

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 18, 2012, 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 Rappleye. Councilmember Bill Colbert was excused.

STAFF PRESENT: David Dobbins, Doug Ahlstrom, Tracy Norr, Danyce Steck, Bryan Roberts, Dan Boles, Garth Smith, Rhett Ogden, Troy Wolverton

STUDY MEETING

1.0 Dinner

2.0 Budget/CIP Study Meeting

[6:02:06 PM](#)

2.1 A study meeting was held to review CIP Projects. David Dobbins said staff reviewed the projects and realized there are too many open projects to manage. Each project was considered. Some were closed because staff doesn't know what they are and others were already done.

2.2 Danyce Steck said there were 158 projects. Staff recommends cutting the list to 64 projects. She clarified that closing or removing projects will put the money back into a general CIP fund and does not affect the 18% limit for the general fund balance. She then reviewed the CIP projects under the Class B&C road fund, the general CIP fund, park impact fee fund, water fund, and the storm water fund.

BUSINESS MEETING

1.0 Call to Order

[7:14:10 PM](#)

1.1 Mayor Darrell Smith called the meeting to order and welcomed those in attendance. He excused Councilmember Colbert who is out of town.

2.0 Comment/Prayer and Flag Ceremony

[7:14:26 PM](#)

2.1 Councilmember Jeff Stenquist gave the opening prayer. Josh Olson, a Boy Scout, led the Pledge of Allegiance.

3.0 Fire Wise Presentation – Don Buckley, UFA

[7:16:34 PM](#)

3.1 Don Buckley, Riley Pilgrim, and Chief Bacon were present representing Unified Fire Authority. Mr. Pilgrim, the UFA wildland specialist, discussed the Ready, Set Go! and FireWise programs. He discussed the threat of wildland fires in our area, personal action plans in case of fire, and defensible space. He reviewed the FireWise programs for HOA's and communities to establish plans for the specific areas. He discussed the use of social media to give out information about fires. Councilmember Summerhays said Ralph Wadsworth would like to meet with UFA to talk about mitigating fire hazards near his property. Don Buckley said they will have another meeting with Suncrest homeowners to help them get started on the Ready, Set, Go! program and hope to move the program to the rest of the city.

4.0 Citizen Comments

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4.1 Leslie Wagstaff Wilson, 2184 East Eagle Crest Drive, asked to purchase a piece of property adjacent to their home. The vacant property was deeded to Draper City and is currently being developed as a pocket park. She would like to purchase a strip of property about 20' wide to use for additional parking for their family. Doug Ahlstrom said the process to sell the property is involved. The property must be declared surplus, a public hearing held, and a fair market price set. Mayor Smith said the council would discuss the request later during the meeting.

[7:44:55 PM](#)

4.2 There were no other comments given.

5.0 Adjourn to Redevelopment Agency Meeting

[7:45:03 PM](#)

5.1 Mayor Smith adjourned the council meeting to hold a Redevelopment Agency meeting.

[8:29:51 PM](#)

5.2 The council meeting reconvened.

6.0 Consent Items:

- a. Minutes of Meetings of August 21, 2012 and September 4, 2012
- b. Agreement #12-109 with Sorenson Forensics for Forensic Services
- c. Agreement #12-106 with Acme Construction for Pioneer Square Parking Lot Improvements

[8:30:28 PM](#)

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

[8:31:05 PM](#)

6.2 The motion carried by unanimous vote.

7.0 Public Hearing: Resolution #12-38 regarding Budget Amendments.

[8:31:36 PM](#)

7.1 A motion was made by Councilmember Summerhays to move this item to the end of the agenda. The motion was seconded by Councilmember Rappleye and carried by unanimous vote.

*****This item was heard out of order.*****

[10:10:33 PM](#)

7.2 Danyce Steck said the budget amendment affects the CIP road fund to bring forth funds from the last budget year and 13476 South Improvements. It also affects the Capital Improvement projects and includes project closures, project adjustments, transfers from other funding sources, and new projects. Other fund affects include the park impact fee fund, transportation impact fee fund, water fund, storm water utility fund, and the fire impact fee fund. General fund amendments were highlighted. She said another item that has not been included is round-about or semaphore at 13200 South Fort Street. The amendment would need to be \$540,000 and the remaining costs for the round-about to come from another funding source. This would be property acquisition and surface improvements only. The consensus was to add that to the budget amendment. The other budget amendment that could be considered is a semaphore at 13200 South and 1300 East. The cost is about \$950,000. She said there is money available in the General CIP fund for these two projects.

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7.3 A motion was made by Councilmember Walker to approve Resolution #12-38, amending the 2012-2013 budget and adding the two intersection projects as discussed. The motion was seconded by Councilmember Rappleye.

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7.4 A public hearing was opened.

[10:59:47 PM](#)

7.5 Shawn Benjamin, 360 West 13165 South, said he is a member of the Youth Council board. There will be a void when Stefania Wilks' term ends. The time commitment during business hours has been a problem. He recommended longer terms on the board. The full-time position would meet the needs of the Youth Council as well as other boards. He suggested the position also coordinate with the Draper Community Foundation also. Councilmember Rappleye said volunteer hours tend to diminish when there is a full-time person doing the work.

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7.6 No other comments were given and the public hearing was closed.

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7.7 The motion was restated by Councilmember Walker. The motion was again seconded by Councilmember Rappleye.

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

8.0 Public Hearing: Ordinance #1025, Amending Draper City Municipal Code Title 9-10 regarding Driveway Cuts.

[8:31:45 PM](#)

8.1 Ed James said the proposed ordinance clarifies and sets forth criteria to allow a second driveway on corner lots in certain residential zones. He said there will be a fee implemented for the City Engineer's review of permit applications. Discussion was held about the City Engineer's interpretation of safety in approving the permits. Mayor Smith said the purpose of the change is to clear up the ambiguity in the code and establish guidelines to help the staff. He noted the Planning Commission had recommended approval. Councilmember Rappleye said he is concerned about unintended consequences. Mr. James said the City Engineer has the discretion to not approve an application if it is not safe. Mr. Wolverton explained two examples where driveways are too close to the corner. He said the ordinance provides specific provisions in the code for driveway distances from the intersection. He discussed access management for lots.

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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 Stenquist and seconded by Councilmember Rappleye.

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8.4 Councilmember Summerhays asked if there were a possibility the decision could be made based on something other than facts. Mr. Wolverton said he would like to think the decision would be made by facts. Mr. Ahlstrom said the ordinance would give support for the city engineer's decisions by codifying standards.

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8.5 The motion carried unanimously.

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8.6 A motion to adopt Ordinance #1025 was made by Councilmember Stenquist and seconded by Councilmember Rappleye.

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

9.0 Public Hearing: Ordinance #1026, Amending Draper City Municipal Code Title 9-22-030 31 regarding Planning Commission Deviations from Development Standards.

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9.1 Ed James said the existing code allows the Planning Commission to grant deviations from the development standards but does not establish limits for those deviations. The proposed ordinance quantifies the criteria for granting deviations. It also places a greater responsibility to justify the merits for the deviation such as LEED certification, amenities, percentage of dedicated open space, and transit-oriented developments. He said the most common requests for deviation are for landscaping, architectural material, and setbacks. Councilmember Stenquist said he is concerned that it is not as hard as it used to be to get some minimal LEED certification.

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9.2 The public hearing was opened.

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9.3 Shawn Benjamin, 360 West 13165 South, said LEED certification requirements have become more stringent although the process for application has become easier. There are other standards that could be used instead of LEED. He also said this ordinance specifically says one particular zone grants a pass on one of three qualifications. The TOD has its own standards setbacks, materials, and landscaping as part of the MAP process. Councilmember Stenquist replied that it is for transit-oriented developments, not necessarily the zoning. Mr. James said transit lines are not necessary for transit-oriented developments. Pedestrian or bike access is also considered transit.

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9.4 There were no additional comments given and the public hearing was closed.

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9.5 A motion to suspend the rules was made by Councilmember Summerhays. The motion was seconded by Councilmember Rappleye.

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9.6 The motion carried.

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9.7 A motion was made by Councilmember Summerhays to adopt Ordinance #1026. The motion was seconded by Councilmember Rappleye.

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9.9 Councilmember Stenquist said he thinks this is a step in the right direction because it gives guidelines for consistency although he thinks there will be tweaking required.

[9:02:27 PM](#)

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

10.0 Public Hearing: Ordinance #1027, Adopting the Draper Frontrunner Community Development Area Plan.

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10.1 David Dobbins said the plan was adopted by Resolution by the RDA. The city must also adopt the plan by ordinance.

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10.2 The public hearing was opened.

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10.3 Shawn Benjamin said he met with a Daybreak developer and also visited the Water Conservancy District garden. He quoted a Greek proverb "A society grows great when old men plant trees, whose shade they know they shall never sit in." He said the council holds the position to plant trees they may never see. He said there was vision to allow CDA's and RDA's. He said that as various master development agreements go into place there should be sensitivity to the master plan surrounding this CDA regarding roads and accesses. He suggested the council meet with a professional regarding urban design.

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

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10.5 A motion to suspend the rules was made by Councilmember Rappleye and seconded by Councilmember Stenquist.

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10.6 The motion carried unanimously.

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10.7 A motion was made by Councilmember Rappleye to approve Ordinance #1027. The motion was seconded by Councilmember Stenquist.

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10.8 Councilmember Rappleye said the Redevelopment Agency has approved the CDA plan and it makes sense for the council to proceed. Councilmember Summerhays said he thinks a tour at Daybreak to see urban design might be a good idea.

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

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10.10 A short break was called.

11.0 Ordinance #1028, Amending Draper City Municipal Code Title 15-1-110 regarding Amphitheater Use Policies.

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11.1 Rhett Ogden said the council input from the study session has been included in the proposed ordinance. The ordinance will help in managing the amphitheater. It addresses rental, working with promoters, sound and production limits are spelled out.

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11.2 A motion to approve Ordinance #1028 was made by Councilmember Stenquist and seconded by Councilmember Summerhays.

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

12.0 Development Agreement with Nate Shipp for 1122 East Mike Weir Drive.

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12.1 David Dobbins said this was presented at the last meeting. Seven lots would be allowed in the A-5 zone. The road is being constructed by an adjacent developer to allow a second access for Montreaux subdivision. The applicant has proposed consideration of the development agreement in exchange for some open space. Concerns about open space, disturbance, drainage, trail alignment, and future sidewalk plans were addressed.

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12.2 Nate Shipp, 13658 Kennington Court, said the staff comments make sense. He proposed realignment of the trail access. They are willing to extend the sidewalk along Mike Weir drive as suggested.

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12.3 David Dobbins showed the layout of the subdivision and said without the development agreement the developer would only get one lot. Councilmember Stenquist said he

doesn't see much value to the open space. Mr. Dobbins agreed that it would not be useable but the sidewalk connection would provide value to the residents in the area.

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12.4 Councilmember Stenquist said his inclination is to not approve the development agreement but he is willing to allow the developer additional time. Mr. Shipp said the original development was approved for 26 or 27 townhomes. That approval has expired, and he is asking for seven lots. He has also adjusted one lot to help protect the native vegetation. Councilmember Rappleye said he thinks it is a realistic approach to this parcel. The open space is negligible but the sidewalk and trail access is valuable. David Dobbins said the road alignment is set. The adjoining development has more than 40 approved units, so the road allows them to complete their development. The grade of the private road was discussed. Mr. Shipp said the residents of Montreaux have to pay for the maintenance of the private road. They anticipated additional townhomes in this parcel to help pay those costs. He tried to find a compromise to work with them. David Dobbins said a motion to approve the development agreement should give the staff authorization to finalize the property dedication to the city, the sidewalk, and the trail alignment.

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12.5 A motion to approve the development agreement with Mr. Shipp for 1122 East Mike Weir Drive to allow the staff to approve the details as to what property is dedicated, the trail connect, and the sidewalk connection. The motion was seconded by Councilmember Summerhays.

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12.6 Councilmember Stenquist said he still does not think there is enough value. There are aesthetic impacts. Councilmember Walker asked why the request is for the development agreement rather than a zone change. Mr. Dobbins said they could pursue a zone change. Mr. Shipp said it is because of the private lane. Montreaux already exceeds the limit of 20 units for private lanes. There is not an option unless the road is built as a public road. Councilmember Walker said his concern is about building more lots on this steep area.

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12.7 A roll call vote was taken with Councilmembers Rappleye and Summerhays voting in favor and Councilmember Stenquist and Walker opposed. Mayor Smith broke the tie by voting in favor. The motion carried.

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12.8 Councilmember Summerhays said a lot of things were done with South Mountain years ago that he doesn't like, but to finish up areas there are some compromises necessary. Councilmember Stenquist said that the South Mountain development has expired and there is no need to grant additional lots. Councilmember Rappleye said he feels it isn't fair to people who have invested in the property. He said there isn't much there for the

developer to give. The seven lots won't destroy the area. Mayor said the road is going in anyway.

13.0 Resolution #12-36, Amending the Consolidated Fee Schedule regarding Driveway Cuts and Amphitheater Fees.

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13.1 Rhett Ogden said the resolution includes the amphitheater fees as discussed with the council at the study session. David Dobbins said it also includes the fee for the second driveway cut as authorized by Ordinance #1025 which was adopted earlier in the meeting.

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13.2 A motion was made by Councilmember Rappleye to adopt Resolution #12-36, amending the Consolidated Fee Schedule. The motion was seconded by Councilmember Stenquist.

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

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13.4 A motion to go past ten p.m. was made by Councilmember Rappleye and seconded by Councilmember Summerhays. Councilmembers Rappleye and Summerhays voted in favor and Councilmembers Walker and Stenquist were opposed. Mayor Smith broke the tie by voting in favor. The motion carried.

14.0 Agreement #12-110 for Traverse Ridge/SunCrest Intersection Project.

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14.1 Troy Wolverton explained the project and the bid results. The low bid was Geneva Rock Products with a bid of \$52, 877. He said an informal bidding process was followed based on the engineer's cost estimate being less than \$50,000 and because of the timing and urgency to get this construction during this construction season. Discussion was held about sidewalks, drainage, completion of landscaping next spring, stopping area for bicycles, including repair stands.

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14.2 A motion was made by Councilmember Rappleye to approve Agreement #12-110, including taking into consideration the emergency exemption provided in the code for approval without going through the formal bid process. The motion was seconded by Councilmember Summerhays.

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14.3 The motion carried unanimously.

*** Item 7.0 was heard out of order.***

15.0 Council/Manager Reports

11:06:20 PM

15.1 Councilmember Rappleye said Blaine Nelson in Public Works is an example of an outstanding employee. Mr. Nelson followed up on a concern about missing trees on Willow Springs.

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15.2 David Dobbins said he met with the OSHA representative. We had a number of violations, most of which were inconsequential. The Park School was a major issue. We need to either stop using the building completely or invest some money to fix it up. Action needs to be considered in the near future, but use should be restricted immediately. Councilmember Summerhays suggested using the Pixton homes and outbuildings for storage. Mr. Dobbins also noted that the pedestrian crossing at 11400 South is now activated. A gate on Canyon Vine Cove was discussed. There has been an inquiry about gating that project. The project is an RSD, so the zone could be amended. The road would have to be vacated, location of a gate would need to be determined, and the existing gate ordinance would have to be amended. Councilmember Rappleye said we need to be careful about it. Councilmember Stenquist said the residents are willing to share the costs if the city can accommodate the request. He said it is a safety concern. Councilmember Walker said there is a trail access through there. Mr. Dobbins asked if the council wants to talk about the request to purchase a portion of the Eagle Crest Park. The council said they are not interested in selling the property.

11:21:11 PM

15.3 Doug Ahlstrom said there have been some questions raised about some different properties with encroachments. Discussion was held about the history of encroachments. Councilmember Walker said along the trail we should offer the property for sale but with no contracts. The price of \$9/square foot was discussed.

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15.4 Chief Roberts shared plans to transition the patrol fleet into black and white colors. The cost will be absorbed in the vehicle line items and will be done by 2014-15. There are 30 patrol vehicles. He said the colors are recognizable as a police car, differentiate us from other jurisdictions, change driver behavior, bring consistency to the fleet, and have been given overwhelming support by the staff. Councilmember Rappleye said it is similar to Sandy's scheme.

11:34:10 PM

15.5 Councilmember Summerhays asked who takes care of trees around town. He has heard complaints about larger motor homes hitting the trees in the parkstrips. He has also had requests from people along 1300 East for crossing flags.

16.0 Adjourn to Municipal Building Authority and Traverse Special Service District Meetings

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16.1 The meeting adjourned to Municipal Building Authority and Traverse Ridge Special Service District meetings.

17.0 Adjournment to Closed Meeting

[11:42:30 PM](#)

17.1 **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 Walker. The motion carried by unanimous vote.**

17.2 **Following the closed meeting, a motion to adjourn was made by Councilmember Walker and seconded by Councilmember Summerhays. The motion carried unanimously. The meeting adjourned at 12:04 a.m..**