

Approve June 6, 017

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MAY 16, 2017, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy Walker, and Councilmembers Bill Rappleye, Jeff Stenquist, Alan Summerhays, Marsha Vawdrey, and Michele Weeks

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Hazel Dunsmore, Human Resource Director; Rhett Ogden, Recreation Director; Clint Smith, Fire Chief, Glade Robbins, Public Works Director; Bryan Roberts, Police Chief; and Bob Wylie, Finance Director

Dinner

Study Meeting

[6:01:54 PM](#)

** Mayor Pro Tem Bill Rappleye welcomed everyone to the meeting. He advised the meeting would start with Item 2 to allow the Community Foundation members to do their report first.

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2.0 Discussion: Draper Community Foundation Budget Request Fiscal Year 2017-18

2.1 Robin McCulloch, Draper Community Foundation, gave a brief report of what the Community Foundation has accomplished during the last year. He indicated they are asking the City to provide \$155,000 in funding for the next budget year. Last year they asked for \$130,000 and covered the rest of their costs with money they had in their General Fund.

1.0 Update: Draper General Plan

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1.1 Dan Boles, Planner, briefed the City Council on the status of the General Plan update. He asked them to think about what areas they would want higher density and how the high density should be designated. He reiterated that the General Plan is just a guideline for development and does not change the zoning districts.

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3.0 Discussion: Fiscal Year 2017-18 Budget

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3.1 Bob Wylie, Finance Director, indicated there are extra funds in the budget this year that should be allocated for one-time expenditures in order to comply with the State's reserve

fund limitations. He asked the City Council to list the projects they would like to have considered. The projects included the following:

- Cemetery
- Jordan River Parkway Connection
- Improvements at Galena Park
- Jenson Park
- 13400 South Connection
- Highland Drive
- Pioneer Road to 1300 East
- Community Park at SunCrest
- Pickleball courts
- Triangle property by RC Willey

Mr. Wylie explained staff will try to put a cost together for these items and bring them back to the City Council for consideration.

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

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

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

Business Meeting

[7:05:29 PM](#)

1.0 Call to Order: Mayor Troy K. Walker

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2.0 Thought and Flag Ceremony

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2.1 The Girl Scout Motto was offered by Layla Valadez and Tali Zito, Girl Scout Troop #372.

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2.2 The Flag Ceremony was presented by Girl Scout Troop #372 and was led by Quincy Cook.

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3.0 Report: Jordan Valley Water Conservancy District Proposed Property Tax Rate Increase for 2017

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3.1 Ron Sperry, Trustee, is one of nine representatives on the Board of Trustees for the Jordan Valley Water Conservancy District. He said that in the last legislative session, there was a bill passed (SB-94-S1) that requires all appointed trustees to report to their entities about any proposed tax increases they might have. When assessing the proposed budget for the upcoming year, they determined that they may have to increase taxes. The matter will be discussed further in a public hearing scheduled for August 9th. Mr. Sperry said the increase they are proposing will not be significant. The District is faced with increased growth and development, and therefore they have to increase water supplies. New supplies of water are more expensive than the existing supplies. They identified places where they could cut costs, so the water rate increase will be less than in the past.

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3.2 Councilmember Stenquist asked if they were looking to add more capital projects and if that was the purpose of the property tax increase. Mr. Sperry said about 24 percent of their operation comes from property taxes, which will go toward buying more water supplies. Councilmember Stenquist asked if those funds were for general projects or if they were earmarked for specific projects. Mr. Sperry said there are a couple of projects that have been pre-identified; the first project is to bring in a new water supply from the old Geneva steel area. The increased revenues will also be used to help pay for the Provo River pipeline enclosure project, which was very costly.

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4.0 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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4.1 Dale Boerboom, resident, said he's been in Draper 18 years. He owns a lot of property in Hidden Canyon estates. His lot faces the open area that is going to have a fence installed. He opined that no one will like the fence that is going to be installed. He said he has worked on a lot of the trails in the State, and has offered to do volunteer work on the trails.

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4.2 Roxanne Labrum, resident, stated she is the manager of the Hickory Ridge HOA. They are proposing a crosswalk in their area. There have been three accidents on that stretch of road from November 19th to January 11th. There is a new sign in the area that indicates the speed, but it is not slowing traffic. She said there is also a bus stop for Lone Peak

Elementary. With the speed and the amount of accidents that have occurred, they hope to have a crosswalk before the school year ends.

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4.3 Beau Babka, homeless resident, has lived in Draper for four years. He came to thank the Council for looking beyond the politics. He said he is a former chief of police, college professor, and politician. The issues to which he alluded were about more than politics; they were about the human experience. The homeless center was going to be constructed where a prison is currently located. He said he will continue to advocate for the homeless. He said he personally knows good people who are homeless; people who are not addicts, degenerates or criminals. He said these types of people are all over the City. He said while the Draper community has been good to him, he is embarrassed about how things have played out. He again thanked the Mayor and Council for their courage and their time, and efforts in trying to do something for the homeless population.

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4.4 Dan Parkinson, resident, said he spoke with Todd Hammond who is the person to whom citizens direct questions regarding 13200 South. He said the plans at present are to not block off Boulter. Mr. Parkinson said he wanted to argue that the City do otherwise. Reason being, the street will be kept open for access to the Porter Rockwell trail. This being the case, the issue balances on convenience and safety. He said he lives on Boulter and is concerned about traffic buildup. If they keep Boulter open, they are sacrificing the safety of people in that area. He argued for safety over convenience.

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4.5 Dave Mast, developer, said he has sent communications to the City regarding a trail that he would like to volunteer to improve. There is about a mile and a half of the Hog Hollow trail that needs grooming. He would still like to have a public restroom built at the trail head, and he has offered to pay the expense of having one built. He said limiting the public restrooms within 300 feet of the houses would be prudent. He shares concerns that have previously been expressed about the open space. He would like to see the criteria on trails, and would like to see the trails moved away from fence lines.

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5.0 Consent Items

a. **Approval of May 2, 2017, City Council Meeting Minutes**

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5.1 Councilmember Weeks moved to approve the consent item. Councilmember Rappleye seconded the motion.

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5.2 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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6.0 Public Hearing: Providing Local Consent for a Full-Service Restaurant Alcohol License for Food R Us LLC, dba Terra Mia

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6.1 David Dobbins, City Manager, said the applicant applied under the name of Terra Mia when they went to the State. Their corporate name was Food R Us, and there was some confusion. The DA asked them to clarify that they are issuing it to the correct entity.

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

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6.3 Councilmember Summerhays stated he has a conflict of interest with this item, so he will not be voting.

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6.4 Councilmember Rappleye moved to provide local consent for a full-service restaurant alcohol license for Food R US LLC, dba Terra Mia. Councilmember Weeks seconded the motion.

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6.5 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Vawdrey, and Weeks voting in favor. The motion passed unanimously. Councilmember Summerhays was recused from the vote.

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7.0 Public Hearing: Pearce Property Zone Change, On the request of Boyd Bradshaw, representing Bradshaw Homes & Property for a Zoning Map Amendment from the RA1 (Residential Agriculture-40,000/sf Minimum Lot Size) to RA2 (Residential Agriculture-20,000/sf Minimum Lot Size) Zone on 1.97 Acres Generally Located at 13070 South and 13084 South Fort Street

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7.1 Maryann Pickering, Planner, said this is a request for a zoning map amendment. The subject property consists of two properties and is currently designated as residential, low/medium density. The proposed zoning designation is compatible with that density. These two properties are the only ones in that area that are residential that are still zoned RA1, and this is a request to rezone it to RA2. There is no development proposed. The applicant has indicated that they will apply for a subdivision in the future to create three lots out of these two existing lots. The Planning Commission forwarded a unanimous recommendation for approval on this item.

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7.2 Boyd Bradshaw, applicant, said everything else in the area is already RA2. He said they are in the process of pursuing a development on this property.

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7.3 Councilmember Summerhays asked about the size of the parcel. Mr. Bradshaw indicated it is just shy of being two acres.

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

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7.5 Councilmember Rappleye moved to approve the Pearce property zone change. Councilmember Summerhays seconded the motion.

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7.6 Councilmember Rappleye said one of the things they will have to look at in the future to maintain lower-density properties is to allow some of the larger parcels to break down. With the cost of property, it is very difficult to maintain lower densities. He said this is a great parcel, and he is glad to see it maintained as low-density.

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7.7 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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8.0 Action Item: Resolution #17-29, Approving a Telecommunications Franchise Agreement with Central Telcom Services, LLC

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8.1 Mike Barker, City Attorney, said Central Telcom is a provider of network, communications, and connectivity services. They are headquartered in Fairview, Utah, but are expanding the scope of their services. They provide networking and internet coverage through rural Utah. They are proposing a franchise agreement for the period of ten years. The franchise fee is set as 3.5% of their annual gross receipts, which is in line with City Ordinance and State law. The franchise complies with all federal, state, and local laws, and would be a benefit to the City and its residents.

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8.2 Councilmember Vawdrey moved to approve Resolution #17-29. Councilmember Weeks Seconded the motion.

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8.3 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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9.0 Action Item: Resolution #17-30, Authorizing the Mayor to Sign an Agreement with the Draper Philharmonic

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9.1 Mr. Dobbins said the City Council recently approved the funding for the Draper Philharmonic in the amount of \$35,000. The organization would like to use those funds as quickly as possible. Given the timing of Council agendas, staff was not able prepare the contract to get the funds to them. Staff is requesting the Council approve a resolution which authorizes the Mayor to enter into that agreement. Mr. Dobbins asked the Mayor and Council to outline whatever requirements they would like to be included in the contract. He and Mike Barker, Legal Counsel, will prepare said contract for the Mayor's signature, which he will then sign without having to bring the matter forward again on a future agenda. Mr. Dobbins recommended a two-year minimum be included in the contract, and that the items purchased with City funds revert back to the City as assets if they are no longer functioning. Furthermore, since these are taxpayer funds, he recommended the contract include a clause stating that the Philharmonic will provide one concert a year at no cost to the taxpayers. The residents of Draper should have access to this organization if they are funding it.

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9.2 Councilmember Weeks asked if it is possible to get a copy of the contract before it is signed by Mayor Walker. She questioned whether a Councilmember would be able to speak to the Mayor before the agreement is signed if something they wanted in the contract isn't there.

Mr. Dobbins said staff's intent is for the Council to vote on what goes in the contract. He recommended that if the Council wants to see what is in the contract prior to approval, that the matter be included with the June 6th agenda. Councilmember Weeks asked what the dilemma is in approving the contract on June 6th. Mr. Dobbins said they need the money as soon as possible to be able to put on the performances they want. They were hoping this money would have been available the night the Council approved the funding.

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9.3 Councilmember Stenquist asked if the instruments would remain the property of the Philharmonic. Mr. Dobbins answered affirmatively and said that if the organization was ever no longer functioning, the organization would give those instruments back to the City.

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9.4 Councilmember Summerhays made reference to comments Councilmember Stenquist offered in a previous meeting.

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9.5 Mayor Walker said he has a few contract items in mind. He suggested that the organization have a depreciation schedule which would indicate the group's value in five years. He said a better option to pursue if they disband as an organization is to have them pay the money

back to the City, as opposed to dealing with used instruments. Furthermore, the Philharmonic should catalog the instruments to be able to show to the taxpayer what they bought. They should also produce an annual report showing the condition of the instruments, as well as detailing the benefits that they have provided in the community. The Philharmonic should have someone in charge of managing the instruments should they get stolen or lost. He said the instruments should also be insured, at least for their value.

Councilmember Stenquist asked if they would be able to sell the instruments. Councilmember Summerhays asked about allowing them to lease their instruments.

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9.6 Councilmember Weeks said she is not interested in leasing the instruments. She was concerned with Mayor Walker's suggestion of requiring the organization to pay back the money, should they disband. She said this would be difficult given the fact that the instruments would have depreciated in value at that point; therefore, the financial responsibility would then be placed on the individuals within the organization. Mayor Walker said the depreciation schedule would determine the worth of the instruments each year.

There was further deliberation, and Councilmember Weeks said she agreed with all of Mayor Walker's suggestions, except for the requirement of having the organization pay back the \$35,000 in the event the group disbands. She said she thinks the free concerts is a great idea; however, the organization should not be required to pay for the amphitheater in order to put on a free concert.

Mayor Walker said he would be happy to share the contract with the Council before signing it. Mr. Dobbins said he already has four or five of the items mentioned in the current draft. He asked the Mayor and Council to clarify whether or not they are requesting a depreciation schedule. He said he is not sure if they have the expertise in-house to determine the value of instruments over time. However, they could further research the issue.

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9.7 Councilmember Summerhays said he thinks this matter has gone backwards. Mayor Walker said the question is whether the Council wants to approve the proposed resolution, or if they prefer to have a contract approved in June.

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9.8 Councilmember Weeks expressed concerns because it will soon be concert season, and they may need the instruments sooner rather than later. Additionally, she asked where the large instruments will be stored. Councilmember Summerhays said that is something they have to figure out themselves. Councilmember Weeks said they should include in the contract that they are responsible for the storage.

Councilmember Vawdrey asked Mr. Barker if he had a list of items to be included in the contract. Mr. Barker said Mr. Dobbins explained the list they had discussed as staff. The only variation he's heard is that they want them to pay back a depreciated value rather than

return the instruments. Councilmember Summerhays said the City does not want the instruments. Mr. Barker said they accounted for storage, insurance, and a report of concerts. The City retains a security interest in the instruments for two years. They will work on the depreciation issue.

Councilmember Weeks said the contract is for two years. She asked to clarify that if this organization stays alive for two years, and then in five years it doesn't exist anymore, would they have to pay back the money for the instruments. Mr. Dobbins said the Council could set whatever terms they feel are necessary. Councilmember Weeks said she was okay with a two-year contract.

Mayor Walker said, if in the next two years they disband, the City will get the money back in a depreciated schedule. Thereafter the organization would take full possession of the instruments, which would be the City's contribution at that point.

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9.9 Councilmember Weeks moved to approve Resolution #17-30. Councilmember Rappleye seconded the motion.

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

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10.0 Public Comment: Approval of a Development Agreement with Blue Bison Development

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10.1 Mr. Dobbins indicated the applicant has asked that this item be continued until June 6, 2017.

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10.2 Councilmember Summerhays moved to continue this item to the June 6, 2017, City Council meeting. Councilmember Vawdrey seconded the motion.

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10.3 Councilmember Weeks said she wanted to make sure that the public comments section is still open in June.

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10.4 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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11.0 Public Comment: Agreement #17-102, Purchase Agreement Between Draper City and Randy Bowler of Bowler Properties to Purchase 5.2 Acres Located Generally at 700 West 11800 South (Jenson Farms) for Future Park Development

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11.1 Rhett Ogden, Parks and Recreation Director, said this is an agreement for a potential Jensen Farms development. There are still about three areas of the City that lack a park area, and this is one of them. This would be an integral part of finishing the trail system. It would be an area park so it would need a parking lot, pavilion, a playground, a restroom, a sports field, and a few other amenities upon which they can decide. It is a nearly \$2 million purchase, which breaks down to about \$350 per acre. Once they own it they would have to develop it in future years, which would cost roughly another \$1.5 million.

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11.2 Councilmember Stenquist said there is no development agreement in place yet, and asked Mr. Dobbins to explain the process. Mr. Dobbins said the developer initially applied to rezone this property, and then there was discussion about having him do a development agreement so he could modify the lot sizes. Subsequently, there was discussion about whether or not the City wanted to purchase the property. In order for the developer to know what property is remaining at what cost, the applicant needs to know how much the City is willing to pay for the property in question, and how it affects his overall development. In order for the applicant to finalize this development agreement, he needs to know whether or not the City is willing to purchase any property, and at what cost. If the Council approves this agreement, the rezone and development agreement would be subject to Council review and approval. The proposed resolution would set the terms by which the City would purchase the property in question, assuming that the other aforementioned steps also take place.

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11.3 Mayor Walker opened the meeting for public comment.

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11.4 Mike Tinnan, resident, said he somewhat supports the park area on the Jensen property, but not as it is presented. He said the park is small. The conceptual plan that was presented on January 17th had a total 110 lots. The conceptual plan tonight only shows 91 lots. He said traffic is already bad and this park isn't solving any problems. He likes having a park. The 5.6 acre land consists of larger lots. By approving the park area as presented, the Council will approve smaller R4 lots for the Jensen property, thereby increasing density.

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11.5 Nancy Dial, resident, said in the first meeting there were going to be high-density, half-acre lots, which were supposed to be along the creek. She also stated there is a problem with traffic, and added that it is a very narrow street. She said that while she loves the idea for a park, they would like to see something more open.

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11.6 Mayor Walker closed the meeting for public comment.

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11.7 Randy Bowler, applicant, said they have had several meetings with the LDS church and they are seriously looking at a church site in this area. They are in the final steps of that process. Any plats seen to-date will probably be changed drastically. They don't know at this point what the plat will look like and what the lot count would be.

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11.8 Councilmember Summerhays asked where they were proposing to put the new church. Mr. Bowler identified two possible sites for the church on an aerial map of the subject property. Councilmember Summerhays asked if they would need six to eight lots. Mr. Bowler said they were looking at about four acres.

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11.9 Councilmember Weeks said it looked like a steep price for a park, but they need a park in the area. She is concerned about the amount of density shown and the amount of parking they would need. She asked why they would be approving the park before approving the zoning, and said this process seems backwards. Mr. Ogden said the applicant needs to know if the City is interested in buying the park property before he can submit his final plans for all his lots. If the City will not buy said property, he needs to know before making his next submittal. As far as the price, it's about \$350,000 per acre. Councilmember Weeks asked if they have ample parking for such a big park. Mr. Ogden said there are two parking lots. Councilmember Weeks asked if they will be building bridges, and Mr. Ogden answered affirmatively. Councilmember Weeks asked if the cost of the bridges is included in this cost, to which Mr. Ogden stated he did not think that was the case.

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11.10 Councilmember Summerhays asked about the cost of the development of the park. He said he wants a park in that area for neighboring residential areas. It will be a nice area to live in, and this is one of the last areas in the City that can be developed this way. Mr. Ogden said it would be a couple of years before the City could afford to develop the park. However, as a City they should consider obtaining the land while it is available.

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11.11 Councilmember Rappleye said it is hard to determine exactly where they are at in the process because they have only seen conceptual layouts at this point. He said he doesn't know if the park is big enough. Parking and other facilities eats up about a quarter of the park, which makes the project very expensive. It's hard to do a park without involving an overall plan. Mr. Ogden said the approval of this agreement to purchase land is contingent upon the Council approving the development agreement. If that were not to happen, this agreement would go away.

Councilmember Stenquist said they have no parameters of what is in the development agreement or how much density will be requested. Councilmember Rappleye said this agreement felt premature.

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11.12 Mr. Barker said there are a lot of contingencies that need to be met for the obligation to close on the purchase of the park. The development agreement is a big part of the process which gives the City the opportunity to consider what the overall development is going to be, including its density. He said this is an odd situation in that Mr. Bowler needs a purchase agreement from the City before he is able to move forward in determining the terms of a development agreement.

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11.13 Councilmember Stenquist said the matter comes down to whether or not the City is willing to pay this much for the land. They still have control over the development agreement.

Councilmember Weeks asked if the possibility of a park is still on the table if the Council does not approve the proposed agreement. Mr. Dobbins answered in the negative, and said the whole agreement would go away because it is a two-way deal. Councilmember Weeks asked if the Council approves the purchase agreement tonight, but then does not approve the development agreement, would everything else dissolve. Mr. Dobbins answered affirmatively. Councilmember Weeks then asked that if the Council does not approve the proposed purchase agreement tonight, and the applicant comes forward again with a development agreement, will the Council still have an opportunity to add a park. Mr. Dobbins said in order to prepare the development agreement in the first place, the developer has to know if the City is willing to buy the property, so the developer can integrate said factor into the proposed development agreement. Otherwise, he's going to get one shot on the development agreement, and he may or may not be willing to entertain deliberations on the park layout. Councilmember Weeks said it was worth having a park in this location; however, she was concerned with whether or not the density is too high.

Councilmember Stenquist said they don't have any idea of how many homes there will be in the area. Mr. Dobbins stated that they could make their intentions of density known to the developer beforehand.

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11.14 Councilmember Summerhays asked if there is any way to put in a development agreement to pay the property off as the subdivision is built. Mr. Dobbins said the Council could set whatever terms they think are in the best interest of the City.

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11.15 Councilmember Stenquist moved to continue this item to June 6, 2017, to allow the Council time to discuss purchase price. Councilmember Vawdrey seconded the motion.

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11.16 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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12.0 Action Item: Approval of Amendment to the Development Agreement with DJ Investment Group, David K. Mast, and Wasatch Land Company, Adjusting the Boundaries of the Hidden Canyon Estates and Mercer Mountain Development Projects

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12.1 Mr. Dobbins said they entered into an agreement regarding the above stated development. Mr. Mast is willing to change the boundaries of said agreement.

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12.2 Councilmember Summerhays asked if the proposed development was moved down off the ridgeline. Mr. Dobbins said no, that's what Mr. Mast is currently requesting of the City. He said in making a motion, they need to verify the correctness of all legal descriptions.

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12.3 David Mast, applicant, said he didn't develop just to make money. He wanted to make a really nice community to attract influential people. If he wanted to make more money, he would have done higher-density. His goal is to make a difference, not necessarily to make money. In regards to this property, what was overlooked is the ridgeline. There is a lot of traffic on the jeep trail, and there are people who don't want homes on the ridge. It is very steep, which limits the number of lots. He wants to make the people that live there happy. He does not want to start a conflict, so he proposed this change.

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12.4 Councilmember Weeks said in his public comment he was very specific about where he wanted to put public restrooms and how far away they would be from homes. Her concern is that the Council may disagree with him. Mr. Mast said he is volunteering to do one trail and one restroom. Hog Hollow connects to the Lehi area, and it concerns one trailhead and one public restroom. The decision is not his, he just recommended a location for the restroom. He proposes moving the trails away from the homes, but that is the Council's decision.

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12.5 Councilmember Summerhays asked Mr. Mast if he would put in a bathroom at his expense. Mr. Mast said since there is a lot of foot traffic, and since they are putting in a sewer anyway, this would be a good location for the bathroom.

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12.6 Councilmember Stenquist said in their last meeting the Council suggested that Mr. Mast waive his right to litigate against the City, at that time he indicated he was not agreeable to such a waiver. Councilmember Stenquist asked Mr. Mast if he had changed his mind. Mr.

Mast said if there were to be a dispute the issue would be regarding damages. Mr. Dobbins said Mr. Mast could take them to court to compel them to perform under the agreement. Mr. Mast said if the City causes him harm, he could agree to not suing the City for damages. However, if a judge or mediator told the City that they have a responsibility to allow Mr. Mast to exercise his rights to develop his property, he would have no problem with that type of conversation. Mr. Mast said he does not want to dispute with the City. He concluded that the current Mayor and Council inherited a mess at no fault of their own, and they have done a good job moving forward.

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12.7 Mayor Walker said the Council needs to make a motion.

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12.8 Councilmember Weeks mentioned Mr. Dobbins was concerned about whether Mr. Mast would sue the City in the future. She asked him to elaborate on that point. Mr. Dobbins asked Mr. Mast if he would agree to not sue for damages.

Mr. Mast said he can't speak for Edge Homes, but his company would waive damages. Mr. Dobbins said the agreement would require the City to perform. If the City doesn't perform then Mr. Mast's company can compel the City to perform, but they can't sue for damages. Councilmember Weeks asked if this language is in the development agreement. Mr. Mast noted it would not concern buyers, just the company.

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12.9 Mr. Dobbins said they would want to address the issue of the half-acre piece and whether or not it would be included in the agreement.

[8:41:46 PM](#)

12.10 Councilmember Stenquist moved to deny the amended development agreement. The motion failed for lack of a second.

[8:42:33 PM](#)

12.11 Councilmember Weeks moved to approve the amended development agreement with the addition on the half acre. Councilmember Summerhays seconded the motion.

[8:43:30 PM](#)

12.12 Councilmember Rapple moved to amend the motion to include the grooming of the trail and the construction of the restroom subject to the approval of the City. Councilmember Vawdrey seconded the motion.

[8:44:54 PM](#)

12.13 Councilmember Stenquist asked that the construction of the restroom and trail construction be done under the direction of the Parks and Recreation staff.

[8:45:52 PM](#)

12.14 A roll call vote was taken on the amended motion with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

[8:46:09 PM](#)

12.15 Councilmember Stenquist said he is still opposed to the original motion. The sewer line to the trail has to be built anyway. He doesn't think the City is getting an equitable return or enough consideration from the developer. Councilmember Rappleye said he felt strongly about getting the homes off the ridge. Councilmember Stenquist said his concern would get masqueraded. He thinks moving the homes off the ridge only benefits the developer.

[8:47:56 PM](#)

12.16 Councilmember Summerhays said he likes that the developer will put in the bathroom and fix up the trail.

[8:48:48 PM](#)

12.17 Councilmember Rappleye said the key problem is eliminating the lift and using a gravity flow.

[8:49:27 PM](#)

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

[8:49:51 PM](#)

** Council/Manager Report

[8:50:24 PM](#)

** Mike Barker introduced LaPriel Dye to the Council. She is Mr. Barker's paralegal.

[8:50:54 PM](#)

** Mayor Walker said a common theme over the last week is the speeding going on in town. He said they should possibly look at hiring a couple more traffic enforcement officers. He thinks they could make progress on the Jordan River Trail connection at the Frontrunner station. They could get help from companies and other sources to make that connection. He said they should consider expanding the dog park parking. He said they need some development review software to enhance and improve staff's ability to do so, as this software is expensive. He proposed they work with Water Pro and put in a pressurized fire hydrant line that would be above the road.

Councilmember Summerhays asked the Police Chief how many traffic enforcement officers there are during the busy times of the day. Chief Roberts said it depends. They have 22 patrol officers assigned to patrol division. There are split into different sides. During the morning hours, it's usually a Sergeant and three officers, sometimes it's a Sergeant and four officers. They have two designated traffic officers. He said traffic is a

concern. Councilmember Summerhays asked how many tickets they write a day. Chief Roberts said traffic officers will issue 10-15 citations on that shift.

Mayor Walker asked the Council if they were in favor of looking into the cost of hiring more traffic officers.

Councilmember Weeks said she also supports adding the fire hydrants. The mountain seems to burn every other year. She would like to know how much it would cost. Mayor Walker asked the Council how many of them would support this cost.

Councilmember Weeks then talked about the expansion of the dog park. She looked into parking for this park, and she was told there was more parking across the street. Mr. Ogden said there are 40 open stalls across the street, and they could use that for parking. However, the parking by the Splash Pad could be full in the summer. Mayor Walker asked how many Members of the Council would want to look into a solution for this problem.

Mayor Walker said another item was traffic calming devices for the traffic committee to deploy. He asked how many Members of the Council would approve looking into devices to calm traffic. Councilmember Summerhays said they work. Councilmember Weeks said a lot of citizens want this too.

Mayor Walker asked how many of the Council would approve purchasing development review software. They could afford it if it's important.

The last item is the Jordan River Trail connection at the Frontrunner station. Councilmember Stenquist asked if they could get the developer to contribute. They are having a meeting with the developer, UTA, and EMC. They are all coming together to see what they could do.

[9:06:13 PM](#)

** Councilmember Rappleye talked about moving the recycle bins. Staff noted that the glass recycling bins will be available to use 24/7 at City Hall. Councilmember Rappleye said he has received complaints about the easement along Vestry Road. It's been a problem area for a long time. He proposed a field trip to look at the area and see if there is something that can be done. Some people on 300 East have a speeding problem, too, and residents in the area would like some speed limit signs installed. He made additional suggestions on ways in which traffic could be alleviated through the area in question.

[9:10:21 PM](#)

** Councilmember Vawdrey said everyone received the same email regarding Vestry Road. She said she didn't know if a field trip was necessary, or they could simply get a report back on the area. Councilmember Rappleye said he wanted to go see the area in person. If a majority of the Council agrees, they could at least look into the traffic calming devices in the 300 East area. Councilmember Weeks said she would like to look into alleviating traffic in the area in question as well.

Councilmember Stenquist said last year the Council put some money into the budget for beautification, and maybe they could go through that process again and beautify certain areas in the City. Councilmember Rappleye said for this reason a field trip is warranted. Councilmember Vawdrey said she was supportive.

Councilmember Vawdrey said she and Councilmember Summerhays recently met with some residents who live near the Coyote Hollow trailhead. The City had put in some no parking signs there, but no parking signs were needed on both sides of the street in order to solve the problems these residents were experiencing. Councilmember Summerhays said they think some signs at the north side of the street would help.

Councilmember Weeks said they could ask for some police officers to enforce the new parking regulations. Chief Roberts said he and Mr. Dobbins scheduled a meeting with the neighbors by that trailhead. They will look into those concerns. Councilmember Summerhays said a park ranger could ticket people by the trailhead.

[9:15:06 PM](#)

** Councilmember Summerhays thanked everyone that came to support the motocross challenge. He said the old trails that were put in 20 years ago are having some problems. The Porter Rockwell trail needs some work. Mr. Ogden said there are plans to address the issue.

[9:17:21 PM](#)

** Councilmember Weeks asked about the City's election ordinances or codes. Currently the City does not require candidates to submit a financial disclosure. However, in accordance to the State usually there is a penalty if candidates do not submit a final financial disclosure. Mr. Barker said he would look into the issue.

[9:19:22 PM](#)

** Councilmember Stenquist said he wanted to follow up with the direction the Council gave to Mr. Barker after they received the letter from Councilmember Weeks's attorney last meeting. Mr. Barker said there were no final findings yet. He is putting together a memo about the part of the letter regarding what to do if there are allegations. In summary, it depends on what code has been allegedly violated. If it's a City ordinance, it goes one way, if it's a State ethics code, it goes another. There could be criminal investigation depending on the allegations.

Councilmember Stenquist said they have been made aware from citizens who requested emails, and Mr. Barker has reviewed the emails. Mr. Barker said the purpose of his review is to work with the City Recorder to be sure that they are not releasing anything in violation. He came across some red flags, but has not made a determination that any email is in violation of ordinances or State Code. Councilmember Stenquist asked about the emails that were red flags. Mr. Barker said someone could draw conclusions on analysis; however, he is not making any conclusions tonight. Councilmember Stenquist said members of the community have raised concerns.

Councilmember Weeks asked if they have read all her emails. Councilmember Stenquist said he hasn't read the emails, but he has had issues brought to his attention about them. This puts staff in an awkward situation. They could have concerns about retaliation if they ever have to investigate a Councilmember. The best course of action is to follow the advice of Councilmember Weeks's attorney to refer the information they've received to an independent third party or a proper authority to investigate those. Any knowledge of wrongdoing should be dealt with. He suggested they ask staff to turn over any information to an independent investigator. Having someone independent would be the best way to handle this situation.

Councilmember Summerhays asked if an independent investigator from the State would be reported to with any allegations. Councilmember Stenquist answered affirmatively; an ordinance spells this out to provide a guarantee of independence in any kind of investigation.

Mr. Barker said a few months ago he went through the code. A member of the community could come forward at any time to file a sworn complaint with him, which he would have a duty to investigate, providing due process of the Councilmember who is subject to the accusation. The ordinance is unclear with City officials. Some cities have adopted a municipal ethics commission, whereas Draper has not. If they were to receive a sworn complaint alleging a violation of the State ethics act, they would file that with the political subdivisions ethics review commission, and the public could follow that same process. Since they don't have a municipal ethics commission, this whole line would collapse and go into the State, who would then apply State law under this ethics act. At this point, they are dealing with the scenario where outside counsel would be the best way to go about it. That outside counsel could report back, which may or may not lead to further action at the State level, the City Council level, or nothing could happen. Councilmember Stenquist said it seems that the evidence they have received goes beyond what would be considered unsubstantiated. There are legitimate concerns. The right course of action would be to get outside counsel to review that information and advise the City on how to proceed. He asks the majority of the City Council to support this course of action.

Councilmember Summerhays said they should follow the letter. Mayor Walker asked if they want to go with outside counsel or another route. Councilmember Stenquist said they have a responsibility as a body to do something with this information. Councilmember Weeks said she would be fine with outside counsel.

Mr. Barker said the next step would be to identify some people qualified to opine in this area. They could bring those names back to the Council. Councilmember Summerhays said Mr. Barker would be able to choose outside counsel.

Councilmember Weeks asked what the consequences would be if she wrote emails that were red flagged for wrongdoing. Mr. Barker said he expected the outside counsel could determine the level of severity and perhaps provide recommendations to the Council.

[9:38:02 PM](#)

** Glade Robbins, Public Works Director, said in a previous Council meeting, the issue was raised about parking on Traverse Ridge Road by the bikers that access the trail. They looked at this problem and have a possible solution. They are proposing some accesses through the curb and gutter and put in a series of parking stalls. It would cost \$10,000 to \$15,000 to put in. Councilmember Stenquist said that would be good. Mayor Walker asked if it would be dirt parking. Mr. Robbins said for now it would just be gravel, or they could pave it. Councilmember Stenquist said they should do something to prevent people from parking further up and blocking traffic, such as putting in a fence. Mr. Robbins said they will put this on the budget amendment toward the end of June.

[9:41:36 PM](#)

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

[9:41:39 PM](#)

13.1 Councilmember Summerhays moved to adjourn to a closed-door meeting to discuss. Councilmember Rappleye seconded the motion.

[9:41:51 PM](#)

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

13.3 The meeting adjourned at 9:41 p.m.