

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, APRIL 16, 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 Bill Rappleye, Troy Walker, Alan Summerhays, Jeff Stenquist, and Bill Colbert.

STAFF PRESENT: David Dobbins, Doug Ahlstrom, Angie Olsen, Bryan Roberts, Troy Wolverton, Rhett Ogden, Garth Smith, Danyce Steck

Study Meeting

1.0 Legislative Update

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1.1 Jeff Hartley gave an update on the recent legislative action. He discussed the process for the prison relocation and some of the political negotiations that are taking place. He also noted that we must be careful to make sure our interests aren't undermined in this process. Mr. Hartley also discussed proceeding with the steps for Suncrest Road improvements to move that project forward. Discussion was held about the road improvements, using the money in Salt Lake County, changing the county line, renaming the road, and de-annexation of some of the property. Mr. Hartley said that some Alpine residents are upset that Draper has posted “no motorized vehicles” on the open space. He also asked the council how they feel about the Thru-U intersection. He said another meeting could be scheduled with business representatives, UDOT and legislative members. Mayor Smith said UDOT also needs to look at timing of the lights and the signage.

2.0 Adjourn to Closed Meeting

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2.1 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 Councilmember Summerhays and seconded by Councilmember Colbert. The motion carried unanimously.

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 Councilmember Troy Walker offered the opening prayer. The pledge of allegiance was led by Spender Sanderson, Boy Scout Troop #1016.

3.0 Presentation – Draper Youth Council

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- 3.1 Maridene Hancock said working with the Youth Council is a pleasure. She noted the advisors in attendance who had been working with the youth council: Shawn Benjamin, Rob Perry, and Connie Atkinson. She thanked them for their work. She listed the new advisors, Stefanie Walker, Rob Perry, Lori Bird, and Connie Atkinson. There are currently 22 members of the Youth Council who attend seven different schools. The mayor of the youth council is Bruce Christy. Ms. Hancock and Mayor Christy thanked Stefania Wilks for the work she has done in directing the youth council. Her smile, creativity, respect, and strong work ethics were noted. They presented a gift and card to Mrs. Wilks. Mrs. Wilks thanked the youth council for the opportunity of working with them. Mayor Christy highlighted the activities of the youth council, including the Easter Egg Hunt. The upcoming Earth Day activities were noted. Some of the activities from the past year included the children's parade, Draper Days activities, the Fun Run, the tree lighting ceremony, and legislature days. Mayor Christy thanked the council for the opportunity he had to be part of the youth council. Ms. Hancock talked about activities and recruiting for the upcoming year.

4.0 Request by Gregg Sanderson, Regarding Property Encroachment at 1794 East Burning Oak Drive.

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- 4.1 Gregg Sanderson distributed pictures of the property in question. He said there is a small triangle on the north side of his property which is not being used and there is another triangle of encroachment. He said the fence was put on the slope and he didn't realize the fence was on city property until a survey was done. He asked for lenience and proposed a trade of his 480 square feet and a purchase of the remaining 312 square feet of the encroachment. He said the dollar amount of the property when he purchased it was \$5.00 per square foot for the developed property, but the council is asking \$9.00 for raw land. He asked why the land value is so much higher. Councilmember Colbert said the council established the price for selling open space to discourage encroachments and to be consistent. Mr. Sanderson showed where the fence line is on the aerial photos. He said he cleaned up the mess on the property after the city put in a water line. Councilmember Colbert said it was probably a sewer district or Waterpro project, not a city project. Mr. Sanderson said he is the first owner but the encroachment was a mistake. Councilmember Stenquist noted there are seems to only be fencing and landscaping on the city property. He said the council might consider a land swap. Councilmember Rappleye suggested putting the proposal in writing and submitting it to the city attorney.

Mr. Ahlstrom said a public hearing to surplus the property would be noticed after the proposal is submitted. He explained the process to Mr. Sanderson.

5.0 Citizen Comments

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5.1 There were no citizen comments given.

6.0 Consent Items

- a. **Approval of Minutes of April 2, 2013 and April 9, 2013 City Council Meetings**
- b. **Construction Agreement for the New Traffic Signal at 1300 East and 13200 South**
- c. **Acceptance of Violence Against Women Act Grant**
- d. **Resolution #13-20, Reappointments to Historic Preservation Commission**
- e. **Resolution #13-21, Appointment of Frank Lewis to Historic Preservation Commission**
- f. **Resolution #13-22, Reappointments to Parks, Trails, and Recreation Committee**
- g. **Agreement #13-105, Environmental Study for 13800 South from 300 East to Bangerter**
- h. **Agreement #13-107 with Morgan Asphalt for Construction of Bunny Bradley Trail**
- i. **Resolution #13-23, Approving the 2013 Draper Polling Locations**
- j. **Resolution #13-24, Appointing Russell Fox as Assistant City Manager**

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6.1 A motion to approve the consent items was made by Councilmember Stenquist and seconded by Councilmember Rappleye.

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

7.0 Memorandum of Understanding with DJI Investments and Dave Mast Regarding Storm Water Drainage Improvements, Road Alignment and Related Issues, and Related Funding Agreement.

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7.1 Jody Burnett, 257 East 200 South, Suite 5, recommended approval of two agreements that will allow the storm drainage project for a regional solution to go forward and replace Detention Basin 7A. He said the staff, Zions Bank, and DJ Investments have been working together for this regional storm drainage solution for several months. He reviewed the overview of the project, saying there would be an overflow structure for Suncrest Drive, with a temporary easement for runoff in Hog Hollow. The storm

drainage will be redirected in a 48" drain pipe on Suncrest Drive to a new amended road dedication alignment, but the road will not be built at this time. A maintenance access to a regional detention basin and dam structure will be constructed. Additional storm drainage easements are included in the agreement. Zions Bank will fund the project, paying the city \$1.9 million immediately for final design and construction. DJ Investments agree to provide a temporary drainage easement through Hog Hollow until a permanent solution is provided by a future developer. The parties will amend the plat providing the maintenance road and realignment of the road. A property exchange is covered to true-up area around the road dedication plat. The project will take about 18 months to complete. On behalf of the staff, Mr. Burnett recommended approval of the two agreements. Councilmember Summerhays asked if the overflow channel will be piped now and was told it would not be. There will be permanent construction but it will be open to utilizing an existing channel as well as unimproved natural drainage into Hog Hollow. He clarified that the land exchange is not acre to acre but is balanced to the benefits of the project. Councilmember Colbert expressed concerns about the proposed time line and dam safety approvals. Mr. Wolverton said that will be addressed in the design aspects.

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7.2 Mr. Davis, representing Zions Bank, thanked those from Draper City who have worked hard on this agreement, especially Jody Burnett, Doug Ahlstrom, and Troy Wolverton. He also thanked Dave Mast for mitigating his demands to get the project done. He said this is the best agreement that they thought could happen. Mayor Smith thanked everyone who has taken part in the solution.

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7.3 **A motion to approve the agreements was made by Councilmember Walker and seconded by Councilmember Rapplepe.**

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7.4 **The motion carried unanimously.**

8.0 **Assignment of Rights under Development Agreement, Master Reimbursement Agreement, Galena Park Boulevard Underpass Funding Agreement, and Agreement for Development of Land (ADL)**

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8.1 Dustin Holt, Boulder Ventures, explained that the request is add the ADL and reimbursement as additional collateral in the previous assignments of rights. There is also an inter-creditor agreement with a different lender. David Dobbins said the city's obligation to repay for improvements under the reimbursement agreements would be assigned to their lender. He noted the county has not yet signed the interlocal agreement, so he suggested these ADL agreements be subject to finalization by the county.

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8.2 A motion was made by Councilmember Rappleye to approve the assignment of rights, master reimbursement agreement, Galena Park Boulevard Underpass Funding Agreement, and Agreement for Development of Land contingent on the county signing the interlocal agreement. The motion was seconded by Councilmember Walker.

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8.3 The motion carried by unanimous vote.

9.0 Council/Manager Reports

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9.1 Councilmember Summerhays said he was not happy with his vote at the last meeting on the raise for storm drainage fees. If it were presented again, he would vote against the motion. The 25% increase was sufficient instead of the \$1 raise.

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9.2 Councilmember Walker said he wasn't able to attend the field trip to the field houses, but he would like to keep the ideas in front of the county. David Dobbins said the county has asked for clear direction as to what the city would like to see, assuming the ZAP funds get renewed next year. They want to know the location and the type of facility. Discussion was held about the benefits of a field house and turf fields. Councilmember Walker asked how the 7 on 7 tournament was shaping up. Rhett Ogden replied there are teams from Weber County to Spanish Fork signed up. He said the letter may help with the youth conference for the next tournament.

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9.3 Councilmember Stenquist said Mayor McAdams' event was well attended.

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9.4 Councilmember Rappleye asked for a report on the 1300 East open house. Troy Wolverton said a few questionnaires were submitted to get input regarding trees, frontage improvements, and impacts to the front yards. A summary will be provided to the councilmembers. The response was generally positive.

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9.5 Councilmember Colbert said it looks like there may be additional development on the mountain. He thinks development outside the TRSSD needs to be discussed in terms of equity and fairness or assessments and service levels outside the district. Discussion was held on forming and amending special service districts. Councilmember Stenquist said it needs to be clear to developers what the service level will be. City Attorney Doug Ahlstrom was asked to research legal options for the service levels. Councilmember Colbert said there had been a request to sell open space due to an encroachment. He suggested going through the baseline regarding the policy on future encroachments. He

said he feels the request was outside the baseline agreement. Mr. Ahlstrom reviewed the ordinance. He said Greg Hilbig is supposed to do an annual inventory of encroachments. The one presented at this meeting is a new encroachment that Mr. Hilbig found and is outside the allowances of the code. Discussion was held about amending the ordinance. Mr. Ahlstrom said he does not believe the property could be sold without re-writing the ordinance. Mr. Ahlstrom said he would try to find out when the fence was built.

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9.6 David Dobbins said R.C. Willey has started construction. He said people have commented on the architecture of the last house on the way to the flight park. Draper City does not have regulations on architecture for single family homes. Councilmember Colbert said there is an HOA for that particular development but it has not been active. Mr. Dobbins said there is a lot of interest in housing and in in-fill development, and there is nothing in the code that prohibits design. The council can establish architectural standards if they want to. Mr. Dobbins also said the ordinance on fencing also needs to be clarified. Historically, the practice has been to allow nothing over 4' in the front yard and nothing over 6' in the backyard without a conditional use permit. Proposed changes will be presented to the council. Mr. Dobbins also said discussions have been held with the Council of Governments for a homelessness initiative because Salt Lake City and South Salt Lake City bear disproportionate burdens for providing services to the homeless. Other cities in the county are opting into a non-binding one-time commitment of \$.35 per capita contribution to a fund to help these cities provide services. Draper's contribution would be about \$15,000. Councilmember Colbert suggested basing the contribution on the residents in Draper who live in Salt Lake County, not Utah County. The consensus was to provide the contribution for one year. Mr. Dobbins said an interlocal agreement would be forthcoming.

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9.7 Troy Wolverton said this year has been a big year for property acquisition for capital improvement projects, particularly 13200 South, 13490 South, and 300 East at Pioneer Road. Due to difficulties in coming to an agreement on two properties owned by an individual (one at 300 East and one at 13200 South), he asked the council opinion on delaying the 300 East project slightly while taking care of the problem on 13200 South. He said a delay could cause problems with asphalt in this season but the semaphore could be installed now with road widening in the spring. A temporary winter asphalt mix could be utilized but would need to be replaced in the spring. The consensus was to delay the 300 East project to complete the other property acquisitions.

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9.8 Garth Smith reminded the council of the Great Shake Out open house.

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9.9 Mayor Smith said a concern was expressed at the UFA board meeting about Sandy City pulling out of VECC. When that happens the cost will go up somewhat and response times to 911 cell phone calls may be delayed. There should be no change to mutual aid

responses. Some concerns were also expressed by medical responders about the use of the body cameras because of HIPPA. Mayor Smith also said there are concerns about the higher-than-anticipated enrollment at Corner Canyon High School.

10.0 Adjournment to Redevelopment Agency Meeting

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10.1 A motion to adjourn the City Council meeting and convene a Redevelopment Agency Meeting was made by Councilmember Stenquist and seconded by Councilmember Rapple. The motion carried unanimously.