

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 5, 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 Darrell Smith, Councilmembers Troy Walker, Alan Summerhays, Jeff Stenquist, Bill Rappleye and Bill Colbert.

STAFF PRESENT: David Dobbins, Tracy Norr, Russ Fox, Troy Wolverton, Danyce Steck, Garth Smith, Todd Hammond, Dennis Workman

Study Meeting

1.0 Discussion Item: 13200 South Widening Project

6:40:09 PM

1.1 David Dobbins said there were 20 deferral agreements along 13200 South. Each of those agreements has different terms and will affect the project. Todd Hammond said there are 56 properties where property acquisition is necessary. Sixteen properties owners have agreed to acquisition. He showed the location of the deferral agreements and noted three agreements have a 90-day invoice agreement, five have 90 days to install improvements, and eight have nine months to install the improvements. There is also a “payment-in-lieu” that cannot be verified. He presented three options to deal with the agreements. The first is to enforce the agreements as they are. There would be a financial benefit, but it would take a year for the agreements to take their course, there could be multiple contractors, and leave a less-than-optimal product. The second option is to have the property owners pay the city for the improvements. There would be a financial benefit and only one contractor so there would be lower prices for the property owners. The disadvantage would be getting agreement from the property owners. The third option is to call it a wash where the city would construct the improvements in trade for the land and the cost to cure. This has the least financial benefit but there would probably be more agreement with the property owners. He reviewed examples of the costs for each option. He suggested an alternative to install the traffic signal on 1300 East and delay the remainder of the project.

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1.2 Councilmember Colbert said there is also a cost of delaying the project. David Dobbins said if we bid out the project with gaps in it, the cost could also be higher and difficult to manage. Councilmember Colbert said he felt Option 3 would be the best so the project can move forward. Mr. Dobbins said that an amended agreement with a short time frame for acceptance could be given to each deferral holder and should be contingent on unanimous support. He also said that the properties with deferrals would be a problem if the city has to condemn the property. The consensus of the council was to proceed with Option 3 and stay with the original schedule.

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- 1.3 Troy Wolverton reviewed the roundabout modifications for Fort Street and 13200 South. He said moving the roundabout to the south increases pedestrian safety issues as well as modifications for the power pole. He said the information will be discussed with the property owners. He recommended proceeding with the original option.

BUSINESS MEETING

1.0 Call to Order

[7:10:53 PM](#)

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

2.0 Comment/Prayer and Flag Ceremony

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- 2.1 The prayer was offered by Ed James. He then led the Pledge of Allegiance.

3.0 Presentation of Annual Police Report

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- 3.1 Chief Bryan Roberts gave an overview of the 2012 crime statistics, accomplishments, 2013 goals, and future challenges. He noted property crime and violent crime incidents are lower than 2011. He recognized the department's management staff in attendance at the meeting. He reviewed the accomplishments which included transition of the vehicles paint scheme, the adoption of the Lexipol policy manual, the promotion of four sergeants and the hiring of a Crime Victim Services Director, the awards and recognition program, the geographic beat program, training, calls, community events, employee engagement and the DARE program. Chief Roberts said the goals for 2013 are to enhance community outreach, reduce crime, and continue employee development. The future challenges include a new police facility, department reorganization, and keeping pace with service demands. Councilmember Colbert said he likes the idea about beats but he feels Beat 3 is a large area with unique challenges. Chief Roberts said the access points can be reached quickly. Extra staffing will be considered at different times. Councilmember Rappleye thanked Chief Roberts and said he is pleased with the surge forward. Mayor Smith complimented Chief Roberts for doing a great job.

4.0 Citizen Comments

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- 4.1 Deanna and Chad Sumsion, 1322 East 13200 South, said it has been fun watching the new middle school go up. He asked the council to consider adding a restriction on engine brakes to the noise ordinance of the city. Councilmember Colbert said the city decided not to implement brake restrictions coming down the hillside due to safety concerns. Mr.

Sumsion also said he appreciates learning how to read the agenda and become aware of the meetings. He complimented Chief Roberts for the police service. He said it would be nice to sit down with the city to talk about the 13200 South improvements, even though there was an open house. He said he did not like the 2-week acceptance period for deferrals. He noted there is no resident parking on the streets being widened. He said the city's Master Transportation Plan shows that roundabouts take more real estate than traffic signals and he thinks four-way stops would take less real estate. He asked how much of a four-way stop has been considered. He said the trading option would be trading the money he would be given for his fence, trees, the rock wall, and landscaping. Troy Wolverton clarified there is no restriction for parking along 13200 South in the bike lane. Additional parking width was not considered for the project because of opposition to the property acquisition. Cars can be parked along the public road although the city is not advocating parking on the roadway.

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4.2 Derek Coulter, 1017 East 13200 South, said it has become apparent the property owners are confused and frustrated about the lack of notice for the project. He said the property owners should be involved and he suggested sidewalks and parkstrips be narrowed. He said the notice will speed things up and the plan will be better received by the property owners.

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4.3 There were no further comments given.

5.0 Consent Items

- a. January 22, 2013 Minutes
- b. January 29, 2013 Minutes

[8:00:44 PM](#)

5.1 A motion to approve the consent items was made by Councilmember Summerhays and seconded by Councilmember Rappleye.

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5.3 The motion carried unanimously.

6.0 Public Hearing: Open Space Encroachment Purchase Request from Ron Martino, 526 East Henry Day Court.

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6.1 David Dobbins said the Martinos had approached the council about purchasing the encroached property behind their house. They have had the property surveyed and are willing to pay \$9/foot. They would pay off the purchase in three years. Councilmember Colbert said he thought the line was supposed to be straight. Councilmember Summerhays said he does not have a problem with the sale of the property.

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6.2 The public hearing was opened. No comments were given and the public hearing was closed.

[8:04:01 PM](#)

6.3 **A motion to suspend the rules was made by Councilmember Stenquist and seconded by Councilmember Summerhays.**

[8:04:08 PM](#)

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

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6.5 **A motion to approve the sale of the property was made by Councilmember Stenquist and seconded by Councilmember Walker.**

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

7.0 **Public Hearing: Resolution #13-10, Authorizing Eminent Domain at 13450 South Vista Station Boulevard.**

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7.1 Ed James said the right of way acquisition is for the connection of Vista Station Boulevard to 13490 South. He said the city has spent capital improvement money on the bridge, underpass and culvert. The connection is in the Master Transportation Plan, and there is funding available. The proposed cross-section is 100', with 70' back of curb to back of curb pavement, curb and gutter and 15' on each side for sidewalk and media except where the road goes under the underpass. The city recently purchased the Dahle property take the right of way to the underpass. Staff has designed an alignment for the road and proposes to place 40 feet of paving along the Johnson property and then expand the right of way to 100 feet at the Draper Square property. Due to funding constraints, the entire right of way is not being acquired in the Johnson property. Councilmember Colbert said this connection will increase the value of the Johnson property and it will cost the city more for future acquisition. Mr. James said city offered \$7.00 per square foot for the property acquisition, and the offer was formally rejected. He reviewed the timeline for acquisition and project completion. He recommended consideration of the resolution.

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7.2 Scott Irvine, representing Draper Square, said they are not opposed to the project but do not feel the offer is equitable. He added that it also separates part of their property. Mr. Irvine said they are in the process of providing additional comparables to make a counter-

offer. David Dobbins said the resolution could start the condemnation process but discussion could continue with Mr. Irvine.

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7.3 The public hearing was opened.

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7.4 Shawn Benjamin, 360 West 13165 South, asked for discussion about the placement of the road rather than another route.

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

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7.6 Troy Wolverton said the location of the intersection with 13490 was coordinated with UDOT to meet the separation, radius and curvature of the intersection. This alignment conforms with the environmental analysis. Councilmember Stenquist asked if there are plans to connect the road to the neighborhood to the north. Mr. Wolverton said that connection was analyzed. It is feasible but is not funded as part of this project. It is also an option of the property owner. Mr. Dobbins said the anticipation is that the owner of the Dahle property will make the connection. Councilmember Summerhays asked if it would make more sense to acquire the Johnson property at this time. Mr. Dobbins said there are two options. If the road goes in as proposed, Mr. Johnson or a future owner would be required to install frontage improvements. Otherwise, the city could do it. The city has funding constraints for acquiring and improving the property at this time. Staff will calculate the cost of acquiring the additional right of way for council consideration.

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7.7 **A motion to suspend the rules was made by Councilmember Colbert and seconded by Councilmember Summerhays.**

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

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7.9 **A motion to approve Resolution #13-10, authorizing eminent domain, was made by Councilmember Colbert and seconded by Councilmember Summerhays.**

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

8.0 Public Hearing: Resolution #13-08, Amending the Draper City Budget for 2012-2013.

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8.1 Danyce Steck said the amendment consists of the traffic semaphore at 300 East that was overlooked in the last amendment, as well as some adjustments for public works and parks water utilities, a change in Class B and Class C road funds, and a change in an employee's insurance status. She recommended approval of the resolution.

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8.2 The public hearing was opened. There were no comments and the public hearing was closed.

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

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

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8.5 **A motion to approve Resolution #13-08, amending the 2012-2013 budget, was made by Councilmember Rappleye and seconded by Councilmember Stenquist.**

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

9.0 Agreement #13-28 with Jake Mather Regarding Canbury Cove Public Improvements.

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9.1 Russ Fox said the agreement affects the recently approved Canbury Cove subdivision. The developer would like to begin construction for a home, but cannot get a building permit until all public improvements have been installed. However, payment may be made in lieu of the improvements. The only improvement to be made in this situation is a sidewalk. The property owner has submitted a bond for the amount. The sidewalk must be installed by August. A common drive will also be required for fire department access.

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9.2 **A motion to approve Agreement #13-28 was made by Councilmember Stenquist and seconded by Councilmember Summerhays.**

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9.3 The motion carried by unanimous vote.

10.0 Amendment to Settlement Agreement with South Mountain LLC.

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10.1 David Dobbins said the city was obligated under the terms of the settlement agreement with South Mountain to pay \$190,000 as a portion of the cost of the Little valley tunnel. The agreement is for that payment over a five year period. However, the entire amount was budgeted, so they asked for the entire amount. Mr. Dobbins offered to pay \$190,000 over five years per the agreement or they can accept \$175,000 as a one-time payment. They are willing to accept the one-time payment. Councilmember Summerhays asked that the city make sure all liens are paid for the amount is paid.

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10.2 A motion to approve the amendment to the settlement agreement with South Mountain LLC was made by Councilmember Stenquist and seconded by Councilmember Summerhays.

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10.3 The motion carried by unanimous vote.

11.0 Council/Manager Reports

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11.1 Councilmember Stenquist said he would be out of town this week and would not be able to attend the council retreat. He asked if there is any way the retreat can be rescheduled. Mayor Smith said he was going to ask the same question. Discussion was held about rescheduling for February 12 at 4 p.m.

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11.2 Danyce Steck presented a sales tax report for November 2012. She said the numbers are down from last year but are on budget for the month. They are up about 10% for January through October of 2012.

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11.3 Councilmember Rappleye thanked Russ Fox for his work with the Tree Commission regarding the landscape ordinance.

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11.4 Mayor Smith said he went to Mayor Ben McAdams' State of the County address. The address stressed bi-partisan work and consolidating services in the county.

12.0 Adjournment to RDA, MBA, and TRSSD Meetings

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12.1 The meeting was adjourned for RDA, MBA, and TRSSD meetings.

13.0 Adjournment to Closed Meeting

[9:05:35 PM](#)

13.1 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 Rappleye and seconded by Councilmember Summerhays. The motion carried by unanimous vote.

13.2 Following the close meeting, a motion to adjourn was made by Councilmember Rappleye and seconded by Councilmember Walker. The meeting adjourned at 9:45 p.m.