

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY,  
NOVEMBER 13, 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 Bill Rappleye, Troy Walker, Alan Summerhays, Jeff Stenquist, and Bill Colbert.

STAFF PRESENT: David Dobbins, Doug Ahlstrom, Tracy Norr, Russ Fox, Ed James, Dennis Workman, Garth Smith, Rhett Ogden, Troy Wolverton, Todd Hammond, Bryan Roberts

---

**STUDY MEETING**

**1.0 Site Visit**

**5:00 PM**

1.1 The council toured the new Senior Center.

**2.0 Discussion regarding Cross Sections for 13200 South**

**6:38:51 PM**

2.1 David Dobbins said the council had approved funding for the widening of 13200 South in the annual budget based on the contents of the Transportation Master Plan. He said the staff would like to get the project underway by starting the design and property acquisition. There has been discussion and questions by the residents regarding design and options. The staff would like clear direction on how to move forward.

**6:40:10 PM**

2.2 Todd Hammond showed the project area and discussed some of the concerns about the project. He said the project also includes the widening of 1300 East going south to the LDS Chapel. The design includes a center turn lane as recommended in the high school traffic study, bicycle lanes, a sidewalk on the both sides, and a narrow parkstrip. He reviewed the options and explained the benefits and drawbacks of each. He discussed the damages that would occur with each of the options. He said there has been a lot of progress made with Option 1, and changing the design would significantly impact the schedule. David Dobbins said they would like to get the project done before the new high school opens. He suggested having an open house to talk to the citizens about the project. Councilmember Walker said he thinks the city should get started on the project with what we budgeted. He noted that Mr. Hammond did a good job on 300 East and the people are happy. Councilmember Colbert said he would rather address specific concerns about the impact and traffic control. Mr. Hammond reviewed the project schedule. He noted that there are 68 properties involved in the right of way negotiations, so the schedule is tight. Councilmember Colbert asked if there would be any type of signals

for pedestrian crossings at the round-about and was told the consultant would be asked to look into that. Mr. Wolverton said there will be pedestrian work for the elementary school portion of Summit Academy. There is not typically signalization at roundabouts. With the median, students will only be crossing one lane of traffic at a time. Mayor Smith said there could be discussion during the council/manager reports, but that he thinks Option 1 is best.

[7:11:04 PM](#)

2.3 Chief Roberts and Chief Bacon reported on an apartment fire that was happening during the meeting. They said provisions will be made for the displaced residents. There were no injuries.

## **BUSINESS MEETING**

### **1.0 Call to Order**

[7:11:52 PM](#)

1.1 Mayor Smith called the meeting to order and welcomed those in attendance. He also welcomed Russ Fox home from a military deployment.

### **2.0 Comment/Prayer and Flag Ceremony**

[7:13:01 PM](#)

2.1 The prayer was offered by Josh Jackson, Boy Scout Troop 1219. Troop members then led the flag ceremony.

### **3.0 Introduction – New Sergeants and Victim Advocate Coordinator**

[7:15:05 PM](#)

3.1 Chief Roberts explained the promotional process that was used to select the new sergeants. He introduced Dave Harris, Clinton Fackrell, and Scott Adams as the new sergeants. He also introduced Seven Gardner as the new Victim Advocate Coordinator and noted that she had been working at the fire earlier in the evening.

### **4.0 Citizen Comments:**

[7:22:20 PM](#)

4.1 Abdul Kudiya, 1193 Hickenlooper Way, said he bought his house five years ago. He is the third owner and was not aware of the encroachment onto Draper property. He has sprinklers and a concrete border in the encroachment. He would like to purchase the property but would like some time to make monthly payments. He is willing to purchase the property at \$9 per square foot. Mr. Ahlstrom said he could prepare a document for council approval to sell the property.

[7:26:05 PM](#)

- 4.2 Chad and Deanna Sumsion, 1322 East 13200 South, presented a handout asking the council to preserve mature trees along 1300 East to the extent possible and to combine the right turn lane and the bike lane at the intersection and traffic signal. He said he also hopes the police department will enforce the speed limits.

[7:30:25 PM](#)

- 4.3 Ben English, 1360 East 13200 South, said he agrees with the concerns of the Sumsions regarding tree removals. He said he has a large pine tree that he would like preserved.

[7:31:08 PM](#)

- 4.4 There were no further comments.

**5.0 Consent Items:**

- a. Minutes of Meetings of October 23, 2012
- b. Draper Hillside Homes Townhome Plat
- c. Agreement #12-149, Lone Peak Parkway Extension
- d. Agreement #12-153 with Project Engineering Consultants for Traffic Signal Design at 13200 South and 1300 East
- e. Agreement #12-154 with Project Engineering Consultants for Roundabout Design at 13200 South and Fort Street
- f. Agreement #12-155 for Professional Appraisal Services with Jay Philip Cook and Associates for Street Widening Projects
- g. **Resolution #12-45**, Amending the Personnel Policy regarding Corrective Action
- h. **Resolution #12-44**, Amending the Personnel Policy regarding the Complaint Process
- i. Sale of Surplus equipment

[7:32:53 PM](#)

- 5.1 A motion to pull Item E from the consent calendar was made by Councilmember Walker and seconded by Councilmember Summerhays.**

[7:33:13 PM](#)

- 5.2 The motion carried by unanimous vote.**

[7:33:23 PM](#)

- 5.3 A motion to approve the remaining consent items as presented was made by Councilmember Stenquist and seconded by Councilmember Walker.**

[7:33:47 PM](#)

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

[7:34:13 PM](#)

5.5 Councilmember Walker said there were smaller roundabouts seen in California while at the Rail-Volution conference. He said he wants to give direction to the designers to consider the smaller roundabouts. Councilmember Colbert said the center median was not provided at the pedestrian crossing at the California sites. Troy Wolverton said there is a presentation for the staff reports to discuss those types of traffic circles.

[7:36:20 PM](#)

**5.6 A motion to approve Item E with the direction as given was made by Councilmember Walker and seconded by Councilmember Rapple.**

[7:36:34 PM](#)

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

**6.0 Public Hearing: Ordinance #1034, Amending the Draper City Zoning Map regarding the Hidden Valley Zone Change**

[7:37:02 PM](#)

6.1 Dennis Workman explained the request is to rezone a portion of the Hidden Valley shopping center. The property owner has an opportunity to lease the vacant space to Savers, which is a second-hand thrift store. However, second-hand thrift stores are not allowed in the CC zone, which it currently is zoned. The request is to change the zoning to CG. The second-hand thrift store is a conditional use in the CG zone. Mr. Workman reviewed the additional uses that are allowed in CG that are not allowed in CC zones. He said the Planning Commission has unanimously recommended approval of the zone change.

[7:40:12 PM](#)

6.2 Andrew Hatton-Ward spoke on behalf of the owner. He recapped the history of the site, noting it was one of the first large retail developments in Draper. The property has been vacant for several years. He said the new tenant would be Savers, a second-hand thrift store.

[7:43:09 PM](#)

6.3 Councilmember Colbert asked why the ordinance would not allow a conditional use for this type of use in the current zone rather than the zone change. Mr. Hatton-Ward said there is an economic driving force as they look at people going into the site. He noted that some of the uses in the CG zone are allowed by conditional use.

[7:49:35 PM](#)

6.4 Ron Raddon, property owner, said they have been trying to get the store filled for quite some time. He said he thinks the council will be impressed with the operation of the store. He added that he would not do any of the other uses for the new zone. He said they are still talking to other potential tenants.

[7:52:56 PM](#)

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

[7:53:13 PM](#)

**6.6 A motion to suspend the rules was made by Councilmember Walker and seconded by Councilmember Summerhays.**

[7:53:39 PM](#)

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

[7:53:44 PM](#)

**6.8 A motion to adopt Ordinance #1034 was made by Councilmember Walker and seconded by Councilmember Rappleye.**

[7:54:52 PM](#)

6.9 Councilmember Rappleye said there are valid concerns, but something is needed as a draw to the center. Councilmember Colbert said he does not oppose the use, but he opposes the zone change. He said he would rather expand the particular use in a CC zone.

[7:55:41 PM](#)

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

[7:56:07 PM](#)

6.11 Mr. Hatton-Ward said it's a timing issue, but as a property owner they would be willing to revert to the current zone if the council would pursue allowing the use in the zone.

**7.0 Public Hearing: Resolution #12-40, Declaring Certain Property Located at 645 East between 12000 South and 12100 South as Surplus and Authorizing the Sale of Said Property.**

[7:56:55 PM](#)

7.1 Ed James said the council had adopted Resolution #12-40 at the last meeting, but the required public hearing was not held. The hearing has been re-noticed.

[7:58:52 PM](#)

7.2 Kyle Honeycutt, representing Ivory Development, thanked staff for working with them. He said there would be 13 ½-acre lots. The road will be redone and the needs of the homeowners on the west side of the road will be met. He said the street was originally 82' wide. Plats will be processed.

[8:00:36 PM](#)

7.3 The public hearing was opened.

[8:00:44 PM](#)

7.4 Afton Joosten, 640 East 12100 South, asked what happened to Mac Johnson's agreement. When 20' of their property was donated six years ago, they were told that Mac would put in curb and gutter and sidewalk. Troy Wolverton said the subdivision was not approved and the final plat was not recorded. He said the request under consideration is not to move the centerline of the road to the center of the right of way. Mrs. Joosten asked if that could be considered. Mr. James said there is no record of any dedication of the property on the west side of the road. It was clarified there will be no additional asphalt or curb and gutter on the west side of the road. There will curb and gutter on the east side.

[8:13:05 PM](#)

7.5 Mr. Honeycutt said the road would be straightened. The asphalt is not currently centered. It will be centered and will include some of the gravel area on the west side. He noted the improvements on the west side will be cleaned up and done properly. Ivory Development is willing to put a curb on the west side. They will also put in sewer and laterals if the sewer district wants them.

[8:15:13 PM](#)

7.6 Mayor Smith suggested that Mr. Honeycutt meet with the neighbors to discuss the plans.

[8:15:19 PM](#)

7.7 Jean Buchanan, 12038 South 645 East, asked when they will know the distance from the asphalt to the property lines. Mr. Honeycutt replied he has the drawings with him. Troy Wolverton said a standard road requires a five foot sidewalk, a ten foot parkstrip, and 2.5 feet of curb and gutter, then 25 feet of asphalt to the curb on the other side. Mrs. Buchanan asked how long the road would be closed. Mr. Honeycutt said he thought the road would be open for access. There may be 2-3 weeks of driving on gravel during the construction period.

[8:18:17 PM](#)

7.8 Mr. Wolverton said the details on the west side would be available after the survey has been done and the subdivision plats are being considered. That is not the application on the agenda at this time.

[8:18:45 PM](#)

7.9 There were no further comments and the hearing was closed.

[8:18:51 PM](#)

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

[8:19:03 PM](#)

**7.11 A motion to adopt Resolution 12-40 was made by Councilmember Colbert and seconded by Councilmember Rappleye.**

[8:20:15 PM](#)

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

**8.0 Hardship requests from Kevin and Lori Kennedy, 1221 Hickenlooper Way; Gil and Mary Lou Lund, 1213 Hickenlooper Way, and Marcelo and Anna Maria Fraga, 1227 Hickenlooper Way.**

[8:20:58 PM](#)

8.1 Mr. Ahlstrom said the council been told by the applicants at the last meeting that they had prior hardship approvals from the city to control the erosion by their homes. They have put in additional structures and trampolines. The council had indicated a willingness to consider a revocable hardship permit for the three property owners. He explained the terms of the permit, stating the trampolines have to be moved, the grass can remain but nothing new can be added, a \$50 fee for the consideration of the permit, the permit can be revoked at any time by the city with 60-days notice, and they cannot assign the permit to anyone else. Any future property owner would have to apply for a new permit if these owners decide to sell their property. Discussion of the time period was held.

[8:25:07 PM](#)

**8.2 A motion to approve the revocable hardship requests for Kevin and Lori Kennedy, Gil and Mary Lou Lund, and Marcelo and Anna Maria Fraga for a 25-year term was made by Councilmember Stenquist and seconded by Councilmember Summerhays.**

[8:26:01 PM](#)

8.3 Councilmember Colbert noted that this is different from some of the other encroachments because permission was granted by former city staff to do some of the erosion control measures.

[8:26:11 PM](#)

**8.4 The motion carried with Councilmembers Stenquist, Summerhays, Rappleye and Colbert voting in favor. Councilmember Walker had left the room.**

**9.0 Encroachment Hardship request from Scott and Brenda Taylor, 487 Laney's Way.**

[8:26:43 PM](#)

9.1 Doug Ahlstrom said the council had heard the request from the Taylor's at the last meeting. He reviewed the steep drop-offs at the property and the site of a sewer easement. They had asked for some sort of property trade and said they could not pay for the property. They purchased the property after the encroachment was made. He also

noted the map shows the house may be built onto the easement. He said he was having a hard time putting together legal documents to handle the situation and asked for further council direction.

[8:30:03 PM](#)

9.2 Councilmember Walker returned to the meeting.

[8:30:12 PM](#)

9.3 Councilmember Summerhays said the sewer easement concerns him. Councilmember Stenquist said the fence should be moved. Councilmember Colbert suggested giving them six months to move the fence or come to an agreement with a different solution. He said an even property trade, with the homeowner to pay for the survey, would be an option.

[8:35:03 PM](#)

**9.4 A motion was made by Councilmember Colbert to give the applicant until June 30, 2013 to either remove their improvements off city property or come to a mutually-agreeable settlement with the city and authorize the city attorney to work with the applicant. The motion was seconded by Councilmember Rappleye.**

[8:36:42 PM](#)

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

**10.0 Agreement #12-146 for the Construction of the 700 East Retaining Wall.**

[8:26:43 PM](#)

10.1 Troy Wolverton reviewed the project area and the bids. He recommended awarding the bid to Harper Contracting in the amount of \$113,201.00. The fence will be precast concrete panels and will be 8' tall.

[8:44:52 PM](#)

**10.2 A motion to accept the bid award was made by Councilmember Summerhays and seconded by Councilmember Rappleye.**

[8:45:18 PM](#)

10.3 Councilmember Colbert asked why the city is considering building the fence. Councilmember Rappleye said he hopes the school district understands the city's interest in this as well as the benefit they receive. Councilmember Stenquist said the school district reimbursement on the retaining wall should be determined before this item is approved. He said he thinks this is too much money to spend and is not a prudent use of taxpayer dollars. Discussion was held about a commitment for the fence made by a previous staff member.

[8:49:28 PM](#)

**10.4 The motion was withdrawn by Councilmember Summerhays.**

[8:49:37 PM](#)

**10.5 A substitute motion to continue this item until the next scheduled meeting was made by Councilmember Walker and seconded by Councilmember Summerhays.**

[8:50:19 PM](#)

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

**11.0 Resolution #12-51, Amending the Personnel Policy regarding Donation of Leave Hours.**

[8:50:40 PM](#)

11.1 Garth Smith said the personnel policy allows employees to donate leave hours to help a sick co-worker cover sick time. The policy is not clear as to how many times an employee can receive donated hours, the bank of hours an employee can have and accept donations, and the bank of hours an employee must maintain if donating hours. Discussion was held about how the sick leave bank could work.

[9:05:14 PM](#)

**11.2 A motion was made by Councilmember Stenquist to approve Resolution #12-51. The motion was seconded by Councilmember Summerhays.**

[9:05:30 PM](#)

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

**12.0 Agreement #12-157, Agreement with Draper RDA and R.C. Willey Home Furnishings, Inc. for Reimbursement**

[9:06:09 PM](#)

12.1 Danyce Steck reviewed the reimbursement agreement and recommended changes to Item 6 to list the correct party and to Item 2 to make the incentive terms match the offer letter. She reviewed the terms for the tax increment reimbursement.

[9:09:48 PM](#)

**12.2 A motion was made by Councilmember Stenquist to approve the agreement with changes in Item 2 to match the signed offer letter and Item 6 to indicate the correct party. The motion was seconded by Walker.**

[9:10:16 PM](#)

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

### **13.0 Council/Manager Reports**

#### 9:10:29 PM

13.1 Councilmember Summerhays asked for consideration about parking consideration in the Draper Crossings shopping center by Café Rio. Russ Fox pointed out that area is in a CSD and their parking is set by their zone. This parking problem is not typical based on the regular parking requirements.

#### 9:17:37 PM

13.2 Councilmember Rappleye said the Tree Commission would like Chief Roberts to come to their meeting.

#### 9:20:10 PM

13.3 Councilmember Colbert said the sensors at Traverse Ridge Drive and Highland Road need to be reinstated. He said a suggestion was made for that intersection to have a flashing yellow left turn. Mr. Wolverton said he could look at the cost for that. Councilmember Colbert expressed a concern about the intersection at 14600 South and the frontage road. Mr. Wolverton said the signal is the city's. Councilmember Colbert said there is a lot of congestion during peak hours. Mr. Wolverton said that is on the 2018 STIP with the Wasatch Front Regional Council. He will look at the timing of the signal. He expressed appreciation for the work at the four-way stop in Suncrest.

#### 9:23:12 PM

13.4 Councilmember Stenquist said there is a citizen who has asked about trees along the parkstrip area by the park on Vestry. Mr. Ahlstrom said Steve Linde is working with the HOA president to get the dead trees replaced. Councilmember Rappleye said that might be a good Eagle Scout project.

#### 9:26:17 PM

13.5 Mayor Smith said he attended a UFA meeting. Eagle Mountain has requested to join UFA. Camp Williams and NSA are also interested in UFA coverage. Discussion was held about the coverage for UFA. He also gave an update on the meeting at the school district on the transit oriented development CDA. They did not take action on the item. Mayor Smith also stated four members are needed to serve on the Suncrest HOA Board. Councilmembers Stenquist, Rappleye, Colbert and Mayor Smith offered to fill the positions. Mayor Smith discussed trail connection at 11400 South and the TRAX station. Mayor Smith also commented on an item in the Utah Economy Report noting that sales tax revenues are up in the first quarter, particularly in Draper, Sandy and American Fork. He suggested a town meeting be held in January to share updates about several different issues, including reports from Envision Utah and other organizations. Updates could be given on the open space acquisitions. Councilmember Rappleye said he has copies of the transportation plan from COG.

9:42:19 PM

13.6 Doug Ahlstrom showed photos of the PRV station on Traverse Ridge road and the damage caused when a spring broke. The claim is \$13,000. He asked for permission to pay the claim. The consensus of the council was to pay the claim. Mr. Wolverton said the home had a pressure reducing valve but the pressure was so significant that a coupling in the piping in the home broke. Mr. Ahlstrom referenced a home on Wild Hay Lane that backs onto the nature park with an encroachment. He showed aerial photos of the property. The homeowner is willing to pay for the encroachment. The consensus of the council was to sell the property.

9:47:45 PM

13.7 Troy Wolverton said during the budget amendment in September, the plan for Smithfields Park was amended to eliminate the dog park and the park improvements would move forward. The funding for the project was 100% impact fee and this area is not eligible. Councilmember Summerhays said he has never seen the detention basin dry and he does not see a need for a sprinkler system there. The consensus was to re-evaluate and cancel the project at this time. The stream channel will be completed. Mr. Wolverton also reviewed roundabout and traffic circles. He showed Portland Style traffic circles and said it is used in conjunction with on-street parking and low volume roads. He showed a Seattle style circle which does not utilize on-street parking but are low volume roads. He showed bicycle boulevards with sharrows. He suggested an incorporation of these styles and areas where the bicycle boulevards or roundabouts might fit.

10:03:44 PM

13.8 Chad Sumsion asked if the conversation about 13200 South was going to continue. He said he believes the wider the road is, the faster the travel will be. He hopes that ultimately the traffic maintains the speed limit on both 1300 East and 13200 South. Troy Wolverton said he is aware this item is a great concern to the Sumsions. Councilmember Stenquist said it sounded like there was support for Option 1. Mr. Wolverton said the Sumsions had asked about the removal of the bike land in the turn lane on 1300 East. He said Todd Hammond will meet with them to discuss the vegetation and trees that could be saved. Extension of the road widening to the stake center on 1300 East was discussed. An issue with the middle school was discussed. The Planning Commission is holding a special meeting. The council commented on moving forward with Option 1 but provide a time for citizens to comment.

**14.0 Adjourn to Redevelopment Agency Meeting**

10:17:26 PM

**14.1 A motion to adjourn to an RDA meeting was held by Councilmember Stenquist and seconded by Councilmember Colbert. The motion carried by unanimous vote.**