

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MARCH 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, and Bill Colbert. Councilmember Rappleye participated by telephone through parts of the meeting.

STAFF PRESENT: David Dobbins, Doug Ahlstrom, Tracy Norr, Russ Fox, Troy Wolverton, Danyce Steck, Garth Smith, Dennis Workman, Rhett Ogden, Bryan Roberts

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**Study Meeting**

**1.0 Presentation of Award by the Rural Water Association of Utah.**

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1.1 Dale Pierson, Rural Water Association of Utah, and David Gardner, MetroWater, were recognize Draper City as the best supporting member city for cities over 10,000 population. He said Draper City has been supportive of the training and has held training in the city buildings.

**2.0 Corner Canyon Reservoir Presentation – Draper Irrigation Company**

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2.1 Representatives from Draper Irrigation distributed information from 2006 about the proposed Corner Canyon Reservoir. They reviewed the reasons for the reservoir: to help conserve water resources. They said they have rights to capture and utilize the runoff water. They said the water will be used for culinary purposes. Six acres of the reservoir will be utilized from the open space and will not violate the conservation easement. He said there will be water maintained in the reservoir at all times. He said total storage will be about 445 acre feet of water, which is about 1,333 million gallons of water. Discussion was held about concerns about catastrophic seismic events and the nearby detention basin. Councilmember Colbert said he thinks community meetings and resident input would be important before any plans move forward. David Gardner said the earthen dam sits at 95' and would be covered with natural grasses so it will blend in. The top will be lower than the silica pit. They are being careful not to block the view for the residents. There would be non-motorized boating allowed but no swimming. The Fish and Game Department feel it would be ideal for a fishery. The water would be 85-90' deep. A number of studies will be done to address safety, visual impact, and the impact on the trail system. The timeframe was reviewed. Mr. Gardner said they need to get Draper City's conceptual approval before they talk to Metro. Geological testing would follow. Councilmember Colbert said he would like to have citizen input first.

Mayor Smith said it sounds like there is interest but the council is not ready to give approval.

### **3.0 Adjourn to Redevelopment Agency Meetings**

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**3.1 A Redevelopment Agency meeting was held.**

## **BUSINESS MEETING**

### **1.0 Call to Order**

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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 Councilmember Jeff Stenquist. He then led the Pledge of Allegiance.

### **3.0 Citizen Comments**

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3.1 There were no comments given.

### **4.0 Presentation: Donation from Knights of Columbus**

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4.1 Louis Amarosa, Grand Knight of the St. John the Baptist Catholic Church, said the Knights of Columbus have raised \$1500 for donation to the domestic violence fund. Chief Roberts said the funds will go to the advocacy program for services and needs for victims of domestic violence. He expressed thanks for the donation. Mr. Amarosa thanked the council for working with them in their fund-raising efforts in Draper.

### **5.0 Consent Items**

- a. **February 19, 2013 Minutes**
- b. **Resolution #13-13, Amending Personnel Policy Sections Because of the Affordable Health Care Act.**
- c. **Resolution #13-11, Amending the Introduction to the Personnel Policy Manual**
- d. **Resolution #13-15, Amending the Personnel Policy Manual Relating to Probationary Periods**

- e. **Ordinance #1043, Amending Draper City Municipal Code Title 3-1-045 to Reflect the Addition of Assistant City Manager Position**
- f. **Sale of Surplus Equipment**
- g. **Amendment to Town Center Plaza Reimbursement Agreement with UTA**
- h. **Agreement #13-49, 2013 Park Improvements**

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- 5.1 **A motion to remove item B was made by Councilmember Stenquist and seconded by Councilmember Walker. The motion carried with Councilmember Summerhays opposed.**

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- 5.2 **A motion to approve the consent items was made by Councilmember Stenquist and seconded by Councilmember Colbert.**

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

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- 5.4 **A motion to approve Item B was made by Councilmember Summerhays and seconded by Councilmember Stenquist.**

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- 5.5 **A roll call vote was taken with Councilmembers Summerhays and Stenquist voting in favor and Councilmembers Walker and Colbert opposed. Mayor Smith voted in favor. The motion carried.**

- 6.0 **Public Hearing: Galena Grove Preliminary Plat, Located at the Northeast Corner of Galena Park Drive and 700 West.**

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- 6.1 Dennis Workman said Ivory Homes wishes to subdivide a piece of ground that is located on the northeast corner of Galena Park Drive and 700 West. The property is zoned RM1 and requires 10,000 square feet per lot. The 25 new lots comply with the code. Two lots will contain a twin family home sharing a common rooftop. The Planning Commission had no concerns and recommended approval. He pointed out the landscaping and fencing and said the Rocky Mountain Power corridor will remain without structures in it. He noted the pedestrian access to Galena Park Drive. There will not be an HOA for the subdivision. Public right of ways and common areas will be cared for by adjacent property owners. Councilmember Summerhays said he hopes the twin home goes well and looks good. He asked if 550 West to 700 West will be done and if 700 West will be widened. City Engineer Troy Wolverton said the city's Master Transportation Plan shows the intent to provide the 66' width and will match the curb and gutter of the church. Sidewalk and a park strip along Galena Park Drive are included in the plat.

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6.2 Kyle Honeycutt, 1793 E 12600 South, offered to answer any questions. He said the twin home will be spectacular. He said the price range will be in the mid \$200,000 range.

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6.3 The public hearing was opened.

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6.4 Shawn Benjamin asked if putting power lines underground had been considered. Mr. Honeycutt said it had been considered, but the power lines are extremely expensive because of their size.

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6.5 There were no other comments and the public hearing was closed.

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**6.6 A motion to suspend the rules was made by Councilmember Stenquist and seconded by Councilmember Colbert. The motion carried unanimously.**

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**6.7 A motion to approve the preliminary plat was made by Councilmember Stenquist and seconded by Councilmember Summerhays.**

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**6.8 The motion carried unanimously.**

**7.0 Public Hearing: Approval of Local Consent for Full Service Alcohol License for Vuz Restaurant, 12234 South Draper Gate Drive .**

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7.1 Russ Fox said the council had previously approved a license for this location. The license with the city expired and they didn't renew it in time, so the local consent also expired. They are now asking approval of the license as well as a transfer of the licensee. It meets the distance requirements. Councilmember Colbert asked about their status with DABC.

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7.2 Mr. and Mrs. Broderick appeared. Mr. Broderick said he has been half owner as an investor with the restaurant. The other partner had issues and DABC asked him to remove himself from the dealings. The alcohol license was suspended by DABC because of offenses of that partner. Mr. Broderick purchased that share and Mrs. Broderick is now an equal partner. The former partner is the one who failed to pay the fees for the license. The liquor license has been reinstated by DABC.

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7.3 Councilmember Summerhays asked why the MA & Tony name was not changed at the same time. Mr. Broderick said MA & Tony was the original owner. There is no reason to change the corporation since he was already owner of 50% of the corporation.

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7.4 A public hearing was opened. There were no comments, The public hearing was closed.

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**7.5 A motion to suspend the rules was made by Councilmember Colbert and seconded by Councilmember Stenquist. The motion carried unanimously.**

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**7.6 A motion was made by Councilmember Colbert to grant local consent for the license for Vuz Restaurant. The motion was seconded by Councilmember Stenquist.**

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**7.7 The motion carried unanimously.**

**8.0 Dining Club Transfer of License for MA & Tony Enterprises, Inc. (Vuda Club), 12234 S. Draper Gate Drive.**

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8.1 Russ Fox said the transfer of license is usually done by staff unless there has been violation or suspension with the license. Because of the suspension, the council is being asked to approve the transfer. The dining club license fee has been kept up, so the only issue was because of the suspension.

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8.2 Councilmember Summerhays asked if there is only a restaurant license at this time? Mr. Fox said the dining club license was reinstated by the state. This item is just the transfer for our records.

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**8.3 A motion to approve the dining club license transfer was made by Councilmember Stenquist and seconded by Councilmember Colbert.**

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**8.4 The motion carried unanimously.**

**9.0 Federal Aid Agreement with UDOT for 1300 East Widening from 12400 South to 13200 South.**

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9.1 Troy Wolverton said the improvements are associated with the widening of 1300 East from the railroad tracks south to 13200 South. They will tie into the 13200 South Widening project. The 1300 East cross section as shown on the Transportation Master Plan includes a 12' center median, two travel lanes in each direction, 4.5' bike and shoulder lane widths, an 8' parkstrip with some trees may be accommodated, and there will be sidewalk on both sides. It is a 74' total width. The city has been applying for funding through Wasatch Front Regional (WFRC) Project since 2009 and funding from federal transportation funds issued through the state and WFRC. We have been awarded the funding. The residents were given notice in November 2012 about the project. Five residents responded with concerns and those concerns were addressed. The power lines will not be undergrounded. The federal funding is 93.23% of the project, which is estimated to be \$3,179,000. The local matching portion is \$230,847. This is transportation impact fee eligible. The agreement is associated with the project and sets up an agreement regarding the federal funding and requirements for overtures on the project. Trees will be considered more stringently because of the federal funds. An environmental study is also required. The funds are committed and will not be affected by the federal sequester. There is a public outreach element associated with the project. Design will be done in 2013, and construction is anticipated in 2014. He noted the original idea of continuing the road work to Highland Drive was too big of a project, so it was split into two projects. The goal is to continue to make application for funding for the southern part of 1300 East. The intersection with Wayne's World Drive will be an issue with that project. Councilmembers suggested a temporary asphalt walkway for the school traffic. Mr. Wolverton suggested using the trail as a temporary walkway.

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**9.2 A motion to approve the agreement was made by Councilmember Colbert and seconded by Councilmember Summerhays.**

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**9.3 The motion carried unanimously.**

**10.0 Agreement #13-18 with Architectural Nexus for the Consulting, Engineering and Design Services for the Draper Police Department Facility.**

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10.1 Joe Bryant said an RFP for programming design of a new police station was opened. The committee met and reviewed the proposals. They recommend this contract. The initial phase is for \$15,000 for programming where we can define a true cost per square foot, get a needs assessment, and look at the building to determine fit and needs. Councilmember Summerhays asked if there were any proposal for tilt-ups. Mr. Bryant said we haven't looked at design and we want to look at all kinds of construction.

Councilmember Summerhays asked if it is necessary to spent \$15,000 to get a tilt up building. Mr. Bryant replied this is category 4 building, so there are requirements that need to be addressed. Whatever type of construction is selected, we have to make sure it is structurally sound. David Dobbins said this group will help us design the building, space and office needs. Anyone could have responded to proposal. We will work with them then bid out the construction. The goal to find the most affordable and cost effective way to get it constructed. Councilmember Stenquist said he sat on the committee that selected Architectural Nexus. There were some very impressive firms that submitted applications but Architectural Nexus edged out. The building will be attractive, functional, and cost effective. He does not think tilt-up construction will work because of the earthquake safety, security, and the need for a building that will withstand catastrophic events for an EOC. David Dobbins said other communities have done tilt up for this type of facility. City Hall was not built to that standard and may not be usable after a major earthquake. The new building will meet earthquake standards for the EOC. Councilmember Summerhays asked if we could spend the money to tear down or modify the old Park School. David Dobbins said it would not be cost effective to use the old school. We can use the impact fee money for a new police building but not the old school. Mayor Smith said the council has looked at the old school and decided not to use it. Discussion was held about the best location for the police department and tearing down the school. Councilmember Stenquist said that the courts will stay at city hall for the present time, but it is anticipated that they will move to the police building at a future time. He thinks the proximity to city hall is important for the court. He noted the need to use the impact fees before we lose them. Councilmember Walker said the cost of a new building is a problem. David Dobbins said the cost issues are being considered. The first question is if we can afford it and what will it compete against for future projects. First we need to determine the needs of the police department, the costs to meet those needs, and what are the ways to pay for it. This agreement lets us take that step, which is the programming step and needs assessment.

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**10.2 A motion was made by Councilmember Summerhays to approve the agreement and take the next step. The motion was seconded by Councilmember Stenquist.**

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**10.3 The motion carried with Councilmembers Summerhays, Stenquist, Walker, and Colbert voting in favor.**

## **11.0 Council Manager Reports**

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**11.1 Councilmember Stenquist said he met with Drug-Free Draper. It's a volunteer group and they are stretched thin in terms of support and participation. He wondered if the city might want to officially recognize them as a committee and give them some staff time to help them. Chief Roberts said the police department has been providing help.**

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11.2 Councilmember Colbert said he and Councilmember Walker met with representatives from the Alpine School District regarding a school bus stop in Suncrest. He said there may be some city property available.

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11.3 David Dobbins said a tour of the county's field house at the University of Utah has been discussed. He suggested scheduling it for March 26. He said EMC is having an open house tomorrow.

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11.4 Danyce Steck presented a sales tax revenue report for December 2012. She said the tax revenues overall were up considerably from 2011.

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11.5 Russ Fox said he talked to Verizon Wireless, and they will let us put "Draper City" on the water antenna tower. Staff will coordinate the work. It will match the town center water tower. He said Rosegate facility, an institutional care facility, is under construction on Bangerter Parkway. He said Central Collision is making their parking lot modifications. RC Wiley has their permit in for review.

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11.6 Chief Jim Bacon said the Riverton station is now open and operational. There will be a ribbon cutting on March 21.

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11.7 City Recorder Tracy Norr said the County Election Division has asked if the city would be interested in conducting the November election with all mail ballots. Representatives from the Elections Division will be at the next council meeting to present information. Several reasons for pushing this type of election include the de-certification of the election and the cost of purchasing new election equipment will be several millions dollars. We will coordinate with the Utah County residents as well. She noted that almost 20% of Draper's registered voters are already permanent by-mail voters. She noted the election contract will also be on the next agenda.

**12.0 Adjournment to Closed Meeting**

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**12.1 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 Stenquist and seconded by Councilmember Colbert. The motion carried by unanimous vote.**



**12.2 Following the closed meeting, a motion to adjourn was made by Councilmember Stenquist and seconded by Councilmember Colbert. The meeting adjourned at 10:27.**