

Approved 11.17.2015

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 10, 2015, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH.

PRESENT: Mayor Troy Walker, and Councilmembers Bill Colbert, Bill Rappleye, Jeff Stenquist, Alan Summerhays, and Marsha Vawdrey

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Hazel Dunsmore, Human Resource Director; Russ Fox, Assistant City Manager; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; and Bryan Roberts, Police Chief

Study Meeting

Dinner

[5:57:01 PM](#)

1.0 Presentation: Utah Lake Commission

1.1 Eric Ellis, Director, briefed the Council about the work being done by the Commission. He indicated Draper has approximately 5,000 residents living in Utah County, so some of the decisions made by the Commission's Board will affect them. He stated he would like to see Draper have a voice on the Board. The fee is based on population and amount of property in the city that borders the lake. Draper's contribution would be about \$1,500 per year.

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2.0 Council/Manager Reports

[6:09:53 PM](#)

2.1 Councilmember Colbert suggested the City add a bike sticker program for Corner Canyon and other open space. There are many residents from other cities using the trails that should help cover the costs of the wear and tear on the trails. He recommended \$10 for residents and \$15 for non-residents.

Councilmember Stenquist stated the Parks and Trails Committee should have the opportunity to weigh in on this issue.

The group discussed the difficulties with enforcement in doing this.

Councilmember Colbert then indicated he would like to provide more funding for the Equestrian Center and possibly change the name to the Ballard Arena. The Equestrian Board is looking at expanding the uses up there, and they would like to expand the parking. He recommended putting \$200,000 into the parking expansion.

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2.2 David Dobbins, City Manager, briefed the Council on the various meetings staff has had in reference to the Geneva issue. They have met with the Department of Air Quality and the Department of Oil, Gas, and Mining. Staff displayed an aerial map of the area to show where they are currently mining, the property they want rezoned, and the area that will be developed in Lehi.

Business Meeting

[7:03:03 PM](#)

1.0 Call to Order: Mayor Troy K. Walker

[7:03:30 PM](#)

2.0 Thought/Prayer and Pledge of Allegiance

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2.1 Russ Fox, Assistant City Manager, is a member of the Utah Air National Guard. He gave a thought about Veterans Day and led the Pledge of Allegiance.

[7:06:03 PM](#)

3.0 Public Comments

To be considerate of everyone attending the meeting, public comments will be restricted to items not listed on this or a future agenda and limited to three minutes per person. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.

3.1 No one came forward to speak.

[7:07:16 PM](#)

4.0 Consent Items

- a. **Approval of October 20, 2015, City Council Minutes**
- b. **Approval of a Proclamation Supporting Utah College Applications Week in Canyons School District.** Staff: David Dobbins
- c. **Approval of Agreement #15-203,** with WCEC Engineers, Inc. for Professional Transportation Engineering Services. Staff: Glade Robbins
- d. **Approval of Ordinance #1172,** Reducing the Number of Required Members on the Historic Preservation Commission
- e. **Approval of Resolution #15-58,** Reappointing LaRayne Day, Frank Lewis, and Katie Shell as members of the Historic Preservation Commission
- f. **Approval of Resolution #15-59,** Appointing Kathryn Hughes to the Historic Preservation Commission
- g. **Approval of Agreement with Polaris** for Consulting Services
- h. **Approval of Agreement with Greg Curtis** for Consulting Services

- i. **Approval of Resolution #15-57** Amending Section 3020 of Personnel Policy Manual
- j. **Approval of Final Version of the Utah Transit Authority Right-of-Way Agreement**

[7:09:08 PM](#)

4.1 Councilmember Vawdrey moved to remove Item j from the consent items. Councilmember Summerhays seconded the motion.

[7:09:27 PM](#)

4.2 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.

[7:09:42 PM](#)

4.3 Councilmember Rappleye moved to approve Consent Items a - i. Councilmember Vawdrey seconded the motion.

[7:10:05 PM](#)

4.4 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.

[7:10:14 PM](#)

4.5 Councilmember Vawdrey indicated she would like this item to come back for Council review in one year to make sure it is worth the annual fee the City will be paying for it.

[7:11:24 PM](#)

4.6 Councilmember Vawdrey made a motion to approve Item j with the addition that it will come back for review in one year. Councilmember Summerhays seconded the motion.

[7:11:44 PM](#)

4.7 Subsequent to Council and staff discussion, the Council determined that rather than voting to renew it every year; they can review it each year prior to making the payment. There is a termination clause in the agreement.

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4.8 Councilmember Vawdrey amended her motion to approve Item j with the understanding that staff will bring it back for review next year. Councilmember Summerhays seconded the motion.

[7:13:43 PM](#)

4.9 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.

[7:13:51 PM](#)

5.0 **Action Item: Townhomes at Draper Landing Preliminary Plat, Request for Approval of a Preliminary Plat for a 48-Unit Townhome Development on 8.76 Acres in the RM2 Zone, Located Generally at 145 East Steep Mountain Drive**

[7:14:08 PM](#)

5.1 Keith Morey, Community Development Director, noted the City Council heard this item at the last Council meeting. There were some issues with the geological report, so the City Council did not make a motion that night. The issues have still not been resolved, so staff is recommending the Council continue this item until the applicant has the results from the geo-report.

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5.2 **Councilmember Colbert moved to continue this item until staff feels it is action ready. Councilmember Rappleye seconded the motion.**

[7:15:05 PM](#)

5.3 **A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.**

[7:15:19 PM](#)

6.0 **Public Hearing: Analysis of Purpose and Benefits of Contribution of City Funds by Draper City to the Draper Community Foundation**

[7:15:45 PM](#)

6.1 David Dobbins, City Manager, stated the City had an analysis done to look at the benefits of the funds given to the Draper Community Foundation. There will be an agreement on next week's agenda for the Council's consideration.

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6.2 Councilmember Colbert asked whether the insurance questions have been resolved. Mr. Dobbins indicated they are still working those out. They will discuss it in detail next week. Mr. Dobbins stated there is no action needed on this item tonight other than the public hearing.

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6.3 **Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.**

[7:17:33 PM](#)

7.0 **Public Hearing: 11400 South Lone Peak Parkway CSD Text and Zoning Map Amendments on the Request of Dee Hansen, Representing Miller Family Real Estate, for Approval of a Text Amendment to Create the 11400 South Lone Peak Parkway Commercial Special District (CSD-11400 LPP) and a Zoning Map Amendment of Approximately 28 Acres at Approximately 11525 South Lone Peak Parkway From the CR (Regional Commercial) Zone to the Newly Created CSD-11400 LPP Zone**

[7:18:25 PM](#)

7.1 Mr. Morey advised the City has a developer interested in putting at least one dealership on this property. It is adjacent to the existing Karl Malone CSD, so the applicant is interested in having a similar zone on this property. Mr. Morey displayed an aerial map of

the area. The site plan provided in the packet might change a little due to grading issues on the property. The proposed text is similar to the Karl Malone CSD. Mr. Morey reviewed the highlights of the text amendment. This has been a difficult parcel to develop because of the grade and the canal. He expressed appreciation to the Miller Family for their efforts to try to make this work. There are a few items on the agenda tonight pertaining to this item. This is the first, and the next item is the street vacation.

[7:25:59 PM](#)

7.2 Councilmember Rappleye said there is a dealership to the south of this property that has their lights on shorter poles. He asked if that is what they are proposing here. Mr. Morey stated the intent is to try to mitigate the lights from affecting the surrounding neighborhoods.

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7.3 Councilmember Summerhays asked about the fencing requirements. When he was talking to the residents in the area about this proposal, they were concerned about the fencing material.

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7.4 Dan Boles, Planner, read from the Code pertaining to fencing materials. It can be chain link or concrete block, but the property cannot be visible from the public streets. Fences and screen walls shall be compatible and architecturally complimentary between two adjoining sites. A ten-foot screen wall around auto storage areas is permitted.

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7.5 Mayor Walker opened the public hearing.

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7.6 Dee Hansen, applicant, stated they did a study of the lighting at some of the dealerships in this region to figure out the maximum and minimums. The maximum was seventy-nine feet, and they felt that the thirty-five foot average is a reasonable compromise.

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7.7 Councilmember Stenquist stated the sight is close enough to freeway, so there could be some visibility. He asked whether the signage is adequate. Mr. Hansen indicated they determined that the dealership cannot be visible from the freeway, so they are proposing a seventy-nine foot sign, which is lower than the Karl Malone sign. It is not what the manufacturer wanted, but it meets the City requirements, and it should work for them.

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7.8 Mayor Walker closed the public hearing.

[7:33:02 PM](#)

7.9 Councilmember Rappleye moved to approve the 11400 South Lone Peak Parkway CSD Text and Zoning Map Amendment. Councilmember Summerhays seconded the motion.

[7:33:26 PM](#)

7.10 Councilmember Summerhays thanked Mr. Dobbins and staff for their work on this item. This will be a great benefit to the community.

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7.11 Councilmember Rappleye thanked the applicant for working with the City on this development. He stated there were compromises made, which is much appreciated.

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7.12 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.

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8.0 Public Hearing: Ordinance #1171, Request to Vacate the Right-of-Way Known as 300 West Located at Approximately 11600 South and 11400 South

[7:35:14 PM](#)

8.1 Russ Fox, Assistant City Manager, noted there is a piece of right-of-way through the center of the site plan. This is a request to vacate that right-of-way. Staff went through the notification process, and they need to determine whether the public purpose for this right-of-way is not needed.

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8.2 Councilmember Rappleye asked whether this road has 11400 South access. Mr. Fox indicated there is a median, so it only has right-in and right-out access.

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8.3 Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.

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8.4 Councilmember Vawdrey moved to approve Ordinance #1171. Councilmember Colbert seconded the motion.

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8.5 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.

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9.0 Public Hearing: To Consider Appropriating Certain Funds for the Purpose of Economic Development

[7:40:08 PM](#)

9.1 Mr. Dobbins advised the City had their financial advisors do a study on the economic feasibility of providing funds for economic development for this site. As mentioned before, this site is a difficult site to develop. There are geologic and liquefaction hazards

and access issues. There is no action needed on this item other than to hold the public hearing.

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9.2 Mayor Walker opened the public hearing. No one came forward to speak so Mayor Walker closed the public hearing.

[7:41:28 PM](#)

10.0 Action Item: Resolution #15-60, Regarding a Reimbursement Agreement for 11400 South Lone Peak Parkway Project

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10.1 Mr. Dobbins stated this item is also concerning the CSD request. This amends the previously approved agreement to cap the City's contribution at \$3.1 million. The City will also contribute \$200,000 of impact fees for a potential traffic signal to solve traffic issues at the south end of Lone Peak Parkway by the Karl Malone dealership.

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10.2 Councilmember Summerhays asked how far between the traffic lights would be. Mr. Dobbins explained there is roughly 500-700 feet between them. It would help manage the traffic going in and out of the site.

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10.3 Councilmember Colbert moved to approve Resolution #15-60. Councilmember Rappleye seconded the motion.

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10.4 Councilmember Colbert indicated this will help improve traffic flow through the area and provide accesses to the businesses.

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10.5 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.

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11.0 Action Item: Ordinance #1167, Amending Title 7 Chapter 2, Sewage Disposal, of the Draper City Code

[7:44:44 PM](#)

11.1 Glade Robbins, Public Works Director, indicated there are two major changes with this item. The first is to clarify the definitions and terms in the ordinance. The City's sewer service is provided by the South Valley Sewer District. The Utah County side is serviced by the Timpanogos Special Service District. The second part addresses the requirement of updating the local limits every five years. He recommended the City Council approve this item to bring the Code up to the current operating standards.

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11.2 Councilmember Colbert said they have had issues in the past where utilities are working on their lines, and the City gets blamed for the road work and traffic issues. He asked whether requiring signage can be incorporated into this change, or whether it should be handled separately.

Mr. Dobbins indicated he would prefer that is handled as a part of the permitting processes. They will change it to require signage as a part of the permit.

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11.3 Councilmember Rappleye moved to approve Ordinance #1167. Councilmember Summerhays seconded the motion.

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11.4 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.

[7:48:00 PM](#)

12.0 Action Item: Soccer City Conditional Use Permit, Request to Consider Amending the Soccer City Conditional Use Permit

[7:48:10 PM](#)

12.1 Mr. Dobbins stated Soccer City applied for a modification to their conditional use permit with the Planning Commission. The Planning Commission granted part of it but denied the hours of operation change. Soccer City appealed it to the City Council, and that appeal was denied. The City has been working with Soccer City to come up with mitigations. Mr. Dobbins reviewed the modifications to the conditional use permit, which included:

- Soccer City shall install, at its own expense, a gate on the private access road that leads to 700 West that meets all relevant fire and Draper City code requirements, including allowing emergency access. Prior to installing the gate, Soccer City shall submit its plans for the gate to the City for review and approval. That gate shall be closed and locked every night of the week at 10:00 p.m.
- The gate must be installed before Soccer City may operate the facility beyond the current hours allowed, which are 8:00 a.m. to 11:00 p.m. Sunday through Thursday; and 8:00 a.m. to midnight on Friday and Saturday.
- After the gate has been installed, Soccer City shall be allowed to operate the facility every day of the week until midnight. However, it is clearly understood and agreed by the Parties that these are hours of operation, not the last starting time of an event.
- As part of this Agreement, Soccer City shall reimburse Draper City for the legal expenses the City has incurred in defending the litigation in the amount

of \$12,000, to be paid in two equal installments; the first \$6,000 is contemporaneously with the approval of this amendment to the Conditional Use Permit; and the second \$6,000 payable by January 31, 2016.

Mr. Dobbins indicated all of the other conditions previously approved by the Planning Commission will remain in place. This action will dismiss the litigation. The agreement has already been signed by Soccer City.

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12.2 Councilmember Colbert stated his initial inclination was to not support this amendment; however, these changes do mitigate a lot of the concerns of the neighbors. It is clear what Soccer City's obligations are.

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12.3 Councilmember Vawdrey moved to amend the Soccer City conditional use permit. Councilmember Stenquist seconded the motion.

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12.4 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, and Vawdrey voting in favor. Councilmember Summerhays voted no. The motion carried with a majority vote of 4 to 1.

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13.0 Council/Manager Reports

[7:53:54 PM](#)

13.1 Russ Fox, briefed the City Council on the changes to the Recreation Center application that will be going to the County for consideration. The County has changed the application. The new requirements include adding the soft costs, the engineering, contingencies, inflation, utilities, LEED requirements, and the furniture, fixtures, and equipment costs. These have increased the facility cost to \$22.6 million for the basic facility. The County also suggested the City contribute to the operational costs.

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13.2 Mr. Dobbins advised the County is recognizing that the cost of operating and maintaining these facilities is very difficult from a budgetary standpoint. The County is encouraging the City to contribute to the ongoing maintenance cost. The School District has informally offered to contribute \$500 per month to maintain the pool they will be using. Mr. Dobbins recommended the City match that contribution.

Mr. Dobbins then advised the City paid for a traffic study of the area, and the results showed the street is currently operating at a level A, and they do not anticipate this facility changing that. There will be more traffic, but it will not require new improvements to help traffic flow better.

Councilmember Rappleye said he is not sure there is a precedent for one governmental agency giving funds to another. Mr. Dobbins explained they can do it through an Interlocal agreement, which is how the County currently does it. City staff has met with the County to discuss what would help the application, and this was one of the items.

The Council agreed to move forward with the proposed changes including the contribution for operations.

Mr. Dobbins noted there were two homes that were flooded on Traverse Ridge Road a couple of months ago. The contractor did not properly anticipate a large storm that came through and flooded these homes. The contractor's insurance company will be paying the costs of the repairs. He thanked staff for the efforts in this process.

Mr. Dobbins then indicated the City continues to struggle to hire staff. It is a very tight market right now. Draper is in the middle spot where they function as a large city, but they do not pay the same as a large city. He said they will be doing a budget reopening in December, and he is proposing that the City increase the pay for the Public Works and Parks staff in order to retain the employees. They recently hired someone in the Finance Department, and he left after just six weeks for a higher paying job. The City would like to hire a dedicated part-time payroll person. It would cost roughly \$22,000 per year, but it would no longer be the responsibility of the accounting staff. The City needs the accounting staff to be tracking the CIP budgets, the revenues, expenses, and contracts and not have to worry about payroll every two weeks.

Councilmember Rappleye asked whether it would make more sense to have payroll under Human Resources rather than Finance. That is how some organizations do it, and it seems to work. Mr. Dobbins stated they can look at that.

Councilmember Summerhays noted this is a problem everywhere. He is having a hard time retaining employees at his business as well. Mr. Dobbins responded they had a few positions where they only received two or three applications. There are some positions that will affect the level of service if they are vacant too long.

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13.3 Councilmember Rappleye indicated the Tree Commission has identified some issues within the City ordinance that are concerning to them. Councilmember Rappleye said he would like staff to look at the ordinances and change them accordingly. He recommended they put the Tree Commission on hold until the changes have been made.

The Council agreed to the recommendation.

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13.4 Councilmember Colbert indicated the street closest to the American Preparatory Academy (APA) is deeply impacted by the school traffic. He asked staff to look at ways to mitigate the traffic issues for the residents. Mr. Dobbins indicated staff can look at options; however, this is a very challenging area for the City to try to resolve. The City is

still trying to get State funding from GOED to improve 11950 South. That will not alleviate the APA traffic, because they have not acquired access onto 11950 South. If they do get that access, it will help.

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13.5 Glade Robbins, Public Works Director, stated the Traffic Committee has been evaluating the speed limits on roadways. They did a traffic study on Rambling Road from the roundabout at Mike Weir Drive to Highland Drive. Right now the speed limit is 30 miles per hour. The traffic study showed the 85th percentile for speed was 37 miles per hour. The committee is recommending the speed limit be increased to 35 miles per hour on Rambling Road.

The Council agreed to increase the speed limit.

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13.6 Rhett Ogden, Parks and Recreation Director, reminded everyone about the Veterans Day program the next day at 6:00 p.m. at Summit Academy. Mayor Walker will be speaking at the event.

Councilmember Rappleye noted he and Mr. Fox will be participating in a statement of support signing for the employer's support of the guard reserve tomorrow at EMC.

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13.7 Mayor Walker said he had a discussion with the School District concerning property on 1700 East. It is approximately fifteen acres, and they are interested in selling or leasing the property. It would be a great place to put soccer and lacrosse fields. He asked whether the Council was interested in pursuing this. The Council agreed to look into it.

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14.0 Adjournment

[8:18:09 PM](#)

14.1 Councilmember Vawdrey moved to adjourn the meeting. Councilmember Rappleye seconded the motion.

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14.2 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.

14.3 The meeting adjourned at 8:18 p.m.