

Approved September 6, 2016

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, AUGUST 16, 2016, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy Walker, and Councilmembers Bill Rappleye, Jeff Stenquist, Alan Summerhays (left the meeting at 8:55 p.m.), Marsha Vawdrey, and Michele Weeks

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

Dinner

Study Meeting

1.0 Discussion: Equestrian Center Bleachers

1.1 Brad Jensen, Engineer, reviewed the concept plan for the bleachers at the Ballard Arena.

Mr. Jensen then displayed two options for parking at the Cycle Park. Option Two has 75 regular parking stalls and 18 equestrian stalls. It also removes the old pump track that no one uses anymore. The cost for this option is \$68,000. Option One would add 125 regular parking stalls and 33 equestrian parking stalls. They would have to bring in dirt to build up the berm. They would also have to reroute the trail. The cost for this option is \$110,000.

David Dobbins, City Manager, explained the Council discussed this earlier, and three of the Councilmembers wanted to go with Option One. That is the option that is being included in the budget amendment this evening. He stated if the Council is interested in going with Option Two, they will have to make that a part of the motion.

Councilmember Summerhays, Councilmember Rappleye, and Councilmember Vawdrey still liked Option One. Councilmember Stenquist and Councilmember Weeks preferred Option Two.

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Mr. Dobbins reviewed the items on the Business Meeting agenda with the City Council.

Business Meeting

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1.0 Call to Order: Mayor Troy K. Walker

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2.0 Thought/Prayer and Pledge of Allegiance

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2.1 Chase Rubisch, Scout Troop #1405, offered the prayer.

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2.2 Steve Schaugaard led the pledge of allegiance.

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3.0 Public Comments

To be considerate of everyone attending the meeting, public comments will be restricted to items not listed on this or a future agenda and limited to three minutes per person. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.

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3.1 Kevin Fisher, resident, explained that he lives on the corner of Pioneer Road, and noted that it is a disaster area in terms of residential yards and traffic concerns. Mr. Fisher stated that while he maintains a beautiful yard, three of his neighbors have junk yards. Furthermore, he has to walk children across the street because drivers do not stop at the intersection near his house. He stated that Pioneer Road is the public thoroughfare for Wasatch Boulevard, and explained that the Draper Police Department has not taken the necessary actions to slow traffic in that area. Mr. Fisher stated that there have been three accidents on that road, and he does not want to see a child killed as a result. He requested that a public walkway be installed in order to mitigate these concerns. Lastly, Mr. Fisher expressed concerns with the availability of Fire and EMS services in the community, and encouraged the Council to stay with the Unified Fire Authority.

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3.2 Craig Steiner, resident, thanked the City's Public Works Department for fixing the water pressure issue in Stoneleigh Heights. He stated that their efforts have made a huge difference to their neighborhood.

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3.3 Nathan Lambson, resident, proceeded to make comments regarding an upcoming agenda item. Mayor Walker advised Mr. Lambson to hold his remarks until the public hearing is opened for that item.

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3.4 Kim Agnew, Sandy resident, noted that she owns horse property in Draper. Ms. Agnew stated that she wished to comment on the overpass that will be put in at 13200 South, which will conjoin with Highland Drive. She requested that the City take into

consideration the amount of traffic from horses and pedestrians which use that street, and that a path be built that is sufficiently wide for all forms of traffic.

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3.5 Ray Bryant, resident, stated he met with the Draper Police Department about a month ago regarding drivers running the stop sign at the intersection of Pioneer Road and 700 East. Mr. Bryant stated that he has noticed in the past week that the Draper Police Department has had officers out there ticketing people for running the stop sign. They are doing what they can to mitigate the situation. He walks around the park every day, and in one particular week he almost got hit four different times at the intersection in question.

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4.0 Consent Items

- a. **Approval of August 2, 2016, City Council Meeting Minutes**
- b. **Approval of Agreement #16-172, with S&L, Inc. for the 11950 South Lone Peak Parkway Widening Project**
- c. **Approval of Agreement #16-173, Federal Aid Agreement Modification #2 with UDOT for the 13800 South; Bangerter to 300 East Project**
- d. **Approval of Resolution #16-46, Consideration for Adoption of a Resolution of the City Council of the City of Draper, Utah Authorizing and Approving the Execution and Delivery of a Master Lease Agreement by and Between the City of Draper and the Municipal Building Authority of the City of Draper, Utah (The “Authority”), and a Ground Lease Agreement; Authorizing the Issuance and Sale by the Authority of its Lease Revenue Refunding Bonds, Series 2016, in the Aggregate Principal Amount of not More Than \$3,000,000; and Related Matters**

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4.1 **Councilmember Stenquist moved to approve the consent items. Councilmember Summerhays seconded the motion.**

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

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5.0 Public Comment: Resolution #16-42, Consideration of Draper City Giving Notice to the Unified Fire Authority and Its Members of the City's Intent to Withdraw from Membership in the Unified Fire Authority

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5.1 Mr. Dobbins explained that Draper City is a part of the Unified Fire Authority (UFA), which is comprised of Draper City, Cottonwood Heights, Holladay, Alta, Salt Lake City, Magna, Herriman, West Jordan, Brighton, Kearns, Snowbird, Copperton, Taylorsville, Riverton, Midvale and Eagle Mountain. The UFA is governed by a 12-member board, of which Draper City has one seat and is filled by Mayor Walker. The UFSA is a separate

taxing authority, which implements a separate tax on properties within their District. The tax rate for the taxing District is .001884. If Draper joins the District, then the tax rate would apply to all property owners in Draper City. Currently, Draper's tax rate is .001438 and the City's taxable value is \$4.2 billion; therefore, this generates approximately \$6.1 million in property tax revenue for the City each year. Draper City's annual direct payment to UFA is approximately \$4.2 million. This amount of money that the City collects in property tax would be reduced, and the taxing authority would be turned over to the District. This would then leave the City with approximately \$2 million in total property tax revenue. Mr. Dobbins explained that if the UFA were to turn around and use their current property tax rate and apply it to Draper City's taxable value, it would generate approximately \$8 million in revenue.

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5.2 Councilmember Stenquist clarified that the City's property tax rate does not specifically cover fire service. He wanted to know if the City were to join the District, whether or not State law would require the City to take the entire amount of money that they pay for fire service and reduce the City's taxable amount.

Mr. Dobbins stated that this would not be required. As a Council, they have the authority to determine what the City's new property tax rate would be, excluding the fire services portion. They could adjust that rate so that the entire \$4.2 million would no longer be collected by the City, but would rather be collected by the District.

Councilmember Stenquist asked if the City would be required to go through a truth-in-taxation hearing in order to set a new tax rate.

Mr. Dobbins stated that it would be in the City's interest to go through a truth-in-taxation hearing, so as to make Draper residents and UFA aware of the new tax rate. Mr. Dobbins clarified that the District would set the fire services portion of the tax rate. Councilmember Stenquist stated that if the City joins the District and adds the new taxing authority, the City would have to decide how to adjust Draper City's property tax rate to compensate. Mr. Dobbins said that this assessment was correct.

Mr. Dobbins explained that the District would determine the annual tax rate for fire services, and they may decide that given the amount of revenue, they could lower the overall tax rate for everyone in the District to collect less than what staff is projecting. Councilmember Stenquist asked that if the citizens don't agree with the new tax rate set by the District, would they then have to approach the UFA board, which consists of members from different cities. Mr. Dobbins answered affirmatively, and explained that Draper is currently part of UFA through an interlocal agreement, which they joined in 2004. The City's current fiscal year payment is \$4,227,623, which is collected through the City's General Fund, the distribution of which is determined by the City Council.

Mr. Dobbins explained that UFA collects ambulance revenue for service calls within Draper City. Ambulance services generate about \$600,000 annually, which fluctuates from year to year. Currently, there is a part-time firefighter at the SunCrest Station which

is fully funded by UFA; therefore, the City will need to cover this position at some point in the future. Some people believe that the City's current fire stations are understaffed. Mr. Dobbins outlined the expenses involved in adding new positions based on UFA's numbers. He then noted that Draper owns three fire stations; Station #105 is located at 12300 South, Station #114 is otherwise known as South Mountain Station, and Station #122 is the station in SunCrest.

Mr. Dobbins explained that there are three options for the City to consider moving forward. First, they can continue to do as they have done in the past, which is to remain a member of UFA, but not as a member of the Taxing District. Draper would continue to collect property & sales tax revenue within the City and then the Council would determine how to distribute the funds. The second option is to become part of the Taxing District. The third option is for Draper to form its own Fire Department. Mr. Dobbins then reviewed the revenues and expenditures of each option.

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5.3 Councilmember Summerhays asked if the \$600,000 to which Mr. Dobbins was referring for ambulance services would come back to the City if they were to not pay for this service through UFA.

Mr. Dobbins explained that the City used to have its own ambulance license, and they ran their own ambulance service. The license was transferred over to UFA in 2008. In 2008, the revenue Draper actually collected from ambulance revenue was \$520,000. He explained that the amount that is billed is roughly double what is actually collected. Currently, UFA is billing and collecting all ambulance revenue directly. The City pays \$4,225,000 out of the City's budget, and UFA then collects an additional amount of money for ambulance services. He reiterated that this revenue fluctuates from year to year.

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5.4 Mr. Dobbins explained that UFA has a per firefighter rate, which is determined by the UFA board. Essentially, UFA takes the entire budget and divides it by the number of firefighters to determine this rate. If a firefighter is added, the fully loaded rate is between \$125,000 and \$145,000, which covers three additional shifts, depending on whether or not the ambulance cost is also accounted for in the rate. If Draper City forms its own separate Fire Department, the City would decide how to staff the fire stations in their city. The total costs for personnel would thus be determined by the number of firefighters and whether or not they are hired on as part-time or full-time.

Mr. Dobbins explained that UFA provides a lot of benefits to the City, and made reference to a recent fire up in Hickory Ridge. UFA is a large organization, and their wild lands team has done a wonderful job responding to fires in Draper. Other services which are calculated into the firefighter costs include the warehouse, training, paramedic school, a Fire Marshal that is specifically assigned to Draper, the apparatus fleet, specialty programs and station maintenance. Mr. Dobbins stated that UFA has a lot of

resources and has the ability to respond to situations throughout UFA and throughout the County. UFA also provides backup to outside cities.

Mr. Dobbins explained that if Draper continues to do what they are doing as a UFA member City, one important question that needs answering is what the staffing level should be as recommended by both UFA and the union. Mr. Dobbins reiterated that comments from the public have been made about the City's Fire stations being understaffed. He explained that if Draper joins the District, the City would determine how to reduce the current tax rate so that taxpayers of Draper are not paying more for City services. Mr. Dobbins opined that if the City does not pay for UFA fire services through the General Fund anymore and instead goes through the Taxing District, they should offset the amount paid by the citizens. As was previously explained, this would reduce the City's total property tax revenue from \$6 million to under \$2 million. Mr. Dobbins elaborated on possible scenarios in which rates and revenues would change as a result of the City joining the Taxing District.

Draper's third option is to form its own independent Fire Department. The interlocal agreement with UFA provides an option for the City to cancel their membership with UFA by adopting a Resolution, which is on the agenda later in this meeting. This Resolution gives notice to UFA that the City would be withdrawing in 12 months. Technically, it does not state that the City is withdrawing immediately, it just provides the notice. Mr. Dobbins stated that the City owns the buildings where fire stations are located, and they pay a fully loaded rate for all of the firefighters. Mr. Dobbins stated that the City has paid for the apparatuses that are being used; therefore, he was of the opinion they should expect some portion of that to be retained by the City. Draper would hire all of their own personnel, and they would also take back the ambulance service using the license that was transferred to UFA in 2008. As part of the Resolution, the City would be notifying UFA that if they pull out of the interlocal agreement, then they would request that license to be returned to the City. The additional revenue from this service would be collected by the City and not UFA.

Mr. Dobbins presented the current staffing model, noting that it came directly from UFA. He presented the following staffing information for the Fire Stations located in Draper, as they are currently staffed through UFA:

- Station #105: two full-time firefighter paramedics and one full-time firefighter
- Station #114: two full-time firefighter paramedics, and two part-time ambulance personnel that were recently added.
- Station #122 (SunCrest): two full-time firefighters, and one part-time firefighter. It was noted that the part-time position is fully funded by UFA and not Draper; therefore, the City can't expect UFA to continue funding this position.

Mr. Dobbins explained that the Administrative/Executive personnel within UFA are shared within the District. Assistant Chief Kelsey is currently assigned to Draper and he attends meetings. While UFA has a Fire Chief, he is shared within the District and not

directly assigned to Draper City. UFA provides a total of 28.5 full-time employees who are specifically assigned to Draper.

Mr. Dobbins explained that if the City formed their own Fire Department, the staffing would be very similar to what they already have through UFA. He presented the following information for the Fire Stations located in Draper, if the City were to form its own separate Fire Department:

- Station #105: a Captain, Engineer, and several fire fighters, one of which would be part-time and serve as back up.
- Station #114: a Captain, Engineer, Medic, and several firefighters that would either be full or part-time, with one firefighter serving as regular backup.
- Station #122: a Captain, Engineer and a part-time employee.

If Draper formed its own Fire Department they would also hire their own Fire Chief, two Battalion Chiefs, a Fire Marshal and one Executive Assistant. There would be a total of nine Captains, as a Captain would be assigned to each of the three shifts. The total number of employees would be 30 full-time and 12 part-time, which would cover all of the shifts.

Mr. Dobbins explained that one of the concerns that they have received is that part-time firefighters are difficult to manage in terms of staffing. Staff expects that this would be a similar issue regardless of which direction the City takes in providing fire services. Mr. Dobbins said that there are other cities that are not part of UFA that belong to an organization called Metro Fire. Metro Fire is established through interlocal agreements, but they are not a separate tax agency that taxes directly. Mr. Dobbins presented a chart which displayed the capacity within Metro Fire. Draper would likely enter into an agreement and work closely with other interlocal agencies to provide training, hiring, and purchasing services.

If Draper formed its own Fire Department, the costs in the first year would be \$3.6 million, which includes the possible need for the City to purchase all of their own equipment. The annual fiscal costs moving forward would be \$5.1 million in the second year and \$5.2 million in the third year. Mr. Dobbins reiterated that the ambulance revenue fluctuates every year. He explained that in further researching the matter, Mr. Dobbins discovered that other cities billed and collected at a similar rate as UFA. A few other cities collected at a higher rate.

Mr. Dobbins explained that if the City's anticipated revenue comes in lower than what they are expecting, the current budget can accommodate such an amount. He noted that the last time taxes were raised in Draper was in 2007, and there haven't been any other increases since that time. Mr. Dobbins acknowledged that the Mayor and Council expect to not have the taxes in the City raised. Therefore, staff developed these figures within the existing budget in order to accommodate any shortage they might have within the revenue that they get from the ambulance service. Mr. Dobbins provided further review of the numbers previously presented in each of the three options. He explained that the

City pays a little over \$4.2 million directly to UFA each year, and the differences between UFA and a City-operated Fire Department are attributed to adding in ambulance revenue, as well as the part-time staffing position at SunCrest for which the City will ultimately take responsibility in the future.

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- 5.5 Councilmember Summerhays asked for further clarification on why net revenue generators wouldn't subtract rather than add to the overall annual budget.

Mr. Dobbins explained that when UFA determines the City's firefighter costs, they look at the budget; the ambulance revenue then lowers the total costs to the City. Therefore, if the City were to supply their own ambulance revenue, UFA would bill Draper \$4.2 million plus the revenue that UFA no longer receives directly through ambulance services. The City would have to then pay UFA that additional amount to reach the total amount due. In other words, either the City collects the revenue and pays it to UFA, or UFA collects the revenue directly thereby reducing the City's annual UFA payment.

Councilmember Summerhays asked if these were proven facts as outlined in the City's paperwork with UFA. Mr. Dobbins replied that this is how the system has been explained to him.

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- 5.6 Councilmember Stenquist asked if the first year costs for the Fiscal Year 2016-17 includes \$3.6 million in start-up costs for a City-operated Fire Department, in addition to what the City pays UFA.

Mr. Dobbins answered affirmatively, noting that these would be the start-up costs if the City had to purchase all new equipment. Councilmember Stenquist asked if they were primarily discussing apparatuses, and not necessarily tanks and other personal equipment. Mr. Dobbins stated that this was correct; that the initial start-up amount would cover all of the hard costs for City to start their own Fire Department. The \$3.6 million would cover the costs of purchasing apparatuses.

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- 5.7 Councilmember Weeks asked if the City would be spending \$8 million on fire over the next year, and Mr. Dobbins answered affirmatively.

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- 5.8 Councilmember Stenquist stated that the exact start-up costs are dependent upon what happens with the apparatuses, which was confirmed by Mr. Dobbins as being correct. Mr. Dobbins added that if UFA doesn't turn any of the apparatuses over to the City, then the City is prepared to purchase their own. At that point, the City would seek to purchase the equipment from UFA on a discounted rate based on the current payout value, thereby lowering the start-up costs.

Councilmember Stenquist recalled that when the City joined UFA, they also donated some apparatuses as well, for which they would seek some form of compensation. Mr. Dobbins stated that the interlocal agreement indicates that whatever apparatuses the City provided UFA will be returned to the City. Mr. Dobbins again reiterated that Draper City pays a fully loaded rate for their firefighters, and that the numbers presented are anticipated projections. They anticipate that their numbers may be slightly off, in that the City's revenue may be higher or lower. However, as previously explained, the City is ready to cover any additional costs that are incurred within the existing budget.

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5.9 Councilmember Weeks asked if the proposal includes any of the expenses specifically allocated for the wild lands. She stated that this is one of her primary concerns, especially with the recent fire in the mountains near SunCrest. She asked how much additional money is needed to ensure that the wild lands are protected.

Mr. Dobbins responded that staff didn't budget specifically for the wild lands. Rather, the City would look at how to provide services for the wild lands as a department. The City would work with the Chief in identifying resources and other establishing agreements with other agencies that would be willing to provide backup on wild land fires. When purchasing new apparatuses, the City would need to anticipate the need to use that equipment to cover all types of fires, including those that take place in the wild lands.

Councilmember Weeks asked if this would incur additional costs, to which Mr. Dobbins stated that additional costs may possibly be incurred. Councilmember Weeks stated that UFA spends a lot of time in the mountains cleaning brush, thus making sure that there are fire breaks; this type of work requires a lot of man hours. She asked if the City would need to add these man hours to the budget, and Mr. Dobbins replied that they could be added. Mr. Dobbins added that the City has directly funded resources to the wild lands; for example, the City funded the use of goats to graze on dry brush as a clearing method. Mr. Dobbins explained that the goats were paid for in part with a grant and a few other resources. He noted that UFA has also provided some of those expenses in past out of their own budget.

Councilmember Weeks stated that the State requires a certain amount of prevention in order for the City to be covered by the State resources in the event of a major emergency. Mr. Dobbins clarified that the City has allocated for those associated costs within the budget. He also noted that right now UFA pays the Salt Lake Valley Emergency Communications Center (VECC) dues for Draper City for fire service; if Draper leaves UFA then the City would become responsible for paying those dues, which would also be allocated within the budget.

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5.10 Councilmember Rappleye stated that he is of the understanding that backup is called for various areas. He asked if Draper City would have an agreement with Metro Fire if the

City moved forward in forming its own Fire Department, thereby ensuring extra coverage.

Mr. Dobbins explained that Metro Fire is comprised of the cities that have formed interlocal agreement to participate in mutual aid agreements, purchasing, training etc. However, Metro Fire is not a separate agency. Metro Fire's staff is the staff within each of the respective municipal fire departments.

Councilmember Rappleye was of the understanding that within Metro Fire each participating fire department takes on a certain specialty, such as heavy rescue or wild land protection. Mr. Dobbins stated that some agencies will take on certain roles and provide expertise in specific areas. Therefore, if another City needs a specific resource, then they can call upon another City for assistance.

Councilmember Rappleye stated that in the past, one of the reasons why Draper was brought to this juncture is that they were experiencing increases from UFA every year. In his experience, there have been 3% to 5% increases each year. Mr. Dobbins stated that this is mostly correct, and noted that there have been some years where the increase have been 0% because UFA understood that all of their member cities were struggling financially, and therefore they were accommodating. Mr. Dobbins confirmed Councilmember Rappleye's assessment that typically increases are 3% to 5% annually. UFA has to pay their firefighters, and they need to account for merit and cost of living increases.

Councilmember Rappleye asked if in addition to owning fire houses in Draper, the City takes on the responsibility of maintaining and repairing the buildings. Mr. Dobbins stated that these needs are covered by a mix of resources. Sometimes the firefighters mow the lawn and provide snow removal. However, Draper City primarily oversees maintenance and general care of the facilities, while UFA covers the utilities. If Draper forms their own department, the utility costs will be transferred to the City, which are allocated within the budget.

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5.11 Councilmember Weeks asked if VECC expenses are based on dispatch and not based on wild lands. She stated that she was confused as to why wild lands and VECC are similar or tied together. Mr. Dobbins stated that the two are not tied together. He explained that VECC is just for dispatch services, and the fee is based on the number of calls. Councilmember Weeks asked if the City would still have to supply special equipment, training, or other resources, in order to protect the wild lands. Mr. Dobbins answered affirmatively. He compared this scenario to the City's Police Department specifically hiring personnel to patrol corner canyon; special training is provided to those officers.

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5.12 Councilmember Summerhays asked if there is State and/or Federal funding available for the clearing the wild lands. He made mention of personnel who have gone up into the wild lands to do clearing work, and wanted to know if they were affiliated with either the

State or Federal Government. Mr. Dobbins stated that most of the clearing to which Councilmember Summerhays was referring was done through UFA. UFA receives grant funding, and helps the City acquire the funds for this service. Councilmember Summerhays asked if the City would be responsible for obtaining their own grants for this service if an independent Fire Department is formed, and Mr. Dobbins answered in the affirmative.

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5.13 Mayor Walker opened the meeting for public comment.

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5.14 Jerry Thomas, resident, expressed concerns with the Resolution, and stated that currently the City has the “cream of the crop” in terms of fire protection. Mr. Thomas stated that he does not see why a change needs to be made. He pointed out that based on staff’s projections it will cost the City more to form their own department. He said that UFA has some of the best training in the State, and that it is his understanding that all UFA firefighters are paramedics. UFA has great response time, and he has never heard anybody complain about their level of service. Mr. Thomas specifically stated that ‘if it’s not broken, there is no need to fix it’. He continued that UFA does a lot for the City; in addition to services they provide, Mr. Thomas has seen UFA members at Draper Days and shopping locally. He stated that he does not think the City can do any better in terms of fire protection. Mr. Thomas asked if the City will be able to provide comparable wages and benefits packages to their own fire employees, as compared to what UFA currently offers. Mr. Thomas stated that he heard on the news that Draper City has the second lowest wage structure in the valley for their Police Department. He concluded that if the City wants to get the “cream of the crop” in terms of personnel, then they need to be willing to pay the best wages.

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5.15 Jeremy Robertson, representing Salt Lake County Firefighters and Employees of Unified Fire Authority, stated that they have great respect for Chief Mike Kelsey, and that they will defer much of the detail of the presentation to him. Mr. Robertson stated that Chief Kelsey does a great job as Fire Chief. He expressed his thanks to City Staff and elected officials for the improvements that they have made to UFA’s response capabilities in the last year. He stated that these conversations have taken place regularly over the last 12 months, as the City has added a basic life support ambulance to Station #114, where Mr. Robertson is employed. He explained that the basic life support ambulance has dramatically changed and improved the efficiency between Stations #105 and #114, on 12300 South and Highland Drive, respectively. Mr. Robertson said that these types of efficiencies are the same type of efficiencies that UFA is committed to providing, and he asked that the Council make this consideration as they work through their various options for providing fire services to the Draper community. Mr. Robertson stated that UFA understands that this is a Council decision, and that they will make a collective decision that they feel is best for the citizens of Draper. He said that it is UFA’s obligation as Draper’s current Fire Department to present a quality product at a reasonable price that the citizens can afford.

Mr. Robertson stated that on the other hand, UFA has to take some exception with the factual accuracy of the presentation that was presented by Mr. Dobbins. He said that he learned the source of the numbers that were presented only within the last eight to 12 hours. Furthermore, he noted that several people have committed offline to continuing the conversation with UFA, that tonight's decision does not necessarily effect how they move forward, and that UFA will have an opportunity to respond. Mr. Robertson stated that the cost per firefighter is a concrete number which Mayor Walker helped set as part of the UFA board. Mr. Robertson noted that the cost per firefighter is \$132,208. However, he clarified that firefighters are not being paid this much in salary; this figure also covers all of the overhead per firefighter as well. UFA is prepared to provide these services. Mr. Robertson stated that UFA was shocked to see this presentation released after 5:00 pm last Friday evening, and that UFA feels that they need an opportunity to respond. His plea is that the Council would not serve UFA with a 12-month eviction notice.

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5.16 Mike Kelsey stated that he is the Unified Fire Assistant Chief, and the liaison to the City of Draper. He asked that the City make several considerations as they review their options for fire and medical protection in the City of Draper. Chief Kelsey stated that UFA has worked with Draper for the last 20 years. He said that 18 years ago, he was the Engineer at station #105 which was the only station at the time, and they covered all of Draper. In 2004, Draper was the first City to join UFA, and Chief Kelsey expressed that he has felt that they have had a great partnership with the City since that time. In the last 12 years they have opened three stations in Draper, and UFA has provided some of the best fire protection in the State of Utah. Most UFA firefighters stationed in Draper have been in the city a long time and are very familiar with the Draper community. They are veteran firefighters and are good at their jobs. UFA has worked hard to increase staffing at Station #114. Chief Kelsey reported that there was a major fire on August 3rd at 1:49 a.m., and UFA saved 39 homes in mitigating this fire.

Chief Kelsey asked the City to make the following considerations when discussing the option of forming a separate Fire Department. First, it requires nearly four individuals to fill one role within a fire department. Chief Kelsey noted that UFA's budget last year was \$58 million, and they collected almost \$7 million in ambulance revenue. Before charging cities, they reduce the overall amount by what is collected in these ambulance fees. He asked staff and elected officials to meet with UFA to further discuss numbers and make clarifications, and requested that the Council vote against the proposed Resolution. There are things that need to be clarified, and UFA is willing to assist the City in working through each option. Lastly, Chief Kelsey stated that UFA would like to continue their partnership with Draper City.

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5.17 Steve Ball, resident, noted that he sent an email to the Council in the last couple of days. He expressed appreciation to Mayor Walker for responding to that email. He reiterated that the benefit of UFA is the pooled services that the City won't have if they go out on

their own, even if they were to enter into an interlocal agreement with Metro Fire. Draper City already has access to these types of resources which are built into the cost per firefighter. Various specialties are already available to the City regardless of the emergency, with some of the most certified and experienced personnel in the State being ready to respond to such needs. He asked that the Council vote “no” to the Resolution. Mr. Ball stated that as a homeowner and taxpayer in Draper, he would prefer to join the District, and would not mind paying a little more out of his property taxes in order to adequately fund a high quality Fire Department. At minimum, he feels that Draper should remain a UFA member City.

Mr. Ball pointed out that by staff’s own numbers, the City would be paying \$1 million more per year for a decreased level of service. If the City forms their own department, then they will not have access to the pooled services which UFA provides its member cities. Mr. Ball stated that he did not see the reasoning behind Draper choosing to rely on Metro Fire to provide services to which they already have access through UFA. Furthermore, if Draper can’t provide any services to the other communities within Metro Fire, other communities would have little incentive to extend their services to Draper. Mr. Ball explained that Mr. Dobbins’s presentation did not address Draper having any specialty units, which will ultimately cost the City even more. He said that in Mayor Walker’s email response to Mr. Ball, the Mayor emphasized the importance of having local control. Mr. Ball stated that while he also believes in the value of local control, it also requires local participation. Based on his research, Mr. Ball stated that Mayor Walker has only attended 10 of the last 34 UFA Board meetings since he has been the Mayor, which is less than 30% of the meetings. Mr. Ball addressed Mayor Walker directly by asking that if he isn’t the community’s voice on the UFA board, then who is speaking for the local citizens at the UFA. Mr. Ball concluded that this is a question which needs answering.

[7:56:24 PM](#)

5.18 Chad Smith, resident, stated that like most people, he wants to have the best of both worlds; i.e., he wants to have low taxes and high services. Over the last decade that he has lived in Draper, he has seen a lot of wild fires. He said that it seems like Draper has a bigger risk than most areas for wild lands, and in making this statement he referenced Councilmember Weeks’s previous remarks on the subject. Mr. Smith stated that he only heard about this issue a couple of hours ago and decided to come down to the meeting to learn more. Mr. Smith stated that there are 100 brush units in Metro Fire. If Draper forms their own Fire Department, they are going to have a ramp up period where certain things are learned along the way. Mr. Smith pointed out that there will be economies of scale, and opined that staying with UFA would be the safe route; however, he said that he is open to being convinced that pulling out from UFA could be the better option. Mr. Smith said that he is sensing a rush and urgency on the City’s part, and that he is not sure why this is the case. He commented that his gut reaction is to deny approval of the Resolution until the City has had more time to gather the information which remains outstanding. Mr. Smith said that he is up to considering all options, and he thanked elected officials for doing a great job of managing the citizens’ taxes and services. He expressed that Draper is a great City with responsible leadership. In conclusion, Mr. Smith stated that he would

appreciate staff and elected officials taking more time to meet with UFA, and to better inform the citizens on how forming an independent Fire Department would be a good investment, and that it wouldn't leave the City too vulnerable, especially in the start-up years.

[7:59:39 PM](#)

5.19 Andrew Hatton-Ward, Draper Business owner and past City Manager, stated that the options presented tonight can't even be discussed unless the Council votes to approve the proposed Resolution. Based on how the interlocal agreement is set up, there is no opportunity whatsoever to discuss or negotiate the bottom line with UFA. By passing this Resolution tonight, the City will have the option to negotiate and work through the details; in fact, they may even end up contracting with UFA again next year. However, if the City doesn't pass this Resolution tonight, the City simply has no other choice but to continue with their current arrangement with UFA. Mr. Hatton-Ward explained that the bottom line of the matter is that this Resolution gives the City the option to negotiate and to flush out the best economic decision for Draper City. As a business owner in Draper, Mr. Hatton-Ward wants the City to have the best deal, and if the Resolution isn't passed, then they will not have a chance to negotiate for the best deal.

[8:01:35 PM](#)

5.20 Greg Reynolds, UFA Firefighter, asked the Mayor and Council what level of service they want for the City. He explained that UFA recruits go through 800 hours of training before they hit the streets. If Draper forms its own Fire Department, he asked how the City plans on providing a similar level of training. Mr. Reynolds argued that the City will not have this capability, whereas UFA already has those training hours built into the cost. Mr. Reynolds stressed that UFA firefighters are highly trained. He explained that he has been the Battalion Chief over fire training for 16 years; therefore, he runs the academies and he knows that standard by which UFA personnel are trained. He said that if Draper forms their own department, they will be lowering the level of service provided to the citizens of Draper. He requested that the Mayor and Council further review all of the numbers that were presented this evening before making a final decision.

[8:03:50 PM](#)

5.21 Shaun Michel stated that he owns 80 acres, also known as "the shoebox", on top of the mountain. He said that there are certain things in life where the bottom line is the most important thing; however, he feels that service is most important in this case. He believes that this principle applies for police, teachers, and firefighters. Mr. Michel expressed concerns with what kind of service Draper citizens would get if an independent department was formed. He concluded that he doesn't mind paying a little more, provided that they continue receiving a quality service. He encouraged the Council to make their decision based on what will be best for the community.

[8:04:46 PM](#)

5.22 Nate Shipp, resident, stated that as a father he appreciates the service of the public safety personnel who responded when his son, who is a toddler, had to be rushed to the hospital because he was unresponsive. Mr. Shipp stated that the professionalism and passion

shown by UFA responders is unmatched. His family directly benefited from the service of those individuals and their availability. Mr. Shipp appreciates that nobody has questioned that professionalism tonight throughout the course of this discussion. Furthermore, Mr. Shipp stated that nobody has said or suggested that the City's employees aren't anything but the best. He expressed that he respects the fact that this discussion is not an easy one to have, and he appreciates that the City is taking the time to evaluate where they are, and to make decisions on what is best for the citizens of Draper. Mr. Shipp said that this is a tough call, especially when such high emotions are involved. He concluded that he, along with several of his neighbors, is willing to pay a little bit extra to make sure that they receive quality services. However, even with that being said, it doesn't mean that they as a City shouldn't have this conversation.

[8:06:58 PM](#)

5.23 Matt Burchett, resident, presented several photographs of members of his family, and pointed out that at some point everyone needs to call 9-1-1. Mr. Burchett thinks that based on tonight's presentation, there is still a lot more knowledge that everyone needs to have in order to make the best judgment. He stated that he lives in SunCrest and expressed concern with wild lands. Mr. Burchett said that while wild lands were briefly discussed, he could not see any long term solution for protecting them in the future, should the City form an independent Fire Department. He recommended that the Council not vote on this item tonight.

[8:08:33 PM](#)

5.24 Steve Larsen, resident, stated that he has been involved with several fires that have come close to his home and neighborhood. Mr. Larsen echoed previous comments pertaining to the professionalism of the firefighters who protect the community. He noted that while there has been mention of other cities possibly lending support for various areas of expertise, this support will be contingent upon the availability of apparatuses, and whether or not they are being used in their own cities. Many of those cities, Sandy in particular, do a jump program where they jump from one apparatus to another depending upon the call. Therefore, if another city is on an EMS call, their heavy rescue can no longer respond, which means that the residents of Draper are left without those resources. Mr. Larsen expressed concerns with how taxing through the UFA District was presented. He made reference to Mr. Ball's remarks regarding Mayor Walker's participation on the UFA Board. He stressed that Mayor Walker is Draper's spokesman, and opined that Mayor Walker has failed the citizens in this regard due to the recent issues with the upper echelon of the UFA administration. Mr. Larsen asked if there will be similar patterns if the City forms their own department. He inquired as to why the City has not pursued similar staffing levels through UFA in relation to the numbers that were presented for the creation of an independent Fire Department. He concluded that in the past, they have had an officer shot and killed, and additional EMS personnel may have been the difference between life and death in certain emergency situations.

[8:11:51 PM](#)

5.25 Jessie Carpenter, UFA Firefighter, expressed concerns with the staffing model that was presented, noting that he did not see paramedics at Station #122. Mr. Carpenter stated

that the response time for apparatuses coming from Station #114 is 10 minutes, based upon the fact that he drives by the Station every day. If they were to go five miles per hour faster, then they might get to their destination a few minutes faster; however, that would not change the outcome of what could be in a true emergency. Mr. Carpenter stated that as a SunCrest resident, he is also concerned with the wild lands. He explained that they've lived in an area where field moistures are low. Mr. Carpenter stated that he works for UFA as a Wild Land specialist on the UFA's Wild Land Bureau, and he travels around the country fighting forest fires. He noted that his division trains other divisions within UFA. Personnel in other divisions do not have the professional dedication to fight forest fires to the same extent as his designated crews do. Wild land crews are there to specifically protect the urban interface, just as personnel in other divisions are there specifically to address their specific area of concern. Mr. Carpenter echoed previous comments about joining the Taxing District, and expressed that he felt that this would be the best option for Draper City.

[8:15:05 PM](#)

5.26 Riley Pilgrim, UFA Firefighter, stated that his specialty is fighting wild land fires, and noted that he is the Battalion Chief over UFA's Wild Land Division. In working with the State of Utah, it has been determined that Draper City is one of the highest risk wild land urban interface communities in the entire State, out of 611 communities. This is due in large part to SunCrest and the foothills. There have been multiple fires up in that area, and as proven last week there have been several close calls. UFA has some unique services that no other departments within the State of Utah can provide. First, they can provide mutual aid agreements with the State of Utah, thereby allowing Captains to order resources on the City's behalf. Resources include air tankers, helicopters, aircraft, and resources from forest service. The State of Utah gives UFA this authority in part because of their qualifications. UFA has several Type III Commanders who can manage complex urban interface fires. If Draper City is going to rely on the Metro Fire or neighboring agencies to provide such services, they won't get the exact same service that they got the other night on the fire that occurred in SunCrest. Lastly, Mr. Pilgrim mentioned that there is the new wildfire reduction strategy in place, and Draper City's current contribution is \$47,000. He explained that 50% of this contribution is in fuel mitigation, and the other 50% is split between infrastructure improvements and training/education. UFA received over \$250,000 due to relationships they have with the State in order to provide that resource, thereby allowing UFA to meet a match amount from Draper, provided that Draper remains a UFA member city. If not, then this expense will fall entirely on the City to pay for the service and/or negotiate expenditure of resources from the State of Utah.

[8:18:30 PM](#)

5.27 Oscar Ward, resident, noted when he started his career he worked for another fire department, and he ended up leaving in order to go to a bigger, better department. Mr. Ward stated that there were certain services that they were unable to provide as a two station department. He explained that he is a firefighter paramedic, and that everybody who wears that vest strives to give their best. However, firefighters are limited to the type of training that they are provided. Mr. Ward stated that the Council should take time

to get more information before making a decision. He concluded that sometimes the best opportunity is not necessarily the one that saves the most money.

[8:19:56 PM](#)

5.28 John Sumner, UFA Firefighter, stated that he last sat in a City Council meeting in Midvale. He was facing losing his job and the future of his wife and four kids. He stated that UFA came in and saved their backs during a difficult time. At the time, he stayed in Midvale and worked on a hazmat team, where he had an opportunity for growth and movement; benefits that he did not have in a small department. Mr. Sumner stated that there are unlimited opportunities for training and advancement in UFA, and he is grateful to be a part of the organization. Since he has been in service to Draper City, Mr. Sumner has attended community events and activities, and he has frequented local businesses with his family. Mr. Sumner stated that he has become Draper; he is Draper. Mr. Sumner said that it breaks his heart, because while the City has done research on this decision, they still do not have all of the facts. Furthermore, he doesn't agree with the information that has been presented. Mr. Sumner said that it hurts his feelings that there aren't more people here in the room to support UFA while the Council deliberates on this matter. He stated that there are a lot of people who love Draper like he does. Mr. Sumner petitioned that Council to represent Draper, and to fill this room with individuals who have an opinion on the issue before they make this big decision. He thanked the Mayor and Council for their time.

[8:22:23 PM](#)

5.29 Shawn Benjamin, resident, stated that he has attended many Draper City Council meetings. Mr. Benjamin explained that he has a lot of family and friends who either currently or have formerly served in fire departments, both unified and otherwise. He said that they all have a love for what they do, and they all have an ability to step into the face of danger. Mr. Benjamin expressed deep appreciation for the service that UFA personnel have offered to the community, and noted that he has been a recipient of their work. Mr. Benjamin wondered if it's enough to make this matter a business transaction and simply look at it from a numbers perspective. If that's the approach the City takes, then it is vital for the Council to have all of the correct information, so that they can make the best decision. Mr. Benjamin said that there are points that need to be clarified. He inquired on the City's ability to claim ownership of any apparatuses that aren't already paid for directly by the City. Mr. Benjamin stated that he is confident that UFA personnel give their all to their duties. He suggested the possibility of creating an interlocal agreement with UFA for specifically covering wild land services, if that is not something that can be offered locally. He encouraged the Council to hold off on a making a decision tonight.

[8:25:15 PM](#)

5.30 Mayor Walker closed the public comment.

[8:25:26 PM](#)

5.31 Councilmember Weeks stated that she is a new member of the Council, and when this was presented to her she was very concerned about the City creating its own Fire

Department. She lives on the east bench where the fire on Hickory Ridge just occurred. Her home is next to that area, and this was not the first time that her home has been threatened; in fact, she stated that it was the third time. Councilmember Weeks stated that she has had fireman at her home spraying down her shake shingled roof in order to preserve her home. She stressed that the wild lands are of great concern to her, and that they are a treasure of Draper. Councilmember Weeks expressed that she is not confident that an independently managed Fire Department will be able to protect the wild lands at the same level as UFA.

Councilmember Weeks stated that she has always wanted some kind of transparency when it comes to the City forming its own Fire Department. She does not feel that they have had the transparency they need in order to make the decision today. She stated that she needs to inform her citizens more about why they are pursuing this option, should they decide to move in that direction. Furthermore, she feels that they need to talk to UFA. Councilmember Weeks noted that UFA is going through management changes, including the hiring of a new Chief and Deputy Chief. There are a lot of things changing that the City may not have liked about UFA in the past. She stated that the City needs to give UFA an opportunity to prove the efficiency of their new management structure.

Councilmember Weeks stated that it's possible that UFA may be able to offer more services for less money; the City does not know exactly what their future is with UFA. She expressed that she is willing to wait, because she feels like UFA is protecting Draper citizens, which she said is the most important task she has as a Councilmember. It is her responsibility to make sure that the citizens' health is protected, and their houses are also protected. Councilmember Weeks explained that there are some very expensive houses that border these wild lands, and the City needs to make sure that citizens know that the Draper City Council is really looking out for them. Councilmember Weeks was concerned that the numbers for forming an independent Fire Department came in higher than the option of Draper remaining a UFA member City. She noted that she did not get the numbers until Friday night as well. She would like the Council to consider the value that UFA gives the City, as well as consider the value of the wild lands and how much money the City has put into the trail system. She said that the Council should consider whether or not it is really worth charging citizens more money for fewer services just so they can have local control.

Councilmember Weeks stated that she is very happy with UFA. She suggested giving UFA another six months, and proposed readdressing the issue in February. She said that at that point the City will have negotiating abilities with UFA, and as a City they will be able to assess whether or not they are happier or dissatisfied with UFA's services. Lastly, Councilmember Weeks expressed concerns with whether or not the City can get a fire department up and running in 10 to 12 months. She stated that fires happen all of the time, and that they have no wiggle room. She explained that it took a while for the Draper Police Department to be up and running and efficient; Draper doesn't have years to gamble with the citizens' health and property. Councilmember Weeks stated that she does not think that Draper is ready to pull away from UFA and start their own Fire Department; they will not be ready in 12 months to protect their citizens.

[8:30:02 PM](#)

5.32 Councilmember Stenquist stated that everyone would agree that the Council's desire in taking a look at this issue in no way reflects the job performance of the UFA firefighters currently serving in the community. He stated that he appreciates the comments that have been made tonight along those lines. Furthermore, he appreciates the hard work and dedication of everyone who is in this line of work across the board; it's a difficult job to have. Councilmember Stenquist stated that they wish they could pay the type of wages that public servants deserve; for police, firefighters and teachers alike. He stated that he appreciates the comments that have been made about the City having top level service, because that is what they want to maintain first and foremost, particularly with the wild land areas. Draper is a unique community in that sense, in that they are very high risk in terms of the wild land interface. Any option that they consider needs to maintain the highest level of service possible.

Councilmember Stenquist explained that every year when they review the budget, the Council is responsible for reviewing costs and what is best for the community. That being said, there has been some frustration on the City's part about not having control over the costs of fire services; if the City were to organize their own Fire Department, they would be able to have that control. He explained that because they only have one voice on the UFA Board, it's very difficult for the City to have the level of transparency to which they are accustomed with all of the other services that the City provides. In response to the comments that have been made about Mayor Walker's participation on the UFA Board, Councilmember Stenquist stated that Mayor Walker spends an incredible amount of time serving on several boards and in various capacities in representing the citizens, all of which he does in addition to the time he spends in his day job. He is a part-time Mayor. Councilmember Stenquist stated that Mayor Walker serves in these roles as a service to the Draper residents. He expressed appreciation for all of the time that Mayor Walker dedicates to the City, and stated that Mayor Walker consistently provides UFA updates to the Council as he himself receives those updates.

Councilmember Stenquist stated that this discussion has been ongoing for many weeks, and it has nothing to do with the recent turmoil in the media pertaining to the UFA; the timing of this discussion in relation to UFA's leadership matters is purely coincidental. He noted that the City has been asking for an analysis from UFA in order to assess all of the options, and there has been some difficulty in trying to obtain that information from UFA. Councilmember Stenquist expressed frustration with the comments that have been made tonight with regards to analyzing numbers, because that is exactly what they have been trying to do for several months. He explained that he too wants to look at the numbers, so that they can make the best decision for the residents. Councilmember Stenquist explained that there were similar conversations 12 years ago when the City decided to form their own Police Department. In speaking to that example, Councilmember Stenquist stated that the City has been very pleased with how well that Department has served the community. They are seeking to analyze whether or not the City would experience similar benefits in forming its own Fire Department as well.

[8:35:55 PM](#)

5.33 Councilmember Rappleye stated that he has worked closely with many UFA personnel for several years. He headed up the Emergency Preparedness Committee for over seven years, of which he was involved before he was on the City Council. Councilmember Rappleye stated that he has personally helped with two fires, and that he looks at this as being a very serious discussion. He explained that the reason why they have come to this juncture is exactly what Councilmember Stenquist articulated: the City wasn't receiving the administrative support that was requested in order to understand the financial increases. Councilmember Rappleye explained that as a Council, they have to answer for what is added on to the tax burden for the citizenry. Tax increases are very difficult, and agreeing to a tax increase as a citizen is easier said than done. Councilmember Rappleye explained that there are a lot of people on fixed incomes, as well as many families who are struggling to make ends meet. These are issues of which the Council needs to remain mindful. He stated that he considers many UFA personnel as friends, and they are fine people. The Council's primary concern is to discuss what is best for Draper. He agrees that there is room for better data, and they certainly don't want to be in the position where there is less service provided. However, the escalation of costs from UFA has been of great concern, and it would be imprudent of the Council not to assess those costs. Councilmember Rappleye stated that he wants the best outcome, regardless of which direction that may be.

On a separate note, Councilmember Rappleye noted that there have been some disparaging remarks made about the Draper Police Department this week, and he stated that he stands behind the Police Department. He explained that he feels the same way about UFA. Lastly, Councilmember Rappleye stated that the wrong way to approach anything is by trying to win people to their side, thus creating a divide among the community.

[8:39:50 PM](#)

5.34 Councilmember Vawdrey stated that she appreciates UFA, and this is not about whether or not they are happy with the services that have been rendered. However, as City leaders they have to look at the future. If the proposed Resolution is the City's best option for generating future discussion with UFA, then as a Council they need to move in that direction.

[8:40:20 PM](#)

5.35 Councilmember Summerhays stated that everyone has already articulated his thoughts. He stated that UFA personnel are all great firefighters, and noted that the Draper Police Department is also comprised of great people. However, it came to this point so that everyone involved could have a conversation about the future. He echoed Councilmember Rappleye's remarks, and said that they have had to go through drastic measures in order to get things done. He expressed confidence that they can come to a solution. Lastly, Councilmember Summerhays expressed appreciation for all public safety personnel.

[8:41:37 PM](#)

5.36 Mayor Walker stated that with regards to attending UFA meetings, he has not attended them all, nor will he ever attend them all. He practices law, and there a lot of times that he cannot make those meetings. However, he stated that he is heavily involved with UFA's process. He explained that over the last few weeks he has put a lot of time into UFA; he has been in the meetings that they have heard about in the media. Mayor Walker stated that he is very aware of the issues that are going on at UFA, and he has, without a doubt, voiced the City's opinion on that board. However, he pointed out that he is only one voice, and it is a large board, which he argued as being part of the problem.

Mayor Walker expressed that he believes that Draper's elected officials have done a great job over the last 10 years, during which time he has been involved with Draper politics. The City has absorbed an increase in the cost of fire services, among other services, without raising the citizens' taxes; he stated that taxes have not been raised by one dime within the last decade. Reason being, they have worked very hard to bring a tax base to the community so that they can pay for those services. Mayor Walker stated that it is his job as Mayor is to provide some leadership on various issues, and this issue with UFA has been discussed for a long time. In looking at options, they could continue on with their current arrangement with UFA; however, the true costs of the current agreement are going to keep increasing. Alternatively, the City could join the District, and then Draper residents could see a significant increase to their taxes. The third option is that they could form their own Fire Department, and it is their job as elected officials to look at these issues by reviewing numbers and assessing the most cost effective way to get the highest level of service.

Mayor Walker stated there is no problem with having this discussion, and that it is not an easy discussion to have. He explained that he has been to fire school, and he has seen what they do and the kind of effort they put forward. He does not doubt their training, their ability, or their care; however, as previously stated, it is the Mayor and Council's responsibility to thoroughly analyze the most cost effective way of obtaining the highest level of service for the community. The City currently writes a check to UFA every year, and the citizens do not have the opportunity to inquire and discuss what that check is paying for. If the City joins the Fire District, the citizens will have to approach UFA directly in order to obtain information on the tax rate.

Mayor Walker stated that he believes that the best government is that which is closest to the people. He said that he doesn't have a problem sitting in a room talking to citizens about taxes, and how much they want to pay for the desired level of service. He likes the concept of being able to sit down with Draper citizens and having those discussions. He explained that the proposed Resolution will serve as a tool for putting the City in a bargaining position. If this Resolution passes, they can still talk to UFA and explore all of their options. However, until the City gives UFA notice of a possible separation, they just have to accept whatever UFA puts forward. While they could still do some negotiation, they would not have the best position on the matter. Mayor Walker stated that he appreciates the work put forth by the Council, and stressed that this matter was not

brought up on a whim. He mentioned that having local control over the Police Department has been a valuable benefit to the community.

[8:46:52 PM](#)

5.37 Councilmember Weeks acknowledged that the City has been frustrated with UFA in trying to obtain data. She argued, however, that many of those frustrations were in part attributed to Mike Jensen's leadership, who is no longer with UFA. She stated that she thinks that the transparency with UFA will be much better moving forward, and again stressed that the City ought to give them time to see if this assessment is correct. Councilmember Weeks stated that in other words, she doesn't think that the City should serve UFA divorce papers without first going to counseling. She stated that the Council should postpone the decision and see what happens with UFA. She explained that while the Council has spoken about possibly forming an independent Fire Department, they haven't spoken to UFA or the citizens enough about this possibility.

Councilmember Weeks explained that at one time, the City was going to make this an action item and not even have it be a public hearing. If that were to have taken place, then there would not have been any conversation with the citizens on the matter. Councilmember Weeks stated that she feels that they are rushing as a Council, and are not looking at all of the aspects of the decision. Furthermore, the City hasn't hired any third-party consultants to determine whether or not getting a Fire Department up and running is feasible within the next 10 to 12 months. She is not confident that they, as a City, would be successful in this endeavor. Councilmember Weeks proposed delaying this vote for six months.

[8:48:49 PM](#)

5.38 Councilmember Stenquist clarified that legally this is a contract; therefore, the City was not required to hold a public hearing on the matter. However, when he and Mayor Walker discussed the agenda, they both agreed that public input was needed.

Councilmember Weeks stated that she also suggested to the Mayor about a month ago that a public hearing take place on this issue.

Councilmember Stenquist clarified that there was never any suggestion that a public hearing not take place on this item.

[8:49:32 PM](#)

5.39 Councilmember Weeks moved to delay the vote on this meeting until the third Tuesday in February to see if they can get a fire department up and running within twelve months. It would also give UFA time to decide what they are going to do with the new Chief. The motion failed for lack of a second.

[8:50:16 PM](#)

5.40 Councilmember Stenquist moved to adopt Resolution 16-42. Councilmember Vawdrey seconded the motion.

[8:50:43 PM](#)

5.41 Councilmember Stenquist stated that he understands the suggestion that they hold off on this decision tonight. However, he wants to clarify what this vote means. They have 12 months from adopting this Resolution to decide whether or not to remain a part UFA. If this Resolution passes, the City will still have time to go through the numbers. However, this Resolution will start the City on a path and put everyone on notice that they are serious about looking at all of their options. It is not the final decision on what option the City will take. Councilmember Stenquist stated that he does feel that the City needs to start moving in a direction, because they have already been talking about this issue for longer than six months.

Councilmember Vawdrey agreed with his remarks.

[8:52:21 PM](#)

5.42 Councilmember Summerhays also echoed Councilmember Stenquist's remarks. He added that this Resolution will give clarity to UFA that they need to come back to the City with hard data and a willingness to negotiate. He expressed that he feels that this is the best action to take at this time.

[8:52:45 PM](#)

5.43 Councilmember Rappleye agreed with previous comments, and stated that he does not believe that this is the end. Many citizens have expressed that they want to have serious discussions with UFA. With the passing of this Resolution, everyone's cards are now on the table. The Resolution will open the City up to having real conversations about real issues, and solutions to those issues. This matter has been festering for the last few years. He reiterated that this decision is not based on UFA's service or performance. He is interested in further pursuing these conversations.

[8:53:31 PM](#)

5.44 Councilmember Summerhays suggested that they hold special meetings on the matter, and indicated that he would be willing to attend those meetings. He stated that he would like to get the issue resolved as soon as possible, because it has been an ongoing issue for several years.

[8:54:00 PM](#)

5.45 Mr. Dobbins said that he would sit down with the UFA Union Representative, and both the former and new UFA management team. His expectation from those discussions will be to have separate proposals from both the Union and UFA as to properly staff the three Fire Stations in Draper, and the associated costs. They will also discuss the service level and compare numbers with what the City could provide through an independently-managed Fire Department. Mr. Dobbins stated that he will look at hiring someone who has experience in wild land management.

Councilmember Stenquist stated that in his opinion, if through further discussions with UFA the City feels strongly that the best option is to stay a member of the UFA, he would be happy with that choice.

[8:55:32 PM](#)

5.46 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. Councilmember Weeks voted no. The motion carried with a majority vote of 5 to 1.

[8:55:50 PM](#)

** *Mayor Walker called for a break at 8:55 p.m.*

** *Councilmember Summerhays left the meeting at 8:55 p.m.*

** *The meeting resumed at 9:12 p.m.*

[9:12:15 PM](#)

6.0 Public Hearing: Edelweiss Preliminary Plat Approval

[9:13:45 PM](#)

6.1 Keith Morey, Community Development Director, stated that this project is one of the only master planned zones in the community. This particular zoning sets up different standards, and much of what is being presented has become part of Draper City Code. Mr. Morey presented an area map that shows approximately where the 61 acres of the Edelweiss project is located. He explained that the Land Use Map shows the area as currently being zoned as Residential Hillside Low Density. He then presented the original concept plan for a historical perspective. In looking at the current design, Mr. Morey explained that staff had a third party define where the safe zone would be located. He stated that the preliminary plat is a design that does not show any infrastructure, facilities or residential structures in the area beyond the safe zone.

Mr. Morey identified where the trails will be located and explained that when the original preliminary plat was given to the staff, those trails were inadvertently left out. Mr. Morey clarified that before this project is finalized, the developer agreed that those trails will be placed back into the plan. Mr. Morey presented the phasing plan of how the project will move forward. He stated that until the developer is able to find a second access, the phasing will only allow for a maximum of 30 units to be developed.

Mr. Morey presented the Street Tree Plan, and explained that in the original plan there were some townhomes. The plan as currently presented reduces the number of units from what has been seen before, thereby eliminating townhomes and changing them to single family dwellings. Mr. Morey identified which lots will be estate lots and which ones will be regular lots. He noted that the Planning Commission voted 5-to-0 to forward a positive recommendation to the Council. He then presented site photos which showed what the existing site looks like, as well as access roads and other aspects of the project.

[9:17:24 PM](#)

6.2 Councilmember Stenquist stated that the City has discussed several times how the City's geologic hazard ordinances are fairly comprehensive. He expressed appreciation for staff working with the developer in identifying a safe zone, so as to avoid any geological

hazards. He then expressed concerns with an entire access being eliminated, which will thus divert all traffic to Haddington Road. He was not sure if it would be feasible to still maintain a connection to Stonehedge Drive, and suggested that this may be something for the geologists to consider.

Mr. Morey explained that the developer is limited by the fact that he only has one access, and stressed that the applicant will only be able to develop a maximum of 30 units as a result. As a result of this concern, the developer had conceptually thought of a way to bring a road up through the development. The geologist then reviewed this concept and conceded that a road, and not a structure, could be a viable option. However, over the course of these discussions, they decided not to go down that path at all because any potential geological hazards are unclear. Furthermore, a resolution was not reached between the developer's and the City's geologists. Therefore, they decided to define a safe zone and both agreed that if the developer didn't build beyond those boundaries, then they would avert all possible safety issues. In the meantime, it would also create a trailhead as well as extra open space, as well as create fewer lots with single family homes instead of townhomes.

[9:20:45 PM](#)

6.3 Councilmember Rappleye noted that this item received prior approval, and asked if the developer has certain entitlements now.

Mr. Morey answered affirmatively, and explained that because the Council approved the MPC zone and they have already reviewed some preliminary designs, the Council has vested the developer to a certain extent that they have a right to develop this property. However, the City and developer have not yet come to an agreement as to what will be developed. The City has already committed to certain standards because it is an official City zone. Mr. Morey noted, in particular, that the road widths are within the City's Code and are thus allowed.

Councilmember Rappleye stated that the City has dealt with a number of geological hazards for years. He asked Mr. Morey if in his review he feels that this matter has been properly addressed in this proposal. Mr. Morey answered affirmatively, and said that the City has been extremely thorough.

[9:21:58 PM](#)

6.4 Councilmember Weeks asked about the road width. Mr. Morey presented a cross section for the mountain local streets, and explained that there are 36 feet of asphalt from back of curb to back of curb. He noted that there are 31 feet of asphalt in the Edelweiss development, 36 feet total when including curb, gutter and sidewalk, and 46 feet when including the park strip and sidewalk on one side of the road.

Councilmember Weeks asked if the standard without special development is 60 feet. Mr. Morey stated that 56 feet is what has been presented.

Councilmember Weeks stated that according to Mr. Morey's presentation, the concept plan shows 30% of open space. However, she argued that some of that open space is unusable. She stated that there are 171 homes and not a single playground. Councilmember Weeks commented that there isn't anywhere for people to bring their kids, and asked if this was an accurate assessment. Mr. Morey stated that the developer intends for the trail system that they are creating to go through the development to serve as the amenity that they are providing for the community. Councilmember Weeks inquired about a gas line, and recalled that the developer would not be able to build on that particular area. Mr. Morey explained that while they can't construct a building on that piece of land, the area is still considered an amenity because it will have a trail system on top of it, as well as a trailhead.

[9:23:49 PM](#)

6.5 Councilmember Weeks questioned if originally the property was concept planned for 82 lots for a subdivision. She recalled that in 2014, the Council subsequently voted to approve up to 171 lots. Mr. Morey directed her question to the developer.

[9:24:17 PM](#)

6.6 Nate Shipp, applicant, stated that he has been working on this project for over 12 years. When his company first bought this property, they did so with the full intent to develop the ground. They were working at the time with Hamlet Homes, and were in the process of entitling Stoneleigh Heights and assessing how to build in phases. They were also approached about putting in fill slope so that they wouldn't be stuck building a large retaining wall.

Mr. Shipp stated that a development agreement is now in place, and it outlines the requirement that they are to address the geological hazard and related issues. Mr. Shipp stated that they have vetted this thoroughly and are comfortable with the proposal. As it sits now, they are not going to be developing a community that will one day be in the news for sliding off of a mountain. Mr. Shipp explained that they have an agreement with the geologist for constructing a roadway that will connect into Stoneleigh Heights, as long as it doesn't have any utilities in it. As they have worked with traffic engineers to determine traffic flow, the engineers have indicated to Mr. Shipp that they feel comfortable with the Haddington road connection by itself.

Mr. Shipp explained that the amenities package that was agreed to at the time the development agreement with the City was created was based on the recommendations of the City's Parks Department. After reviewing several different ideas for this area, it was concluded that what was really needed here was a trailhead, additional parking, a restroom facility, and a place for bike repair. Therefore, those items are outlined in the development agreement, and the current plan directly complies with what was required of the developer under that contract. The trail system that was proposed in the concept plan needs to be amended to match with the new road layout. Mr. Shipp explained that they have designed a new trail that comes down and ties into Anne's Trail, loops back up through the Metropolitan Water property and over to the Eagle Crest Trail. Mr. Shipp stated that this will help provide connectivity with the trail system, which will be on the

north and the south side of the mountain, thus providing an advantage to new residents as well as current users.

As per the development agreement, they are also required to redo the striping and provide a second turn lane at the intersection of Traverse Ridge Road and Stoneleigh Heights road. Mr. Shipp explained that there was a lot of concern throughout that process about whether or not that access point is safe. One requirement from the City was to improve that intersection in order to address this concern. Mr. Shipp said that they are still committed to making improvements to that intersection.

In talking with the neighbors to the east, one person brought up the issue of the detention pond. Mr. Shipp said that they hope to work with their neighbors in order to provide better road connectivity, and will pay for the utilities that will ultimately tie in together for a complete system. He stated that under the City's preliminary plat ordinance, by which they are bound, they are required to show a very thorough level of design so that the Council knows exactly what they are approving. Mr. Shipp stated that his hope is that their storm drain will tie to their eastern neighbor, which will then tie to the regional pond. However, that agreement currently is not in place, and therefore the developer is showing a detention pond that would be built if that connection doesn't happen.

[9:32:32 PM](#)

6.7 Mayor Walker opened the public hearing.

[9:32:45 PM](#)

6.8 Craig Steiner, resident, introduced himself as the President of the Stoneleigh Heights Board of Directors for the Homeowners Association (HOA). Mr. Steiner thanked the Mayor and Council for their service to the community. He stated that as an HOA President he has had a small taste of what it is like to interact with irate citizens, and he expressed sympathy to the Mayor and Council for times when they experience the same thing. He remarked that he hopes Mr. Shipp has all the success he can from this development. He doesn't oppose the development, because he lives in a development. It would be unfair of him to begrudge anybody for wanting to live where he lives.

Mr. Steiner raised several concerns with development proposal; first, with regards to the streets. Mr. Steiner recalled from the Planning Commission hearing that the streets in the development were going to be wider than Haddington road, but based on tonight's presentation they appear like they are actually going to be narrower. He doesn't think it's feasible to count parking; the only part of the road that should count is the asphalt because it is the actual road. Mr. Steiner stated that if those roads are narrower than Haddington road, then they are in big trouble. Haddington Road currently allows parking on both sides of the street, and as such, it is difficult for even one car to get through the road. Mr. Steiner stated that he knows this as a matter of fact, because he has lived there for 10 years. He explained that he receives complaints constantly from residents because the original developer built the streets so narrow, that they can't even have parking on one side of the street because UFA has strongly advised them against it due to impaired emergency vehicle access. Therefore, they have decided as a HOA Board to prohibit

parking on private streets. There are a lot of dead ends in Stoneleigh Heights, but parking isn't allowed in them either because they serve as turnarounds for the emergency vehicles. The result of all of this is that they have very few parking spaces for 170 homes. The stub of Haddington road has thus been a resident parking lot for 10 years. There are added complications in winter because the dead ends are used to push snow.

Mr. Steiner suggested that one possible solution would be to create some parking along the side of the road, in addition to the trailhead. Alternatively, At Haddington Road, they could donate that first home lot to a parking lot for residents. Mr. Steiner advised that the access road on Deer Park Lane be accessible to EMS vehicles.

[9:35:57 PM](#)

6.9 Steven Paul, representing three property owners in Stoneleigh Heights that are adjoined to the subject development, stated that he is a licensed attorney. Mr. Paul stated that he has confirmed that none of those property owners received notice of either the August 11th Planning Commission meeting or tonight's City Council meeting. Mr. Paul stated that his clients know from past experience with Draper City that notice is required to adjoining property owners, and it is their understanding and belief that the Edelweiss developer did not comply with the City's requirements to give proper notice.

Mr. Paul stated that his clients only had a little bit of time to review the current Edelweiss preliminary plat application, but can nevertheless see huge problems that exist. First, the property owners downhill object to the City allowing the temporary detention basin that has been discussed immediately adjacent to their properties. They need time to review the plat design, the engineering, and the grading, to provide written comments back to the developer and to Draper City.

Second, Mr. Paul stated his clients know the community detention dam was only designed with the 81 lots in mind from the previous plat application, not 171 lots. There is a huge difference between the surface water runoff from 81 homes, driveways and rooftops, as compared to 171 homes. This needs to be reviewed and studied as to where that water will be diverted. The subject development will have to pay for the cost to expand the size of the community detention basin before it receives approval for any additional density.

Mr. Paul stated that it was mentioned earlier that some mass grading would have to take place with the Edelweiss development. He stated that his clients are concerned with how that grading will affect their properties.

Mr. Paul said that he was one of the attorneys representing Hidden Canyon Estates in prior litigation involving Hamlet Homes in Draper City, and involving the so-called temporary detention basins. He strongly suggested that the City postpone approval of the preliminary plat until such time as they can closely review the proposal and discuss with Edelweiss how to deal with the backyard lots, the drain, the temporary detention basin and the mass grading. Mr. Paul stated that another point that was brought to his attention was that Edelweiss is taking credit for open space that appears to be unbuildable,

including the right-of-way and as such. There appears to be less than the prescribed 30% green space. Mr. Paul stated that this raises similar concerns with traffic studies.

[9:39:28 PM](#)

6.10 Dave Wilding, representing DJ Investments, stated that some of this property was sold to Edge homes, and DJ investments retained some of the properties that abut this subdivision. Speaking on behalf of Dave Mast, Mr. Wilding expressed concerns with whether or not this item was properly noticed to the residents affected. He was concerned with the discrepancy of the original proposal containing 81 lots and tonight's proposal of 171 lots. Mr. Wilding expressed concerns with density, and all of the issues contained therein. He was also concerned with where the temporary detention basin would discharge, noting that several properties are downhill from that detention pond. Mr. Wilding stated that Mr. Mast would like additional time in order to review the plans to make sure that they don't jeopardize any properties. He requested that approval of this item be postponed.

[9:41:55 PM](#)

6.11 Brandon Watson, Edge Homes, stated that he was also contacted by Dave Mast today regarding this item, who indicated that he did not receive public notice. With regards to the Hidden Canyon Estates subdivision, which is located directly to the east, Mr. Watson wanted to state the following for the record: Hidden Canyon Estates will not pay for any upsizing of utilities, or incur any additional excavation costs on behalf of the Edelweiss development unless there is proper compensation, and that needs to be in place before any work commences. Mr. Watson stated that Mr. Shipp already addressed some of his concerns, and Mr. Watson was appreciative of Mr. Shipp putting on record that he is willing to share in those costs to get valuable utilities from his site down to the regional detention basin or the sewer outfall.

Mr. Watson reiterated concerns regarding the temporary detention pond, and wanted to know where it will be located and where it will discharge. Mr. Watson said that they have plans for homes to be built directly below that area; they want to make sure that this issue is addressed so that they don't run into problems with basements flooding. Mr. Watson said that if the detention pond is built, then there will not be a need for any upsizing of utilities from a storm drain standpoint.

[9:44:04 PM](#)

6.12 Shaun Michel, Draper property owner, stated that he has been paying attention to the happenings on the subject property since 1990. He explained that when Hamlet Homes went in, one of the big concerns raised by the Planning Commission was whether or not the roads were big enough. In looking at the piece of property that is open space, Mr. Michel noted that it is a beautiful piece of property. He argued that the area in question is not too steep and is in fact, usable. He stated that while he disputes the geotechnical report, he thinks that the City will be getting remarkable open space. He noted that the previous zoning was of a higher density, which has since been modified. He was of the opinion that Mr. Shipp's request is reasonable, and that property owner's have rights. He expressed support of Mr. Shipp's proposal.

[9:46:04 PM](#)

6.13 David Bentley, resident, stated that Mr. Shipp had indicated that the secondary access road off of Deer Park Lane would only be used for emergency vehicles, and would be gated. Furthermore, emergency personnel would have remote access to control the gate. On behalf of all the residents on Deer Park Lane, they would like the City Council and the developer to guarantee in writing, as part of the approval of the Edelweiss development, that the road in question be an emergency gated road only. He stated that this commitment doesn't mean anything if it's not in writing.

[9:47:28 PM](#)

6.14 Nathan Lambson, resident, stated that his biggest issue with the proposal is in regards to Haddington Road. Mr. Lambson stated that Haddington Road is dangerous, and explained that when fogs hits that road, there is no visibility. Even when fog isn't on that road, it's a blind drive due to the slope, and drivers go 50 miles per hour, even if there is construction taking place. He explained that it is difficult to turn left due to lack of turn lane. He was concerned with this serving as the primary access for a new development when it is already unsafe. Mr. Lambson stated that he has little kids, and they can't walk across the street because there is no crosswalk. Furthermore, there are almost no sidewalks because of how small the area was built.

Mr. Lambson also expressed concerns with the lack of parks planned for the development. He stated that residents will end up utilizing the SunCrest HOA park instead, because it is unmonitored. This is problematic for SunCrest residents, as they are the ones paying for an amenity that they would then have to share with other people. Mr. Lambson stated that the trail system is used by so many people, even though it will be private property. Once the trail is built, it will be difficult for people currently living there to even get trail access in their own backyards. Lastly, Mr. Lambson expressed concerns with temporary construction, and explained that once the area has been fenced off people won't have bike access to the trails from public streets and will therefore trespass.

[9:50:39 PM](#)

6.15 Alex Hoefler, resident, agreed with Mr. Lambson's comments regarding Haddington Road. The road was not designed to handle heavy traffic flow into a neighborhood of this size without any other access. He stated that Haddington Road is an upslope that then goes down, and there is already a constant traffic flow. Mr. Hoefler presented pictures of the road, and stated that the road is not very wide. Furthermore, there are people who often park on the sides, thus shrinking the road even more. He asked the Council to consider this issue and look at creating other accesses into the neighborhood.

[9:52:09 PM](#)

6.16 Andrew Malovich, resident, expressed concerns with the width of Haddington, especially during the winter time as they get an immense amount of snowfall over several months.

The road shrinks to the point where it becomes less than a one lane road. He was concerned with safety, and requested that the Council hold off on a decision tonight.

[9:53:29 PM](#)

6.17 Mayor Walker closed the public hearing.

[9:53:45 PM](#)

6.18 Mr. Morey clarified that this is a preliminary plat, and that there will be a final plat in which many of these issues will be addressed. Mr. Morey stated the pond in question will be a retention pond, not a detention pond. It is not intended to discharge anywhere else. He reiterated that right now it serves as a temporary solution for a better solution that is on the horizon.

Mr. Shipp clarified that the pond is designed as a retention pond, and under the ordinance they have to provide discharge just in case; they can't rely solely on percolation. They have provided an overflow structure, and used the discharge rate that was in the previous lawsuit relating to the historical rate as was suggested by Mr. Mast. Mr. Shipp reviewed some of the details pertaining to Mr. Mast's previous lawsuit. He explained that the pond was designed to discharge specifically at Mr. Mast's prescribed historical rate. It is designed in case they need it, although they are hopeful that a better solution will present itself.

[9:55:33 PM](#)

6.19 Councilmember Weeks stated that when looking at the history of this item, the 2006 concept plan showed an 82-lot subdivision, which was approved. At that time, the property was zoned C3 and RM, and asked staff to define those zones for clarification.

Mr. Morey stated that C3 is an old commercial designation and RM is multifamily.

Councilmember Weeks continued that at the time, the property was subject to the Traverse Mountain annex agreement. After it expired, it was reclassified to A5 which is agriculture. Then on November 18, 2014, it came back to Council, and they approved the 171 lots. Councilmember Weeks asked if that's when the development agreement was created. Mr. Shipp stated that the development agreement approved 181 lots, but they have only proposed 171. After further discussion on the matter, Mr. Shipp clarified that the development was at the time also proposed to be a commercial center and a multifamily development as well.

Councilmember Weeks thanked Mr. Shipp for creating the trails, and remarked that they are beautiful. She then commented that as a mom with small kids, she doesn't always take them out on the trails. She stated that if Mr. Shipp considered building a couple of parks, there might be a place where they can dump more snow in the winter. Also, in the summer there would be more open space that would likely be used by younger families. Mr. Shipp thanked Councilmember Weeks for this suggestion. He explained that the development agreement is very specific about the amenities package. While he is not

opposed to exploring the option of having a park, it would take more than a simple amendment to the preliminary plat in order to make those changes.

[9:58:47 PM](#)

6.20 Councilmember Vawdrey asked Mr. Shipp to speak to the width of Haddington Road.

Mr. Shipp recalled that the width of Haddington Road is 26 feet. He explained that based on negotiations during the creation of the development agreement, the access into the new development will have a greater road width. He also noted that they adjusted the right-of-way cross section because they were being sensitive to the amount of grading, and recognized that they needed to maintain an area for both parking and snow storage.

[9:59:40 PM](#)

6.21 Councilmember Rappleye stated that there were several residents who brought up the public noticing of this item. He asked staff if they had any idea as to why those residents didn't receive notices of this item.

Mr. Morey confirmed that the notices were sent out in accordance to what the ordinance requires as far as the distances. He stated that residents frequently complain about the noticing, and he is not sure why this is the case. He explained that staff prints the list of addresses for residents that need to receive notices, and then the notices are mailed. Sometimes people receive the notices and don't know what they are and then inadvertently discard and/or disregard them.

Mr. Dobbins stated that there are 180 people that are on the mailing list for this particular item. He explained that anyone who owns property within 400 feet received notice based on the address that is on record with the County. It was noted that staff has the mailing list for this agenda item available for review.

[10:01:23 PM](#)

6.22 Mr. Shipp added that the emergency access that is shown on the proposed plat as a secondary road was mislabeled by the Planning Commission. He clarified that it is an emergency access only, and under the existing development agreement they are required to make this indication in writing.

[10:02:00 PM](#)

6.23 Mr. Dobbins stated that in Phase I of this project, the developer can only build a maximum of 30 units. They cannot build any further until a second access is provided.

Councilmember Stenquist asked if emergency access doesn't count, to which Mr. Dobbins answered affirmatively.

Mayor Walker asked if the agreement specifies the type of gate as needing to be electric. Mr. Morey answered that the gate needs to meet the City's standard gate ordinance, as well as meet fire requirements.

[10:02:47 PM](#)

6.24 Mr. Dobbins stated that there may be a design issue for the Fire Marshal to consider due to the slope.

[10:03:06 PM](#)

6.25 Councilmember Weeks moved to extend the meeting past 10:00 pm. Councilmember Vawdrey seconded the motion.

[10:03:31 PM](#)

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

6.27 Mr. Dobbins asked if there are signage requirements from UFA in terms of the roads, and whether or not parking is allowed in the streets. Dan Boles, Planner, answered affirmatively, and explained that no parking signs are required for roads that are less than 26 feet in width.

[10:04:26 PM](#)

6.28 Mayor Walker called for a motion. Seeing no motion, this item was rolled over to the next regularly scheduled City council meeting for action.

[10:04:55 PM](#)

7.0 Public Hearing: Ballard Professional Center Subdivision Plat Amendment

[10:05:25 PM](#)

7.1 Keith Morey, Community Development Director, presented an aerial map of the subject property, as well as the zoning and land use map. He presented the configurations of the existing two lots, and explained that the applicant is requesting that these two lots be consolidated into one. They have a potential tenant who needs more space than they intended. Pictures of the property were then presented and reviewed by the Council.

[10:06:12 PM](#)

7.2 Kevin Perry, applicant, stated that they are the developer for this property. He explained that they are requesting to combine two parcels to one. Initially when this plat was recorded three years ago, it had been intended to potentially build two separate small office buildings. However, in further analyzing this option, Mr. Perry determined that it wasn't logical to build two buildings in that location. His intention is to build one, 17,000 square foot building, which will be two stories. It will be very similar in aesthetics as the building that is currently in that location.

[10:07:22 PM](#)

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

[10:07:37 PM](#)

7.4 Councilmember Weeks moved to approve the Ballard Professional Center Subdivision Plat Amendment. Councilmember Vawdrey seconded the motion.

[10:08:01 PM](#)

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

[10:08:14 PM](#)

8.0 **Action Item: Resolution #16-39, for Filing of Eminent Domain on 13800 South**

[10:08:26 PM](#)

8.1 Glade Robbins, Public Works Director, stated that the City has been working on this road project to widen 13800 South and Bangerter Highway. Staff is currently working with several property owners to make that widening take place. However, there are still several other property owners from whom the City has not yet acquired property. This Resolution is to enable the City to use eminent domain if so needed. However, the City hopes to resolve these acquisitions without having to exercise eminent domain. In order to meet the time frame to advertise in November, the City needs to start this process now.

[10:09:19 PM](#)

8.2 There was discussion as to whether or not this was an action item or public hearing, and whether or not it was listed incorrectly. Mayor Walker opened a public hearing on this item.

[10:09:58 PM](#)

8.3 Craig Steiner, resident, stated that he is not a property owner of one of these parcels. However, he explained that if this item was listed incorrectly then the Council should not proceed without properly noticing the property owners who would be affected by this decision. There was continued discussion on how to proceed.

[10:10:51 PM](#)

8.4 **Councilmember Weeks moved to continue Resolution #16-39 to the September 6, 2016 and list it as a public hearing item. Councilmember Stenquist seconded the motion.**

[10:11:24 PM](#)

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

[10:11:45 PM](#)

9.0 **Public Hearing: Academy Office Park Plat Amendment, request to amend the Academy Office Park Plat by adjusting lot lines on the property located at approximately 339 West 13490 South. The property is zoned CSD-DPMU**

[10:12:06 PM](#)

9.1 Mr. Morey presented an aerial map of subject property, and identified the specific parcel. He showed how the existing plat looks with these lots, and explained that the intention with the lot in question is to expand it so that it continues down the west side of the subject property for a future building. There are no more lots being added; the existing

lot will simply become larger. The Planning Commission voted unanimously to forward a positive recommendation to the City Council.

[10:12:58 PM](#)

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

[10:13:12 PM](#)

9.3 Councilmember Rappleye moved to approve the Academy Office Park Plat Amendment. Councilmember Vawdrey seconded the motion.

[10:13:41 PM](#)

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

[10:13:51 PM](#)

10.0 Public Hearing: Resolution #16-45, Consideration for Approval To Vacate The Public Works Property Located At 75 East Sivogah Court And Authorizing The Sale Of A Portion Of The Property

[10:14:11 PM](#)

10.1 Russ Fox, Assistant City Manager, stated they will be surplussing the Public Works property, most likely for the purpose of selling it to General RV for development purposes. Staff has looked at other properties where City services would be relocated as a result of the sale; however, the first step in the process is the surplus the subject property.

[10:15:38 PM](#)

10.2 Mayor Walker opened the public hearing.

[10:15:47 PM](#)

10.3 Mark Murdock, Gardner Company, stated there is a regional detention basin west of the subject property. He also mentioned that there have been discussions about a possible light rail station in that area, and asked if these details have been considered.

[10:16:28 PM](#)

10.4 Mayor Walker closed the public hearing.

[10:16:33 PM](#)

10.5 Mr. Dobbins stated if the property is surplus, the City will then meet with the property owners to work out the rest of the details.

[10:16:56 PM](#)

10.6 Councilmember Rappleye moved to approve Resolution #16-45, vacating the Public Works property located at approximately 75 Easy Sivogah Court and authorizing

the sale of a portion of the property. Councilmember Vawdrey seconded the motion.

[10:17:38 PM](#)

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

[10:17:49 PM](#)

11.0 Public Hearing: Resolution #16-44, Amending the FY2017 General Fund Budget

[10:18:02 PM](#)

11.1 Bob Wylie, Finance Director, explained that there are 10 items from the first quarter of the current Fiscal Year for the Council's review and approval. First, additional work is needed at Sunset Pond and an amount of \$100,000 is being requested to meet those needs. The second item is South Ridge Park, which is in need of storm drain work, as well as playground facilities. An additional \$180,000 is being requested for those projects, which will be paid using funds from the General Fund, Park Impact Fees and the Storm Water Fund. The third item is for projects that have been requested at Deer Ridge Drive for storm water. It was noted that \$40,000 from the Storm Drain Fund has been requested for this project. The fourth item is for the Upper Corner Canyon road connector. The City has received \$524,377 from DJ Investments to put a connector road on top of the detention basin, and this is the money for that project. The fifth item is for the Cycle Park, for which two options have been proposed. Option 1 requires an expenditure of \$110,000 and Option 2 requires an expenditure of \$68,150. This project will receive 25% of its funding from the General Fund, and the remaining amount will come from the Park Impact Fees. The sixth item is for a storage building, which has been broken out as two items in the budget and needs to be consolidated into one item in the capital facilities fund. The budget for this facility is \$800,000. The seventh item addresses a need for the City to continue doing impact fee studies for both the Water and Storm Drain Departments. Staff is requesting \$30,000 to conduct these studies. The eighth item is for a water rate analysis to perform a study on the City's current water rates. It was noted that \$18,000 is being requested for this item. The ninth item is a housecleaning item. The City transfers capital projects from one year to the next. They are reducing the existing capital projects by \$1 million, which have been the expenditures year-to-date. The last item on the list details the Fire Department's current Fiscal Year 2017 expenditures.

[10:21:06 PM](#)

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

[10:21:23 PM](#)

11.3 Councilmember Stenquist moved to approve Resolution #16-44, amending the Fiscal Year 2016-17 General Fund Budget except for item #5, which he would like to discuss separately. Councilmember Weeks seconded the motion.

[10:22:00 PM](#)

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

[10:22:07 PM](#)

11.5 Councilmember Stenquist explained the differences between Options 1 and 2 of the cycle park proposal. He stated his preference of pursuing Option 2 over Option 1. If they find that the parking with Option 2 is inadequate, they can always expand it later.

[10:22:10 PM](#)

11.6 Councilmember Stenquist moved to approve item 5 with Option 2.

[10:23:17 PM](#)

11.7 Councilmember Weeks stated that she was not in favor of either option. Therefore, Option 2 would more likely get her vote. She expressed concerns about the proposal because the City spent over \$400,000 on the Equestrian Center this year.

[10:23:42 PM](#)

11.8 Councilmember Weeks seconded the motion.

Councilmember Weeks stated that while the Equestrian Park is wonderful, it only gets used about twice a year. Councilmember Vawdrey disagreed with these numbers. Councilmembers Vawdrey and Weeks further discussed numbers pertaining to the Equestrian Center. Councilmember Weeks stated that with regards to trails that are close to this area, it's a great place for parents to take their young kids to teach them how to mountain bike. If the City pursues Option 1, then they would then be eliminating those smaller trails.

[10:25:08 PM](#)

11.9 A roll call vote was taken with Councilmembers Stenquist and Weeks voting in favor. Councilmember Vawdrey, Councilmember Rappleye, and Mayor Walker voted no. The motion failed for lack of a majority vote.

[10:25:25 PM](#)

11.10 Councilmember Vawdrey moved to approve Item #5 with option 1. Councilmember Rappleye seconded the motion.

[10:25:52 PM](#)

11.11 Councilmember Vawdrey stated that Option 2 is short-sided on parking. She was in favor of Option 1.

[10:26:06 PM](#)

11.12 A roll call vote was taken with Councilmembers Rappleye, Vawdrey, and Mayor Walker voting in favor. Councilmember Stenquist and Councilmember Weeks voted no. The motion carried with a majority vote of 3 to 2.

[10:26:19 PM](#)

12.0 Action Item: 6th Street Cottages Zone Change and Development Agreement, Request for Approval of a Zone Change From RA1, RA2, and R3 to R4, on 5.27 Acres Located Generally at 12447 South 600 East

[10:26:50 PM](#)

12.1 Mr. Morey presented an aerial of the subject property, which is just off of Pioneer Road. He then presented current zoning and land use maps as well. He provided an overview of the zoning in neighborhoods adjacent to the subject property. The last time the Council met with the developer there were concerns about several issues; therefore, the development agreement has been amended to include several bulleted items, which Mr. Morey then reviewed:

- The two lots fronting Pioneer Road will be perpetually limited in size to a one-third acre.
- The lot fronting 12500 South will be perpetually limited in size to a one-half acre.
- Landscaping for individual homes will follow the general concept depicted in Exhibit C of the development agreement.
- The width within the project will conform to the City standard for a private road that serves between 11 and 20 lots, which is 36 feet in width consisting of 25 feet of asphalt, 2.5 feet of curb and gutter on each side, and a six foot sidewalk on each side.
- Driveways for each home will be a minimum of 20 feet in width and 20 feet in length.
- The water table and any required construction associated with ground water mediation will be disclosed by the developer to the HOA and future homeowners.

Mr. Morey added that there was also some discussion about requiring this condition to also be included on the plat when it is recorded.

- The project will include a social gathering amenity consisting of a covered seating area with a BBQ grill to accommodate at least 15 to 20 people.
- Other than the additions made to the agreement, the basic design of the project is the same.

[10:28:41 PM](#)

12.2 Councilmember Stenquist stated that he doesn't understand the restrictions for the first two conditions listed above. Mr. Morey explained that concerns were raised in a previous meeting from the Council that the developer would eventually sell these lots. These conditions ensure that these lots will continue to exist as is. Councilmember Stenquist asked why these lots were not included with the rezone.

[10:29:47 PM](#)

12.3 Jeff Mansell, applicant, stated that he was willing to answer any questions.

[10:30:12 PM](#)

12.4 Councilmember Vawdrey stated that the Council's expectations were not properly relayed to Mr. Mansell. She explained that this is her neighborhood and her neighbors are expecting a wonderful product. She's not comfortable with the development configuration including Lots 1, 2, 3, and the Council was expecting Mr. Mansell to pull them out entirely because they complicate the gross density of the development.

Mr. Mansell explained that these lots were included in the plat because they are part of the contiguous portion of the overall property. He stated that all of those lots are owned by the same property owner, and he kept them together so that they could all be on the same plat and be a third acre. He has submitted to the City that those lots will stay as third-acre lots and dedicated on the plat as a deed restriction, so that they stay that way regardless of any future zone change.

Councilmember Vawdrey stated that while Mr. Mansell's attempt to address the rezone was correct, the density remains askew. Mr. Mansell argued that one home, at most, was askew. He assured the Council that his goal of providing a great product is in line with the goal of the Council.

[10:33:23 PM](#)

12.5 Councilmember Rappleye stated that the amenities package is still weak for the type of development that is being proposed. He explained that other similar communities have more amenities, which then attract a certain demographic to the community. He explained that an amenities package strengthens the value of the community. He asked about including other amenities to the overall package, and Mr. Mansell answered that amenities are always dependent upon what residents are willing to pay in an HOA due. After further deliberation on the matter, Mr. Mansell said that he doesn't want these types of issues to hold up the project, especially because they can be implemented down the road.

Councilmember Weeks thanked Mr. Mansell for the changes that have been implemented, particularly relating to the architecture and landscape of the project. She thanked him for widening the roadways, as well as including the BBQ grill area. Lastly, she thanked him for working with the City, and for notifying potential residents of possible water table issues.

[10:38:49 PM](#)

12.6 Councilmember Vawdrey moved to approve the 6th Street Cottages Zone Change and Development Agreement with the removal of Lots 1 and 2 from the Development Agreement. Councilmember Rappleye seconded the motion.

[10:39:21 PM](#)

12.7 Councilmember Weeks asked to amend the motion to include language stating there is a water problem, which will be recorded on the plat.

[10:39:45 PM](#)

12.8 Councilmember Vawdrey agreed with the change. Councilmember Rappleye seconded the motion with the change.

[10:39:57 PM](#)

12.9 Councilmember Stenquist asked a clarifying question about whether or not the motion indicates that the rezone would not apply to Lots 1 and 2, and that they would remain with the existing zoning. Councilmember Vawdrey answered affirmatively.

Mayor Walker clarified that the motion is to approve the proposal, minus Lots 1 and 2, and including all other conditions as were previously reviewed from the development agreement.

[10:40:44 PM](#)

12.10 Mr. Dobbins asked Councilmember Vawdrey if her intent in removing Lots 1 and 2 was to change the overall density, and Councilmember Vawdrey answered affirmatively. There was further deliberation on how to proceed with a motion, as well as further review of the plat.

[10:43:40 PM](#)

12.11 Mr. Mansell stated that Lot 3 was specifically set aside as a half-acre lot inside of the plat. They are being judicious and responsible by providing that lot with a large amount of space, and by ensuring that it will always be a third acre. Lot 2 is also part of the overall property, and is being rezoned for the same reason. Lot 1 is already set apart as itself into the plat. He stated that these lots are not being included into a higher density. Lots 1, 2, 3 are being given large zones that coincide with the uses around them. Pulling them out will not change the density within the overall project.

[10:45:20 PM](#)

12.12 Councilmember Vawdrey withdrew her previous motion.

[10:45:29 PM](#)

12.13 Councilmember Stenquist explained that while he understands the intent of keeping certain lots one way, he wanted to know how the City will plan on putting enforceable restrictions on those lots. He asked if they would put a note on the plat, or a line item in the development agreement. Furthermore, he wanted to know what will happen if the land is subdivided and that property is sold off. He asked if in this case, the restriction will run with the land.

Mr. Morey stated that the development agreement becomes recorded with the plat and with the zone change. Therefore, the restrictions would be tied to the lot even if the property is sold or subdivided. Anyone who does a title search will come across this development agreement because it will be attached to the land, unless the development agreement expires or is amended. It was noted that a development agreement only lasts for 15 years, so in order to get the requirement in perpetuity it would have to be recorded on the plat.

[10:48:38 PM](#)

12.14 Councilmember Vawdrey moved to approve the 6th Street Cottages Zone Change and Development Agreement with the changes that were presented by staff and with Lots 1, 2, 3, as is, with the verbiage of those conditions being recorded on the plat. Lots 1, 2, and 3 will not be used to calculate density. Councilmember Rappleye seconded.

[10:49:19 PM](#)

12.15 Councilmember Weeks asked to amend the motion to include language stating there is a water problem, which will be recorded on the plat.

[10:49:38 PM](#)

12.16 Councilmember Vawdrey agreed with the change. Councilmember Rappleye seconded the motion with the change.

[10:49:43 PM](#)

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

[10:50:19 PM](#)

13.0 Action Item: Agreement #16-170, with Beck Construction and Excavation, Inc. for the 2016 Southridge Park Storm Drain Project

[10:50:48 PM](#)

13.1 Glade Robbins, Public Works Director, stated that this project was advertised for bids, and they received three quotes. The low bid came in at \$175,642 from Beck Construction and Excavation, Inc. The project will correct some storm drain issues at South Ridge Park, as well as make playground improvements. The contract would be for 40 calendar days, with a completion date at the end of September.

[10:51:27 PM](#)

13.2 Councilmember Rappleye asked if this project will address several other problems that exist in the area. Mr. Robbins replied that it will definitely fix the playground from being flooded.

[10:52:07 PM](#)

13.3 Councilmember Weeks moved to approve Agreement #16-170. Councilmember Rappleye seconded the motion.

[10:52:21 PM](#)

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

[10:52:28 PM](#)

14.0 Action Item: Agreement #16-171, with Redoubt Excavating for the Sunset Pond Restoration Project

[10:52:40 PM](#)

14.1 Mr. Robbins explained that this pond had problems with beavers several years ago. Beavers blocked off the discharge, and were eventually removed by the animal control officer. Once the animals were removed, the City cleaned the drain pipe which lowered the water level by a foot and a half, thus causing other concerns. This project will include the installation of a controllable outlet, so that the City can better control the water level. They will also remove the Russian Olives that are on the south side bank. There will be stabilization on the banks and vegetation planted in order to prevent further erosion. Mr. Robbins noted that the dock will be addressed in a later project. Staff received three bids on this project, and the low bid came at \$149,317. This contract has a 65-day construction time period, with a late October completion date. In response to a comment from Mayor Walker, Mr. Robbins said that there shouldn't be any more beaver issues in the future.

[10:54:34 PM](#)

14.2 Councilmember Weeks moved to approve Agreement #16-171. Councilmember Rappleye seconded the motion.

[10:54:51 PM](#)

14.3 Weeks commented that when her kids were young she enjoyed going to the pond. She's excited to be restoring the pond to its beauty.

[10:55:21 PM](#)

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

[10:55:29 PM](#)

15.0 Action Item: Resolution #16-43, Authorizing the Mayor to Sign a Right-of-Way Licensing Agreement with the Utah Telecommunications Open Infrastructure Agency to Install Fiber Optic Cable and Related Infrastructure in the City's Right of Way

[10:55:53 PM](#)

15.1 Mike Barker, City Attorney, explained that UTOPIA has a commercial client in Draper that wishes to have fiber optic cable run to their business. UTOPIA is willing to provide that cable for the business, thereby necessitating this agreement. As an infrastructure provider, UTOPIA does not provide any content down the fiber optic cable. Therefore, they are doing a right-of-way licensing agreement as opposed to a franchise agreement, because there is not statutory framework. They are proposing a 15-year term for the agreement. UTOPIA would comply with the City's excavation permitting ordinance, and they would pay to access the right-of-way. The users may be subject to franchise taxes and other fees. As was pointed out earlier, this is not an attempt for Draper to become a UTOPIA City; just an agreement to grant a license for constructing and maintaining a fiber optic cable.

[10:57:48 PM](#)

15.2 Councilmember Rappleye moved to approve Resolution #16-43. Councilmember Weeks seconded the motion.

[10:58:43 PM](#)

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

[10:58:51 PM](#)

16.0 Action Item: Consideration for Approval of a Matching Grant for \$10,000 for the Draper Historic Preservation Commission

[10:59:11 PM](#)

16.1 Mr. Dobbins stated that this agreement is between the City and the State of Utah for a \$10,000 matching grant; therefore, by committing to this agreement, the City is agreeing to match the grant. Mr. Dobbins noted that the owner of Draper Park School is providing the match amount. Mr. Dobbins advised the Council to make this clarification in the motion, if they are inclined to move forward on the matter.

[11:00:06 PM](#)

16.2 Councilmember Vawdrey moved to approve the matching grant for \$10,000 for the Draper Historic Preservation Commission contingent upon entering into an agreement with Godfrey's to cover the \$10,000 match. Councilmember Weeks seconded the motion.

[11:00:30 PM](#)

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

[11:00:47 PM](#)

17.0 Recess to a Municipal Building Authority Meeting

[11:00:57 PM](#)

17.1 Councilmember Vawdrey moved to recess to a Municipal Building Authority Meeting. Councilmember Weeks seconded the motion.

[11:01:06 PM](#)

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

**** *The City Council meeting resumed at 11:04 p.m.***

[11:04:47 PM](#)

18.0 Adjournment

18.1 Councilmember Rappleye moved to adjourn. Councilmember Weeks seconded the motion.

[11:05:01 PM](#)

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

18.3 The meeting adjourned at 11:05 p.m.