighbors no matter where they are.

[8:44:41 PM](#)

8.17 Mayor Walker closed the public hearing.

[8:44:51 PM](#)

8.18 Councilmember Summerhays commented that some time ago the City Council ran into a similar situation. As people know, the Federal government trumps State law and the State law trumps the City Code. Whether the City wants this use here or not, the Fair Housing Act prohibits Cities from discriminating against the protective classes. He said he is not sure if this falls into that category or not. The City was involved in a law suit because they turned down a development, and they lost. The same thing could happen again. Councilmember Summerhays noted he has to keep that in mind when he makes those decisions because he does not want to cost the City more money.

[8:47:02 PM](#)

8.19 Mayor Walker noted this item will appear on the next business meeting agenda for City Council consideration.

[8:48:14 PM](#)

**** Councilmember Rappleye moved to take a ten-minute break. Councilmember Summerhays seconded the motion.**

[8:48:24 PM](#)

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

** *The meeting resumed at 8:58 p.m.*

[8:58:52 PM](#)

9.0 Public Hearing: Resolution #14-67 for Amending the FY2015 General Fund Budget.

9.1 Bob Wylie, Finance Director, reviewed the proposed budget changes as follows:

- FY15-020 Public Works
 - Increase Streets and Fleet budgets for the costs related to snow plowing operations in the Traverse Ridge Special Service District.
 - Amount of requested budget amendment for the Streets is \$159,911.
- FY15-020 Traverse Ridge Special Service District (TRSSD)
 - These expenditures in Streets and Fleet are for the labor, salt usage and fleet costs. Revenue will come from the TRSSD. The additional amount will be allocated to revenue in the General Fund for the lease space at the Fire Station and for the Overhead Administration.
 - Amount of the requested amendment for Fleet is \$125,560.
- FY15-021 Bear Canyon Suspension Bridge
 - Ralph Wadsworth Construction will be constructing the 160' suspension bridge across Bear Canyon. The total estimate of the project is approximately \$130,000 with donations provided by Ralph Wadsworth Construction, WaterPro, and the Corner Canyon Trails Foundation. The funding from the City will allow the bridge width to be upsized from 5' to 6', and help close the gap in the funding that is needed to complete the project. Funding will come from the fund balance in the CIP Fund.
 - Amount of the requested amendment is \$30,000.
- FY15-022 Suncrest Open Space Master Plan
 - Funds would be used to hire a consultant to assist with the development of the master plan for Suncrest open space. Funding for this item would come from the CIP fund balance.
 - Amount of the requested budget amendment is \$80,000.
- FY15-023 Galena Loop Trail
 - DR Horton will be constructing approximately ¼ mile of the Galena Loop Trail, linking the existing paved trail at approximately 12100 South 500 West to 12300 South. Funds will be used to provide reimbursement to DR Horton for the actual costs of the trail construction. This project is impact fee eligible at 49 percent. Funding will come from CIP fund balance and Park Impact fees.
 - Amount of the requested budget amendment is \$25,500 (CIP Fund Balance) \$24,500 (Park Impact Fees) \$50,000

- FY15-024 Staffing Chart
 - Amend Staffing Chart for FY2015. The Engineering Division is requesting to reclassify two Engineer III's to Senior Engineering Managers and reclassify the Engineer II to an Engineer I. The cost for reclassifying the Engineers will come from existing savings within the department. The Finance Department is requesting to create a new Assistant Finance Director position and eliminating the Senior Accountant position. The Finance Department is also requesting to create a new full-time Purchasing Clerk position. The additional cost for the Assistant Finance Director and Purchasing Clerk will come from the General Fund - Fund Balance.
 - Amount of the requested budget amendment for the Purchasing Clerk is \$30,695. Amount of the requested budget amendment for the Assistant Finance Director position is \$6,244.

[9:04:39 PM](#)

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

[9:04:51 PM](#)

9.4 Councilmember Vawdrey moved to approve the FY 2014-15 General Fund Budget Amendments. Councilmember Rappleye seconded the motion.

[9:05:19 PM](#)

9.5 Councilmember Vawdrey noted she went through all of the proposed changes, and they all seem like reasonable requests.

[9:05:29 PM](#)

9.6 Councilmember Rappleye said they have had lengthy discussions about splitting the responsibilities of the purchasing agent and treasurer. There are some issues that can be resolved by doing this. He supports the other budget amendments as well.

[9:06:00 PM](#)

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

[9:06:19 PM](#)

10.0 Action Item: Agreement #14-248, for approval of an Interlocal Agreement with the Traverse Ridge Special Service District for services provided by the City of Draper.

[9:06:33 PM](#)

10.1 David Dobbins, City Manager, noted this is the same Interlocal agreement the Council approved for the TRSSD.

[9:06:50 PM](#)

10.2 Councilmember Rappleye moved to approve Agreement #14-248. Councilmember Summerhays seconded the motion.

[9:07:16 PM](#)

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

[9:07:35 PM](#)

11.0 Public Hearing: Resolution #14-66, Authorizing Filing of Eminent Domain Action on 1300 East for the Purpose of the Road Widening Project.

[9:07:46 PM](#)

11.1 Glade Robbins, Public Works Director, stated the City is in the process of acquiring properties to widen 1300 East. The construction is scheduled to start next year. There are over 50 properties they have had to acquire. There are four properties that they have not been able to come to an agreement with, and this is the first step in the process in order to move forward with the project.

[9:08:53 PM](#)

11.2 Mayor Walker opened the public hearing.

[9:09:04 PM](#)

11.3 Sherry Clark, 922 East Cherry Wood Circle, stated her parents owned property on 1300 East. She said she does not have a problem with this; however, the property is in a trust, and there is no one to sign this over to the City. She was under the impression that her parents had already taken care of this. Ms. Clark said she is not sure how to move forward to get this resolved. They are trying the best they can. Their property sits very low, and they are wondering what can be done with drainage so the water does not go into their barn.

[9:11:41 PM](#)

11.4 Troy Spratt, 12840 South 1300 East, stated he has been dealing with Maureen Bachman since March, and he has over thirty-seven emails trying to resolve this. Now that the construction needs to start, it is an issue. Two of the three parties have agreed to sell the right-of-way, but there are title issues they are trying to clear up. They are not contesting the offer that has been made. There is an option for "Right to Occupy" that Maureen has been trying to get them to agree to. They are fine doing that while working through the title issues.

[9:13:43 PM](#)

11.5 Mayor Walker closed the public hearing.

[9:14:13 PM](#)

11.6 Councilmember Summerhays asked how they can clear up the title. Mr. Robbins noted staff can help them work through it if they are willing to do that.

[9:14:39 PM](#)

11.7 Councilmember Rappleye questioned whether the City would have to go forward with the eminent domain if the property owners are okay with the right to occupy option. Mr.

Robbins indicated they would still have to do eminent domain because the Utah Department of Transportation will not let the City proceed with the contract or construction until they have the property. This will not affect the property owners in a negative manner. It just moves the process along.

[9:15:22 PM](#)

11.8 Councilmember Stenquist moved to approve Resolution #14-66. Councilmember Rappleye seconded the motion.

[9:15:36 PM](#)

11.9 Councilmember Colbert reiterated that this action is not meant to be adversarial. The City just needs to move forward with this process.

[9:16:11 PM](#)

11.10 Councilmember Rappleye thanked the residents that spoke tonight. He noted it helps the City Council understand what the issues are.

[9:16:42 PM](#)

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

[9:16:56 PM](#)

12.0 Action Item: Ordinance #1128 & #1129 - Edelweiss Text, Zoning Map Amendment, and Development Agreement, for approval of the Edelweiss Text, Zoning Map and Development Agreement, which will create a new zoning category, and rezone the property to the new Edelweiss category along with a development agreement. Request is being made by Nate Shipp representing DAI for approximately 61.05 acres at approximately 2025 East Stoneleigh Drive.

[9:17:33 PM](#)

12.1 Mr. Morey noted the purpose of this action tonight was for staff to obtain answers to questions the City Council had. There were also changes requested to the development agreement. Mr. Morey reviewed the changes that were made as follows:

- Future Security Gate. Developer shall install a security gate across the emergency access road at such time that it is deemed appropriate by the Fire Authority. Such gate shall be built to the standards of Section 503.6 of the International Fire Code.
- Trailhead Facilities and Trails. Developer agrees to construct at its expense the trailhead, associated parking and restroom identified on the Master Plan in connection with the first phase of development of the Project. The City shall construct the trails identified on the Master Plan in connection with the Developer's development of the Project, provided that (a) the Developer shall reimburse the City for the City's reasonable, actual out of pocket expenses, not to exceed \$9,000.00, in constructing the trails identified on the Master Plan within a reasonable period of time following notice to Developer of the amount of such expenses, and (b) the trails shall be designed and constructed

as natural trails, matching generally the width and quality of the biking and hiking trails into which such trails are to connect.

[9:20:29 PM](#)

12.2 Councilmember Colbert noted staff is saying they measured the road widths and they are twenty-two feet. Mr. Robbins advised that is correct.

Councilmember Colbert expressed concern with where the snow will be placed on these streets while still maintaining access. He stated it does not feel safe to him to have the large trucks going in and out of there.

Mr. Robbins responded that there are sections where the snow can be placed. It could get difficult if there is a large storm.

Councilmember Colbert then asked whether staff has any additional recommendations for turn lanes on Traverse Ridge Road to help with peak travel times and the deceleration lane coming down Traverse Ridge in the morning. Mr. Robbins advised the additional lane to accommodate the traffic will need to be addressed if it becomes an issues.

Councilmember Colbert questioned whether there is room to accommodate for the additional lane. Robert Markle, Engineer, explained there are a couple of options for the deceleration lane. There is enough room to eliminate a downhill lane coming out of the four-way stop, and they could stripe a center turn lane. They would still have the right-turn lane going into Stoneleigh Heights. The developer has also looked at doing a build out to keep the lane and add the center-turn lane.

Councilmember Colbert said there are comparisons with traffic volumes with the Road in Eagle Crest that turns onto SunCrest Drive, and the road width for that access point is quite a bit wider. It also has much longer visibility. He said he may be at a disadvantage because he lives up there, but he does not think this will work. He is not comfortable running this amount of traffic, including construction traffic, through the existing narrow roads.

[9:26:32 PM](#)

12.3 Councilmember Summerhays stated he has the same concerns with the snow as Councilmember Colbert has.

[9:27:06 PM](#)

12.4 Councilmember Colbert asked how many cars would be able to stack with the turn lane. Mr. Markle replied the minimum for a turn lane is typically at least 100 feet, and there is a 90-foot gap to get into the lane. In this case, there are several hundred feet.

Councilmember Colbert clarified he is talking about the lane turning out of Stoneleigh Heights. Mr. Markle explained there is thirty-three feet, so they can fit three lanes. They can have a left turn and a right turn coming out and one going in. That can be striped, and based on the numbers that came with the traffic study and the volumes on Traverse Ridge

Road, he does not see a huge cue time for people waiting to make a right or left turn out of there. There is not a consistent traffic flow because the stop sign is so close. He does not anticipate a cue up of twenty to thirty cars trying to get out of Stoneleigh Heights on a regular basis.

[9:29:08 PM](#)

12.5 Councilmember Summerhays asked whether staff saw a significant change in the traffic count in the morning and night and during the day. Mr. Markle indicated the study showed an eleven percent increase in traffic in the peak hours.

[9:30:11 PM](#)

12.6 Councilmember Stenquist moved to approve Ordinance #1128 and #1129. Councilmember Rappleye seconded the motion.

[9:30:30 PM](#)

12.7 Councilmember Stenquist said this is a significant decision. He has had the opportunity to go up to this property a couple of times, and it really makes a big difference to walk the property and see the topography. It will be a gorgeous place to live. The views are beautiful. It made him feel that it will not be as large an impact as he had originally thought. His biggest concern is the impact to the neighbors in Stoneleigh Heights. He said he wished he could go back in time and adjust the road widths, but it will be something that has to be managed.

[9:31:52 PM](#)

12.8 Mr. Morey noted that if the City Council is interested in a specific striping pattern, it would be appropriate to include that in the motion.

[9:32:07 PM](#)

12.9 Councilmember Stenquist said the striping is something that will be helpful, but he is not sure it is necessary to include it. They can do the striping any time according to how the project develops.

[9:32:42 PM](#)

12.10 Councilmember Vawdrey advised she would rather see the striping happen before there is a problem.

[9:33:09 PM](#)

12.11 Councilmember Rappleye indicated he is of the opinion that the striping would be better done sooner rather than later. There is also a concern about the winter weather. The developers want safe access for their trucks, so he believes they will do everything they can to safely manage it.

[9:34:06 PM](#)

12.12 Mr. Dobbins said they will need to include language in the agreement itself that states when this will be done and who will pay for it. He suggested they have the developer pay for it, and it can be done at the discretion of the City Engineer.

[9:34:40 PM](#)

12.13 Councilmember Summerhays said he has big concerns with where they will put the plowed snow when there is a big storm. The solution is to have long and wide roads with a place to dump it, but that is not going to happen here.

[9:35:30 PM](#)

12.14 Councilmember Colbert noted he did not hear whether the developer was able to get the emergency access road. Mr. Morey noted the Fire Department feels that they can access the crash gate without needing more width. They have resolved the issue because the Fire Department does not have to have permission to access on a private road. They automatically have that. There is enough room to access the area, and the Fire Department is comfortable with it.

Councilmember Colbert then questioned who will pay for the reconstruction that will be needed on Stoneleigh Heights Road. It will need it after all of the construction traffic up there.

[9:37:05 PM](#)

12.15 Councilmember Vawdrey moved to amend the motion to include that the restriping needs to be added to the development agreement, it will be paid for by the developer, and it will occur prior to occupancy of the development. Councilmember Stenquist seconded the motion.

[9:38:49 PM](#)

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

[9:39:52 PM](#)

12.17 Councilmember Colbert moved to amend the motion to include that the developer completes a full overlay of Stoneleigh Heights Drive and Haddington Drive after the completion of the project. Councilmember Summerhays seconded the motion.

[9:41:58 PM](#)

12.18 Councilmember Stenquist stated he has not heard of the City requiring this of any other developer before, and he is not sure this is fair.

[9:42:33 PM](#)

12.19 A roll call vote was taken with Councilmember Colbert and Councilmember Summerhays voting yes and Councilmember Vawdrey, Councilmember Rapple, and Councilmember Stenquist voting no. the motion failed for lack of a majority vote.

[9:43:17 PM](#)

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

[9:43:54 PM](#)

13.0 Action Item: Amendment of Cranberry Hills 18 Planned Unit Development Agreement, Request to amend the Cranberry Hills 18 Planned Unit Development Agreement. The project is located at approximately 491 E. Kimballs Lane.

[9:44:11 PM](#)

13.1 Mr. Morey explained there is a development agreement for this project; however, one of the properties does not meet the lot width required in the City Code. The developer has asked whether the development agreement can be amended to allow that lot width to move forward with an exception.

[9:45:18 PM](#)

13.2 Chris Gamvroulous, Ivory Development, noted the last page of the proposed amended development agreement has the original concept plan with the proposed lot. The original request in the development agreement was to allow the same number of lots, and it was an oversight on the developer's part that the lot width did not meet City Code. He asked the City Council to make one simple amendment in order for them to go before the Planning Commission on December 4th for preliminary plat approval.

[9:47:13 PM](#)

13.3 Mr. Dobbins clarified that the City Code requires an eighty-foot width, but this will be going down to sixty feet.

Mr. Gamvroulous indicated it is still a buildable lot. They are just pushing the house back further from the street.

[9:49:03 PM](#)

13.4 Councilmember Rappleye moved to approve an Amendment to the Cranberry Hills 18 Development Agreement. Councilmember Vawdrey seconded the motion.

[9:49:19 PM](#)

13.5 Councilmember Rappleye noted he is concerned about the sixty-five foot width. His children live on one of the corners like that in Herriman, and it makes for a weird driveway. However, he trusts that Ivory can do something to make that work better.

[9:49:42 PM](#)

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

[9:49:58 PM](#)

14.0 Action Item: Cottages at Country Oaks Amended Development Agreement, Request to amend the Cottages at Country Oaks Development Agreement, which modifies Exhibit B (site layout plan) and changes the text to show twenty new homes instead of twenty-four.

[9:50:17 PM](#)

14.1 Mr. Morey displayed a map of the subject property. The original development agreement had some specific language regarding the number of homes. They had planned to have twenty-four homes with the horse shoe shaped area; however, they would like to change it to remove the horse shoe area, and only have twenty homes.

[9:51:45 PM](#)

14.2 Councilmember Rappleye moved to approve an Amendment to the Cottages at Country Oaks Development Agreement. Councilmember Colbert seconded the motion.

[9:52:41 PM](#)

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

[9:52:58 PM](#)

15.0 Action Item: The Parc at Day Dairy Plat Amendment, Request to amend the Parc at Day Dairy subdivision plat, located at 523 East 12300 South.

[9:53:13 PM](#)

15.1 Mr. Morey displayed an aerial map for the Parc at Day Dairy project. This action is to amend the plat to reflect changes made necessary due to the change of utility lines.

[9:53:59 PM](#)

15.2 Councilmember Vawdrey moved to approve an Amendment to the Parc at Day Dairy Plat. Councilmember Rappleye seconded the motion.

[9:54:23 PM](#)

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

16.0 Adjournment

[9:54:43 PM](#)

16.1 Councilmember Summerhays moved to adjourn the meeting. Councilmember Rappleye seconded the motion.

[9:55:13 PM](#)

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