

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 22, 2013, IN THE DRAPER CITY COUNCIL CHAMBERS 1020 EAST PIONEER ROAD, DRAPER, UTAH.**

*“This document, along with the digital recording, shall constitute the complete meeting minutes for this City Council meeting.”*

PRESENT: Mayor Pro Tem Jeff Stenquist, Councilmembers Troy Walker, Alan Summerhays, Bill Rappleye and Bill Colbert. Mayor Darrell Smith was excused.

STAFF PRESENT: David Dobbins, Doug Ahlstrom, Tracy Norr, Russ Fox, Troy Wolverton, Danyce Steck, Garth Smith

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**Study Meeting**

**1.0 Parks and Recreation Department Report**

1.1 During dinner, Rhett Ogden gave a report on the Parks and Recreation department. He highlighted the participation and revenues for the recreation programs and the amphitheater. He also discussed the usage and rentals for the parks, pavilions, barn, and fields. Councilmembers asked for consideration for a cleaning crew and higher rental fees for the barn. Councilmember Walker also asked that a turf field be considered.

**2.0 Adjourn to Redevelopment Agency Meeting**

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2.1 A Redevelopment Agency meeting was held.

**BUSINESS MEETING**

**1.0 Call to Order**

[6:58:04 PM](#)

1.1 Mayor Pro Tem Stenquist called the meeting to order and welcomed those in attendance. He excused Mayor Smith. He also noted that Cory Proulx, a city employee, passed away due to complications following surgery. He said Mr. Proulx would be sorely missed and the thoughts and prayers of the city are with his family.

**2.0 Comment/Prayer and Flag Ceremony**

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2.1 The prayer was offered by Samuel Brown. Troop 279 then led the flag ceremony.

### **3.0 Citizen Comments**

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3.1 There were no comments given.

### **4.0 Consent Items**

- a. Approval of January 8, 2013 Minutes
- b. Agreement #13-13, Contract with Curtis Consulting
- c. Reclassifications of Positions for Public Relations Officer, Court Manager, Facilities Manager, and Park Specialist
- d. Agreement #13-01, Junior Soccer Uniform purchase
- e. Acceptance of Right of Way Dedication from Canyons School District
- f. Agreement #13-09, 1300 East Widening Environmental Study

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**4.1 A motion to approve the consent items was made by Councilmember Walker and seconded by Councilmember Rappleye.**

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**4.3 The motion carried unanimously.**

### **5.0 Public Hearing: Willow Creek Business Park Subdivision Plat Amendment**

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5.1 Dan Boles explained that the property is currently subdivided. One lot will be split into two by the amendment. The zoning is CBP, so the intent is for the commercial feel of the area. The lot is being split to allow additional parking for the collision center. The Planning Commission has recommended approval.

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5.2 Bruce Kenner, 7596 Riverwood Drive, said he is the property owner and he would like to sell the property to the collision center.

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5.3 The public hearing was opened.

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5.4 There were no comments and the public hearing was closed.

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**5.5 A motion to suspend the rules was made by Councilmember Rappleye and seconded by Councilmember Summerhays.**

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**5.6 The motion carried by unanimous vote.**

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**5.7 A motion to approve the plat amendment for Willow Creek Business Park Subdivision was made by Councilmember Rappleye and seconded by Councilmember Summerhays.**

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**5.8 Councilmember Colbert said he would like to make sure environmental issues are addressed.**

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**5.8 A roll call vote was taken with Councilmembers Rappleye, Summerhays, Walker, Colbert, and Stenquist voting in favor. The motion carried.**

**6.0 Public Hearing: Resolution #13-07, Amending the 2012-2013 Budget.**

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6.1 Danyce Steck said that the budget needs to be amended following the impact fee study and lawsuit. An MBA amendment needs to be done in the near future for the Municipal Building Authority; a transfer of debt reserve fund will be made to the general fund. Additional requests for IT infrastructure, OCE printer maintenance in the Engineering Department, Courts material and supplies, and the citizens' audit report are being made. A new project to build 13490 South will be added. This \$7.2 million project will be funded by the state as well as transportation impact fee funds, storm water impact fee funds, and the water fund. David Dobbins said money collected from the FrontRunner Community Development Area can reimburse the water fund. Another amendment is to accept federal aid and add matching funds for the widening of 13800 South. Debt issuance from 2012 will be accounted for. Mrs. Steck noted the impact fee money that needs to be spent and corrections will be made. All budgeted projects are being un-appropriated and re-appropriated based on the impact fee study. She reviewed the ending balances.

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6.2 The public hearing was opened.

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6.3 Shawn Benjamin, 360 West 13165 South, asked about the location of 13490 South and said when the budget was passed there was the idea of a connection from the east side of Galena to the underpass. Mr. Dobbins said there have been discussions with the property owner, but we do want it done. Mr. Benjamin added that Mrs. Steck does a good job.

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6.4 There were no further comments and the public hearing was closed.

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6.5 A motion to suspend the rules was made by Councilmember Rappleye and seconded by Councilmember Summerhays.

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6.6 The motion carried by unanimous vote.

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6.7 A motion to approve Resolution #13-07, amending the 2012-2013 budget, was made by Councilmember Rappleye and seconded by Councilmember Summerhays.

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

7.0 **Agreement to Purchase Real Property Located at Approximately 13595 South 1300 East.**

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7.1 David Dobbins said a resident had purchased a small piece of property at a tax sale. The road and a city trail are on the property, so the purchaser cannot use the property. He asked if the city would purchase it at the amount he paid for it. Mr. Dobbins recommended approval to clear up any problems. Councilmember Colbert said he felt this property should have been transferred to the city from South Mountain.

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7.2 A motion to approve the purchase of the real property was made by Councilmember Summerhays and seconded by Councilmember Walker.

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7.3 The motion carried unanimously.

8.0 **Agreement #13-05, Public Works Canopy and Debris Pit Bid Award.**

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8.1 Joe Bryant said bids were solicited for the expansion of the Public Works canopies with an alternate for a debris wash-out pit. The low bidder was Stalling Construction for a total of \$255,000. He recommended award to Stalling Construction. Brad Watson said the debris flow basin would be for garbage, salt and vacuum truck washouts. This was originally planned as part of a three-year expansion project to protect the city's equipment. Danyce Steck said the funding sources are the water fund, storm water fund, solid waste fund, and the general fund. David Dobbins said Public Works feels this is money that is well-invested to prevent damage to the equipment. Councilmember Summerhays said the sewer district is stepping up its enforcement of environmental debris.

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**8.2 A motion to approve the agreement with Stallings Construction for the Public Works canopies and debris pit was made by Councilmember Summerhays and seconded by Councilmember Rappleye.**

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**8.3 The motion carried unanimously.**

**9.0 Ordinance #1041, Amending Draper City Municipal Code Title 7-13 Regarding Cleaning Real Property.**

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9.1 City Attorney Doug Ahlstrom said the ordinance was requested by the code enforcement officer. The code is confusing. The amendment is to clean up the language of the code and be specific with the requirements of the code. Mayor Pro Tem Stenquist said the city tries to maintain its property but there are areas that need attention, such as across from the amphitheater. Mr. Dobbins said the staff tries to balance the needs based on the budget and time. Mr. Ahlstrom said the city depends on volunteers to help handle these concerns. Councilmember Colbert also said the city needs to be notified of problem areas. He added that some residents in Suncrest have a problem with the snowplow piling snow in front of the fire hydrants. When asked about trimming trees over sidewalks, Mr. Ahlstrom said that is covered under the tree ordinance. Mr. Fox said there are agricultural provisions that help with large lots.

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**9.2 A motion to approve Ordinance #1041, amending Title 7-13 of the Draper City Municipal Code, was made by Councilmember Colbert and seconded by Councilmember Summerhays.**

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**9.3 A roll call vote was taken with Councilmembers Colbert, Summerhays, Rappleye, Walker, and Stenquist voting in favor. The motion carried.**

**10.0 Ordinance #1042, Amending Draper City Municipal Code Title 10-3-020 Pertaining To Building Permit Applications and Section 10-3-140 Pertaining To Public Improvements.**

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10.1 Troy Wolverton reviewed the current code regarding applicant for permits. He said most of the changes are minor text issues and legal clarifications. Additional requirements for public improvements in relation to building permit issuance have been listed. Duties to repair have been public improvements have been clarified to be related to damage occurring due to construction. Duty to maintain public improvements have been clarified. The reference to deferrals is being removed except as written in Title 9-27. The main reason the chapter is being revised is for parcels not within subdivisions to

require public improvements, frontage right of way, etc. for public improvements. The same process as for subdivisions will be followed. He clarified that if a parcel has already met the impact criteria, those fees will not be assessed again. Discussion was held regarding deferrals. Mr. Wolverton said if it is an existing master plan improvement, deferrals would not be allowed under the current code. On existing local roads, there is a provision for deferral agreements. Specific roads are named in the code, as will be discussed in a later agenda item. Payment in lieu of installing improvements is still an option. Russ Fox added that this section of the current code conflicts with Title 9-27-110. Title 9-27-110 is more restrictive and is being used.

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**10.2 A motion to approve Ordinance #1042, amending Title 10 of the Draper City Municipal Code, was made by Councilmember Summerhays and seconded by Councilmember Rappleye.**

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**10.3 A roll call vote was taken with Councilmembers Summerhays, Rappleye, Walker, Colbert, and Stenquist voting in favor. The motion carried.**

**11.0 Federal Aid Agreement for Funding 13800 South Widening from Bangerter to 300 East.**

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11.1 Troy Wolverton said almost \$3 million federal dollars have been received for this project. The city portion will be \$212, 475. It has been a team effort with Carolyn Prickett overseeing the project and followed up on the details. A funding agreement with UDOT is required to receive the federal funds. The project will be handled like a UDOT project to meet federal guidelines. He reviewed the concept plan and discussed property acquisition. He said it will take about two years to complete the project.

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**11.2 A motion to approve the agreement with UDOT was made by Councilmember Rappleye and seconded by Councilmember Summerhays.**

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**11.3 The motion carried unanimously.**

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11.4 Mr. Wolverton noted the property owners have been notified already. Additional notices will be given and public hearings will be held.

## **12.0 Council Assignments for 2013.**

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12.1 Councilmember Summerhays said that with the exception of Mayor Pro Tem and RDA Chairman, he did not see a need to change assignments. Mayor Pro Tem Stenquist asked about the Equestrian Board. Councilmember Summerhays said he told the chairman of that board to call him when they need something. They do contact him when they need something done, but the board is not currently functioning. Katie Ovard-Smith is overseeing things at this time. Councilmember Summerhays said he would talk to her to try to get some recommendations for boardmembers. He has already asked her to get PCRA guidelines to see what improvements need to be made.

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**12.2 A motion was made by Councilmember Summerhays to leave the assignments the same as 2012 with the exception of Mayor Pro Tem and RDA officers as already set by council, with the option of changing assignments at the Council retreat. The motion was seconded by Councilmember Walker.**

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**12.3 The motion carried by unanimous vote.**

## **13.0 Discussion Item: Deferrals of Public Improvement Installation.**

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13.1 Russ Fox said that staff is bringing this up for discussion based on the problems with the widening of 13200 South. There is no action to be taken. He reviewed the current ordinance and said that last year the code was significantly changed to limit the reasons for deferral. Deferrals are only allowed on nine streets because of the rural character of the streets without the approval of the city council. He said there are still ways of providing for frontage improvements such as paying an assessment, forming an assessment area, or install the improvements. He reviewed each of the nine streets and pointed out the existing agreements and the vacant parcels where deferrals agreements could be requested. He said the council could consider designating some streets as rural and taking all deferral agreements out of the code. Mayor Pro Tem Stenquist said he feels like each street needs to be treated individually, with some to be designated as rural streets where the curb, gutter and sidewalks are not required and other streets are removed from the list. Councilmember Summerhays said there is a concern from a lady on 800 East about a property line going through her home. Councilmember Colbert said this may be a civil issue. Councilmember Summerhays asked for follow up on the concern. Mr. Wolverton said the staff will communicate with her. The consensus was to make the changes to the listed streets for future action.

#### **14.0 Council/Manager Reports**

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14.1 Councilmember Summerhays said consideration needs to be given to the reuse water access under the underpass. Mr. Dobbins said he will work with them. He thinks they plan to use a different place.

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14.2 Councilmember Walker said it might make sense to put security cameras on the newly placed train car at the TRAX town center station. Councilmember Colbert said a camera may be desirable for the Chamber building, the Day barn, and the Fitzgerald cabin. Councilmember Rappleye said there have not been any problems at the Chamber building but he thinks it is a good idea to add a camera.

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14.3 Mayor Pro Tem Stenquist said we probably should add council assignments for the Suncrest HOA board and Draper Cycle Park board. Councilmember Colbert asked if the Cycle Park board is a government-sponsored board. Mayor Pro Tem Stenquist said the Cycle Park Association would like an interlocal agreement with the city once the veladrome is built. Their bylaws include a council representative on their board. He also said the Draper Trails day have included a trail run, a mountain bike race, etc. Ken Murdock asked the Cycle Park board to take over that event.

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14.4 Councilmember Rappleye invited the councilmembers to the Chamber's state of the city address on February 6. He said there is another ribbon cutting for The Bridal Closet on February 1.

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14.5 Troy Wolverton showed options for addressing some of the concerns for the roundabout at 13200 South and Fort Street. He showed the phases and discussed property acquisition. He showed consequences of moving the roundabout, phasing the property acquisition, and narrowing the median. Mr. Wolverton said construction needs to start in February. Mr. Ahlstrom said the property acquisition will not be done that soon. Councilmember Colbert said pedestrian safety is a high priority and he does not want to facilitate faster traffic. Mr. Wolverton said there is an increase in traffic demand due to the new schools. Councilmember Colbert said this project has already been decided. He said there is an impact that is painful to some, but we need to do it. Councilmember Rappleye said this is being discussed in response to the input from the open house. Discussion was held about putting in sidewalk improvements for phase 1 and tearing them out. Councilmember Walker asked the city attorney to look at governmental immunity issues in relation to design flaws. Mr. Wolverton said there are also cost issues with making the change. He asked the council to let the property acquisition communication be done by the staff, rather than council, to allow efficient project management.



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14.6 Mayor Pro Tem Stenquist said he had lunch at the Station 105 fire station. He suggested having the council dinner at the fire station in a couple of weeks.

**15.0 Adjourn**

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**15.1 A motion to adjourn to a closed meeting to discuss litigation, property acquisition, and the character and professional competence or physical or mental health of an individual was made by was made by Councilmember Summerhays and seconded by Councilmember Rappleye. The motion carried by unanimous vote.**

**15.2 Following the close meeting, a motion to adjourn was made by Councilmember Rappleye and seconded by Councilmember Summerhays. The meeting adjourned at 11:10 p.m.**