

Approved March 31, 2015

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MARCH 17, 2015, 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; Tracy Cowdell, 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

Dinner

1.0 Discussion: Solid Waste Pickup in Cul-de-sacs and Circles

[6:02:10 PM](#)

1.1 Steve Hullinger, Public Works Solid Waste, showed a video of the garbage truck picking up the garbage in a cul-de-sac. The truck had to back up multiple times in order to pick up the various cans placed along the sidewalk. This is very dangerous, and they have had a few instances of the trucks hitting fences and mailboxes. He expressed concern that school will be out soon, and the children will be playing in the roadways. That is a large safety concern for him. Mr. Hullinger proposed the City Council change the City Code to require the residents in the cul-de-sacs to place their garbage cans in a line in the center of the cul-de-sac. This will go a long way to improve the safety of garbage pickup.

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1.2 Subsequent to Council and staff discussion, it was agreed to have an ordinance brought back for Council consideration.

2.0 Discussion: Budget Revenues

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2.1 Bob Wylie, Finance Director, reviewed the anticipated revenue for Fiscal Year 2016 as follows:

- Sales Tax - \$9,300,000
- Property Tax - \$7,289,900
- Energy Use Tax - \$3,443,800
- Licenses and Permits - \$2,553,700
- Misc and Transfers - \$2,278,800

- Charges for Services - \$1,834,300
- Franchise Tax - \$1,440,950
- Intergovernmental Grants - \$143,100
- Fines and Forfeitures - \$617,300

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2.2 David Dobbins, City Manager, advised staff is planning to present a flat budget this year.

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3.0 Council/Manager Reports

[6:27:41 PM](#)

3.1 Councilmember Vawdrey noted the Draper Community Foundation would like to prohibit campaigning in the Draper Days Parade. She asked whether that is allowed. Mr. Dobbins advised the City provides funding to the Foundation for several activities throughout the year, and the parade is one of them. In the past, they have had a limited number of spots available in the parade, and certain officials have asked to be included after the deadline and when all of the slots have been filled. This really is the Foundation's parade, and the City does not necessarily want to tell them what to do.

Russ Fox, Assistant City Manager, noted the problem is that the City provides the funding for the parade, and the City cannot limit the freedom of speech.

The group discussed options such as having a set number of entrants and firmly limiting it to that number and a deadline. Staff advised they will speak with the Foundation to see what will work best.

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3.2 Councilmember Colbert asked whether the Council has hotel rooms for the League Conference. He was told they did.

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3.3 Mayor Walker stated he attended the Youth Council dinner last week at Utah State Univeristy. There were comments made about raising money. The Youth Council talked about setting up a 501(c)3; however, he does not think that is a smart thing to do. He recommended the City increase the Youth Council budget a little bit, and he also suggested the City assign a staff member to run this group.

Mr. Dobbins noted that is a challenge with the existing employees because this job entails a lot of afterhour's activities and overtime. He stated they could look into hiring a part-time employee to run the program.

Mayor Walker said this is a great program, but a dedicated employee can make it even better. It is hard for the parent volunteers.

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3.4 Mr. Dobbins indicated Councilmember Summerhays and Councilmember Vawdrey had requested a change to the Equestrian Board. Right now the Board requires nine members and five alternates. The Council has suggested seven members with three alternates. There is no one currently appointed to that Board. The City Council will have to amend the ordinance pertaining to that Board, and appoint new members.

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4.0 Adjourn to a Closed-Door Meeting to Discuss Litigation, Property Acquisition, and/or the Character and Professional Competence or physical or Mental Health of an Individual

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4.1 Councilmember Stenquist moved to adjourn to a closed-door meeting to discuss property acquisition. Councilmember Summerhays seconded the motion.

[6:49:02 PM](#)

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

Business Meeting

[7:28:40 PM](#)

1.0 Call to Order

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

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2.0 Presentation: Police Department Annual Report

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2.1 Bryan Roberts, Police Chief, reviewed the annual report with the Council. Some of the information included:

- 2014 Crime Statistics
 - Draper has one of the lowest crime rates in Salt Lake County
 - 23,779 calls for service
 - Resulting in 11,688 case reports
 - 934 arrests
 - 9 use of force
- 2014 Miscellaneous Statistics
 - Training Hours total 5,969; Average 140 Hours/Employee
 - Community Policing & Outreach
 - 169 Total Events; 9,328 involved Youth; 8,005 Adults
 - 11,001 services provided by our Police Records Division
 - 1,258 calls for service for Animal Control Services
 - 1,268 walk-in customers served at the Animal Shelter

- 57 pet adoptions; 571 licenses issued
- 2,303 hours of shelter care
- 2014 Awards & Recognition
 - Police Officer of the Year – Mike Elkins
 - Support Employee of the Year – Jon Campbell
 - Lifesaving Medals
 - Sergeant Mathew Coe
 - Officer Taryn Culverwell
 - Sierra and Armani Montgomery
 - Brett and Krysten McCormack
 - Distinguished Service Award – Rachel Miller, Crime Victim Services
 - Citizens Meritorious Service Award – Mary Bailey, Corner Canyon High School Principal
 - Excellence in Service Awards
 - Officer Tim Herbert
 - Buzz Coyle
 - Police Officer Wives
 - Jamie Fackrell
 - Kelli Carpenter
 - Stephanie Elkins
 - Amii Willie
 - Brittany Barnes
 - Adriana Evans
 - Jamie Larsen
 - Salute Your Blue Award – Detective Wes Land
 - Presented by Sergeant Derek Johnson Family
 - 2014 Sergeant Derek Johnson Community Service Award – Officer Jeremy Barnes
- 2015 Goals
 - “Focus on Our Core”
 - A comprehensive assessment of core functions
 - Enhance community outreach
 - Employee Development
 - Reduce crime

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2.2 Councilmember Summerhays asked whether they have body cameras for every officer now. Chief Roberts stated they do.

Councilmember Summerhays then asked whether they turn on automatically or whether they are manual. Chief Roberts explained they have to be manually turned on. There is a button on the device that the officers push.

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3.0 Public Comments

3.1 No one came forward to speak.

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4.0 Consent Items

- a. Approval of February 20-21, 2015, City Council Retreat Minutes**
- b. Approval of March 3, 2015, Minutes**
- c. Approval of Resolution #15-18, Appointing David Cloward as the Tree Commission Chair.**
- d. Approval of Agreement #15-37, Interlocal Cooperation Agreement with Salt Lake County for joint ownership of sewer laterals for Southfork and Wheadon Farm Parks. Staff: Glade Robbins**
- e. Approval of Agreement #15-38, Logan Simpson Design Inc. for consultant services in developing the Open Space Master Plan. Staff: Glade Robbins**
- f. Approval of Agreement #15-43, This Contract is for the mowing and maintenance of small parks and landscaped areas located throughout the city. This includes mowing and weed control and removal in park strips, small parks, street medians, open space areas, etc. The work was advertised and requests for bids solicited. Nine bids were received, with Lawn Butler submitting the low bid at \$64,595.39. References were checked and we recommend the City Council award the contract to Lawn Butler. The bid tabulation and contract documents are attached. Staff: Glade Robbins**
- g. Approval of Windsor Mill Final Plat, Request for approval of final plat for a 17-lot subdivision on 7.01 acres in the R3 zone located generally at 11450 South 800 West. Staff: Keith Morey**
- h. Proclamation: Fair Housing Month - April**

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4.1 Councilmember Rappleye moved to approve the consent items. Councilmember Colbert seconded the motion.

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

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5.0 Action Item - Consideration of Resolution #15-16, Authorizing Draper City to Enter into an Interlocal Cooperation Agreement by and Between Draper City, Utah (the “City”) and the Redevelopment Agency of Draper City, Utah (the “Agency”); Outlining the Terms and Conditions Related to a \$2,000,000 Loan from the Agency to the City; and Related Matters

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5.1 Russ Fox, Assistant City Manager, noted this is an Interlocal Agreement with the Redevelopment Agency in reference to the \$2,000,000 loan for the Lonepeak Parkway Extension. This action establishes the funding for building that road. The City has

received State funding for the construction, and this is just a six month loan so the construction can begin on the project.

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5.3 Councilmember Vawdrey moved to approve Resolution #15-16. Councilmember Rappleye seconded the motion.

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

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6.0 Action Item - Amending the Draper Business District LLC Development Agreement Consideration and Approval of Addendum #1 to the Draper Business District LLC Development Agreement; and Related Matters

[7:59:04 PM](#)

6.1 Mr. Fox indicated this is the development agreement amendment, which states if the State funding does not come through by December 31, 2015, the developer will cover the costs of the RDA loan.

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6.2 Councilmember Rappleye moved to approve the Draper Business District Development Agreement. Councilmember Vawdrey seconded the motion.

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

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7.0 Action Item - Consideration of Resolution #15-19, Designating an Assessment Area for the Purpose of (i) Levying Assessments Against Properties Within the Assessment Area to Finance the Construction and Installation of Road, Sewer, Storm Water, Culinary Water and Related Improvements, (ii) Estimating the Amount of the Assessments to be Levied and the Method of Assessments, and (iii) Generally Describing the Period Over Which the Assessments are to be Paid; and Related Matters

[8:01:11 PM](#)

7.1 Mr. Fox noted this item establishes an assessment area for the White Mountain Business District properties. The property owner is willingly establishing this assessment area, so there is no need for the thirty-day protest period. The reason for the assessment is to pay for the road construction, storm/sewer/water, etc.

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7.2 Councilmember Colbert asked whether this is different from a special service district where the property owners can decide they do not want to pay or belong to it.

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7.3 Jason Burningham, LYRB, said this is the City's security if the State money does not come through. It is ultimately an assessment on the property, which guarantees the City will be paid back. It is good because the road improvements will go in, and the developer is constructing three to five buildings. The current value of the land is roughly \$5-6 million. Once the buildings go up, so will the value. The City could foreclose on the entire project should the developer not pay the loan back.

Mr. Burningham then noted Section 11 of this agreement does not include the correct number, that number should be \$2,400,000. He asked the Council to make that correction a part of their motion.

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7.4 Councilmember Colbert moved to approve Resolution #15-19 as amended to include the \$2.4 million change. Councilmember Rappleye seconded the motion.

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

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8.0 **Action Item: Consideration of Resolution #15-17, Authorizing Draper City, Utah to Issue Interim Warrants for the Purpose of Financing the Construction of Improvements in Connection with the Draper-White Mountain Business Park Assessment Area, Authorizing the Execution and Delivery of Such Warrants by the Mayor and City Recorder; and Related Matters**

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8.1 Mr. Fox said this is the final document involved in this action. The interim warrants are being issued by Washington Federal. This item will allow the City to start construction of the road. The purchase agreement was amended today, so it is different than the one that was included in the packet.

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8.2 Tracy Cowdell, City Attorney, noted Mike Barker had come up with language that cleans up the indemnification in accordance with Utah law, so that change has been made.

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8.3 Councilmember Stenquist moved to approve Resolution #15-17 as amended. Councilmember Rappleye seconded the motion.

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

[8:08:39 PM](#)

9.0 Action Item: Agreement #15-42, Acknowledgement and Release by and Between BG Vista Station, L.C., EMC Corporation, Draper City, and the Redevelopment Agency of Draper City

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9.1 David Dobbins, City Manager, advised this agreement will allow EMC to purchase property, and it relieves them of the responsibilities of the development agreement. Those responsibilities will be retained by the seller.

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9.2 Councilmember Rappleye moved to approve Agreement #15-42. Councilmember Vawdrey seconded the motion.

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

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10.0 Public Hearing: Request for Approval to Amend the Ptarmigan Pointe Phase 2 Subdivision Plat by Dividing Lot 201 into Two Parcels, to be known as Lot 201A and Lot 201B. The Property is Zoned RA2 and is Located at 13128 Grouse Pointe Cove

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10.1 Keith Morey, Community Development Director, displayed a map of the subject property. There is some history on the property with old sheds and vehicles being stored there, and this action will help clean up that area. The applicant is proposing the lot be divided into two parcels so an additional home can be built on one of the lots. The existing home will remain. The Planning Commission voted to approve this application.

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

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10.3 Councilmember Stenquist moved to approve the Ptarmigan Pointe Phase 2 Subdivision Plat. Councilmember Colbert seconded the motion.

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

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11.0 Public Hearing: Resolution #15-15, Presentation and Public Hearing on Reopening and Amending the Current Fiscal Year 2015 Budget

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

- **FY15-040 RDA**
 - The Redevelopment Agency is loaning the City the principal amount of \$2,000,000.00 to be used by the City to fund a \$2,000,000.00 debt service reserve fund in connection with the Interim Warrants.
 - Amount of requested budget amendment is \$2,000,000.
- **FY15-041 Lone Peak Parkway**
 - Add additional money to complete the Lone Peak parkway extension. Funding will come from the issuance of the Interim Warrants from Washington Federal Bank.
 - Amount of the requested amendment is \$2,000,000.
- **FY15-042 300 East Road**
 - Staff is ready to proceed with the design and Right of Way cost for the 300 East road project. This phase of the project is estimated at \$670,000 which would be funded with Transportation Impact Fees. The total project is estimated at \$2.45 million.
 - Amount of the requested amendment is \$670,000 (Transportation Impact Fees).
- **FY15-043 Streets Maintenance**
 - Staff has identified streets and roads within the city to begin maintenance work on. Funding for these projects would be appropriated from the B&C fund balance. Attached are both a map and a list of the roads that have been identified.
 - Amount of the requested amendment is \$2,400,000.
- **FY15-044 Mike Weir Drive**
 - Mike Weir Drive is in need of reconstruction. Staff is ready to proceed with this project. The cost estimate for this project is \$850,000. \$700,000 of the cost is already budgeted in the B&C FY15 budget. Another \$150,000 is requested to complete the project. The additional money would be appropriated from B&C fund balance.
 - Amount of the requested amendment is \$150,000 (B&C Fund Balance). Transfer \$700,000 from B&C Operational funds to Capital Projects for Mike Weir Drive.

The Council and staff discussed the various road construction projects. The Council asked for a prioritized list of those projects.

- **FY15-045 Draper Pointe**
 - Draper City is reimbursing both Transportation and Storm Water Impact Fees to the developer for the cost incurred installing both road and storm water improvements as provided in the approved

reimbursement agreement. Funding for this request will come from the impact fees.

- Amount of the requested budget amendment is \$110,764 (Transportation Impact Fees).

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

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11.3 Councilmember Rappleye moved to approve Resolution #15-15. Councilmember Colbert seconded the motion.

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11.4 Councilmember Rappleye expressed appreciation for the detail that was provided for the budget amendments. The Councilmembers get a lot of questions from the residents, so this is very helpful.

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

[8:26:44 PM](#)

12.0 Action Item: Approval of Agreement #15-03 with Wardell Brothers Construction, Inc. for the Lone Peak Parkway Extension Phase I Roadway Project

[8:26:59 PM](#)

12.1 Glade Robbins, Public Works Director, stated this is for the Lone Peak Parkway Extension Project that has been discussed all evening. Wardell Brothers was the low bidder on the project.

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12.2 Councilmember Vawdrey moved to approve Agreement #15-03. Councilmember Rappleye seconded the motion.

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

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13.0 Action Item: For approval of Agreement #15-40 with Staker Parson Companies for the Mike Weir Drive Reconstruction Project

[8:28:40 PM](#)

13.1 Mr. Robbins displayed a map of the Mike Weir Project. This was bid out, and Staker Parson was the low bidder. The estimate was \$850,000, and the bid came in lower than that.

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13.2 **Councilmember Rappleye moved to approve Agreement #15-40. Councilmember Stenquist seconded the motion.**

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

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14.0 **Council/Manager Reports**

[8:30:36 PM](#)

14.1 Mr. Dobbins reminded the City Council that they will be meeting on March 31st. They will have dinner at 5:30 p.m. and then will hold a joint meeting with the Planning Commission at 6:00 p.m. There will be a business meeting after that to take care of a few business items.

The City Council is not meeting on April 7th but will meet on April 14th and 21st instead.

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14.2 Mayor Walker indicated the Legislative session has ended, and Draper fared very well in the session. The transportation bills passed, and it took a lot of good lobbying to get approval from the Legislature.

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15.0 **Adjourn**

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15.1 **Councilmember Colbert moved to adjourn the meeting. Councilmember Rappleye seconded the motion.**

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

The meeting adjourned at 8:35 p.m.