

Approved May 16, 2017

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MAY 2, 2017, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

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

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Hazel Dunsmore, Human Resource Director; Rhett Ogden, Recreation Director; Clint Smith, Fire Chief, Glade Robbins, Public Works Director; Bryan Roberts, Police Chief; and Bob Wylie, Finance Director

Dinner

Study Meeting

[5:58:28 PM](#)

1.0 Discussion: Equestrian Board Budget FY 2017-18

[5:58:40 PM](#)

1.1 Doug Vawdrey, Equestrian Board Chair, thanked the City Council for organizing the Arena Board and giving them the opportunity to serve. The Council originally gave the Board \$75,000 for events, and the Board ended up giving \$25,000 back to help pay for the extra parking at the Cycle Park. They are planning to hold a Moto Cross event at the Equestrian Arena next week, which will cost them approximately \$27,000. He asked the City Council to include \$75,000 in next year's budget to help them host at least two events next year.

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2.0 Adjourn to a Closed Meeting to Discuss Litigation

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2.1 Councilmember Summerhays moved to adjourn to a closed-door meeting to discuss litigation pursuant to Section 52-4-205 of the Utah Code Annotated. Councilmember Weeks seconded the motion.

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2.2 A vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

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3.0 Discussion: Fiscal Year 2017-18 Tentative Budget

[6:32:01 PM](#)

3.1 Bob Wylie, Finance Director, reviewed the Fiscal Year 2017-18 Tentative Budget with the City Council. The total proposed budget is \$90,429,440, and it is a balanced budget.

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4.0 Council / Manager Reports

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- 4.1 Jeff Stenquist indicated they have talked about having a glass recycling location; however, no decision has been made. He asked the City Council where they would like it placed. The Council was in favor of looking at the parking lot at City Hall as the glass recycling location.

Business Meeting

[7:00:38 PM](#)

1.0 Call to Order: Mayor Troy K. Walker

[7:00:47 PM](#)

2.0 Thought/Prayer and Pledge of Allegiance

[7:00:58 PM](#)

- 2.1 The prayer was offered by Ryder Stewart of Scout Troop #1651.

[7:01:24 PM](#)

- 2.2 James Sonntag, Scout Troop #1651, led the Pledge of Allegiance.

[7:02:05 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.

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- 3.1 Mark Shurtleff, attorney for Michele Weeks, said he delivered a letter to the Mayor and Council. He spoke in reference to some accusations and public reprimands lodged against Councilmember Weeks. He reminded the Council to refrain from making allegations or reprimanding Councilwoman Weeks. If there is a rule that has been violated by anyone, he asks that this go through the normal processes and investigated by the appropriate authorities and not made a matter of public record. He gave examples in the letter.

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- 3.2 Lucas Erasmus, resident, waited until a later time to comment.

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- 3.3 Dave Mast, developer, read a letter for the record in reference to Mercer Mountain. He has given the City Recorder his notice to withdraw his request to shift the Mercer Mountain

layout as noted on tonight's agenda, Item #9. This agenda item has been postponed four times. The withdrawal of Item #9 has no effect on Item #10. Prior to tonight's meeting, he had his attorney email the City Attorney giving him notice that he has withdrawn his letter sent to the City last month. He said he has donated land to different church denominations in Draper and is building a home in Hidden Canyon Estates. After that home is finished he will give his Draper house to his daughter. He said he could sell his view lots on Mercer Mountain for a lot more money, but his neighbors have asked him not to build on the ridge line, which is why he and his buyer agreed to shift Mercer Mountain home sites off the ridge line. He will not agree to the City's proposal that if he wants the City to agree to the Mercer Mountain land shift; the action must come with the condition that he wave his constitutional rights to sue the City for damages, in the event the City causes him harm in the future. He said the City also failed to give him a vote two weeks ago. He wants to give the Council more time to reconsider approving the Mercer land shift. He asks that the Mercer land shift be rescheduled as a public hearing instead of an action item.

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4.0 Consent Items

- a. **Approval of April 18, 2017, City Council Meeting Minutes**
- b. **Approval of Construction Agreement #17-94**, with Westbrook Construction Inc. for the construction of the Steep Mountain Park 2017 Improvements. Staff: Rhett Ogden
- c. **Approval of Agreement #17-95 with Utah Transit Authority for an At-Grade Crossing at 13200 South**

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- 4.1 Councilmember Summerhays asked to pull Item C from the Consent Items and approve A and B. Councilmember Vawdrey seconded the motion.**

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- 4.2 A roll call vote was taken with Councilmembers Rapple, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**

[7:10:58 PM](#)

- 4.3 Councilmember Summerhays said what he is concerned about is Boulder Street. He thinks they should discuss a tunnel under the street before they go much further.

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- 4.4 Mr. Dobbins said they consider them separate items. In order to get the project started they have to have this agreement in place, otherwise the project will be delayed this year. His concern is that by the time a written statement is obtained, they will be a month or two behind with the project.

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- 4.5 Councilmember Stenquist said it is important to note that UTA is willing to make the agreement to cross 13200 South, and UTA is not requiring the City to close Boulder Street

at this time. Right now, Boulter Street will remain open until UTA brings Trax there, which will probably take another ten years. It will be a long time before they run the line. Since it is a public road, it would be an easier objective to accomplish.

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4.6 Councilmember Weeks said there was a discussion several months ago about trying to keep Boulter Street open because it was going to be closed as soon as 13200 South is opened. She said having a temporary opening on Boulter Street is a win. The Council discussed the need for a tunnel under that street. The LDS Church ward would be split if there was a fence, and a temporary access could also be used for trails. She said that while the timeline was unclear when the matter was previously discussed, the estimated time frame was at least 10 to 20 years. She said she is excited that UTA agreed to have a temporary opening in the meantime.

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4.7 Councilmember Summerhays explained the City Council will change in the next few years, which is why he is concerned the matter will go by the wayside. Mayor Walker said the Council can give staff the direction to conduct further study. Councilmember Summerhays said they should obtain a written statement from UTA.

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4.8 Councilmember Weeks moved to approve the Consent Item C. Councilmember Rappleye seconded the motion.

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

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5.0 Public Hearing: Hastings Meadow Zoning Map Amendment, Request for Approval of a Zone Change from RA1 to RA2 on 4.25 Acres Located at 1764, 1784, 1788 and 1794 South Pioneer Road

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5.1 Dennis Workman, planner, said the subject property consists of four contiguous parcels located on the south side of Pioneer Road, east of 1700 East. The applicant proposes to rezone this property from RA1 to RA2 with the intention of subdividing the 4.25 acres into half-acre parcels. The applicant would be able to create seven or eight parcels as a result of the rezone. Mr. Workman said they are unusual-shaped parcels, and the flexibility would be useful in developing the land. The land use plan supports the zone change to RA2 because it is low density. The Planning Commission forwarded a positive recommendation of the proposal.

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5.2 Alan Borg, applicant, said Mr. Workman has accurately represented both the desires of the developer and of the City.

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

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5.4 Councilmember Weeks said she has had many calls about the proposed rezone. One of the concerns was in regards to the property lines; it was unclear as to whether or not the property owner still owned the tree lines. They had expressed a willingness to buy the extra couple of feet in order to keep the trees.

Mr. Borg said he received an updated concept plan today. He said the tree line could be disputed and he, along with the adjacent property owners, does not want to take out the trees. If they want to buy one of the lots to preserve their trees, they are welcome to do that. Councilmember Weeks asked if he would be willing to sell the few feet of land. Mr. Borg said it would be more than a foot; it would be ten, twelve, or fifteen feet, which is significant. It was stated for the record that Mr. Borg was willing to work with the neighbors to preserve the trees.

Mr. Borg said he will not take out any trees that don't have to be taken out. The trees that back up to the fence line will not be moved. The new owners of the properties would decide. Councilmember Weeks asked how far to the south the property line passes the tree line. Mr. Borg said most of the trees are on their property. He also identified the property line according to the Shadow Crest subdivision.

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5.5 Councilmember Vawdrey moved to approve the Hastings Meadow Zoning Map Amendment. Councilmember Stenquist seconded the motion.

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5.6 Councilmember Vawdrey said this is a zone change and did not feel further discussion was needed. She said she feels comfortable with the zone change.

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5.7 Councilmember Summerhays commented the aerial map presented for this item was unlike any other map he had ever seen.

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5.8 A roll call vote was taken with Councilmembers Rapple, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

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6.0 Public Hearing: Providing Local Consent for a Limited Service Alcohol License for Mangia Draper, LLC

[7:29:21 PM](#)

6.1 Dave Merhi, applicant, stated he is requesting a beer and wine only license. They owned a restaurant in Park City where they had a full liquor license. In that period, they did not have a single violation. They understand how to manage said license, and it is good for the restaurant and the community. Beer and wine sales represented about 15 percent of their gross sales.

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

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6.3 Councilmember Rappleye moved to provide local consent for a limited service alcohol license for Mangia Draper LLC. Councilmember Weeks seconded the motion.

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6.4 Councilmember Rappleye said they have shown they can manage a good operation. He has been to the restaurant several times, and they serve good food and need additional ways to bring in business. The fact that they haven't been in violation at the Park City location shows that they are responsible.

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

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7.0 Public Hearing: City-Initiated Text Amendment for Town Center (TC) Zone, Request for approval to amend the text of the DCMC Pertaining to Development in the Town Center Zone

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7.1 Mr. Workman said that the City initiated this application, which proposes to amend the code in three ways. The first is to make medical service a permitted use in the TC zone. The second is to add a definition of post and panel signs. The third is to add some language allowing a single building development in the TC zone to have a post and panel or engraved stone monument sign. Mr. Workman demonstrated the changes with slides. The Planning Commission agrees with the proposed changes.

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7.2 Councilmember Summerhays asked who initiated this application. Mr. Workman said his direction came from the Council; however, there were members of the community that would also benefit from the proposed text amendment. Councilmember Summerhays asked if there is going to be any kind of immunity or standards imposed. Mr. Workman said they tried to implement requirements similar to what exist for monument signs. Councilmember Summerhays said requirements are usually based on size of building, and

asked if 24 square feet will be the standard size in the Town Center Zone. Mr. Workman answered affirmatively.

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

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7.4 Councilmember Rappleye moved to approve the City-initiated text amendment for the Town Center Zone. Councilmember Vawdrey seconded the motion.

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7.5 Councilmember Rappleye said he hopes the text amendment is sufficient, and noted that it is plain. In speaking with businesses in the Town Center, they have expressed interest in wanting some modern features for their signs. He said signs are expensive and he doesn't like having a changing dialogue because it affects the affordability for businesses. He opined that there would be additional issues at some point in the future.

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

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8.0 Public Hearing: Resolution #17-27, Amending the FY2017 General Fund Budget

8.1.1 Bob Wylie, Finance Director, reviewed the budget amendments as follows:

- **FY17-43 GIS Software Support:** The City's Geographic Information System (GIS) Division is seeking a budget amendment to add money for ESRI Enterprise Advantage Program (EEAP). This is for one year technical support.
 - Funding for this request will come from the General Fund, Fund Balance Appropriation. Amount of the budget request is \$27,000
- **FY17-44 HR Pre-Employment Physicals:** With the initial increase in staff for the Fire Department, Human Resources will be incurring pre-employment physicals.
 - Funding for this request will come from the General Fund, Fund Balance Appropriation. Amount of the budget request is \$14,000.
- **FY17-45 Draper Philharmonic:** Request to amend the current FY2017 budget to include funding for the Draper Philharmonic. The public hearing for this item was held on March 21, 2017.
 - Funding for this request will come from the General Fund, Fund Balance Appropriation. Amount of the budget request is \$35,000.
- **FY17-46 Andy Ballard Arena:** Staff is requesting to re-appropriate budget from the Cycle Park Parking Lot Expansion (CIP0043) to the Andy Ballard Arena (CIP0065) to

- cover contingency costs including testing, additional bid quantities and addressing drainage issues.
- Funding for this request will come from CIP0043. Amount of the budget request is \$9,000.
 - **FY17-47 Dayland Dog Park:** Staff is requesting to re-appropriate budget from the Cycle Park Parking Lot Expansion (CIP0043) to the Dayland Dog Park (CIP0088) to cover contingency costs including higher than anticipated bids, testing and addressing high ground water issues (raising shelter pads and enlarging the footings).
 - Funding for this request will come from CIP0043. Amount of the budget request is \$9,000
 - **FY17-48 Historical Park:** Draper Staff is requesting funding to install a 70 W HPS light on a concrete base and run new underground power with a riser.
 - Funding for this request will come from the General Fund, Fund Balance Appropriation. Amount of the budget request is \$6,860.
 - **FY17-49 Public Works Administration:** During the review of the staffing chart, staff identified two positions that were being allocated to multiple divisions. It was determined that consolidating the positions in Public Works Administration and then allocating the costs through the overhead allocation was more appropriate.
 - Funding for this request will come from an increase in the Overhead Allocation. Amount of the budget request is \$65,000.
 - **FY17-50 Storm Water Various Locations:** Public Works/City Engineers would like to begin work on three locations to correct storm water issues. The work would include installing inlet boxes, manholes and piping.
 - Funding for this request will come from the Storm Water Fund Balance Appropriation. The total amount of the budget request is \$87,500, which is broken down as follows:
 - 12567 South Fort Street – \$9,500
 - 12640 South Fort Street – \$16,500
 - 11500 South 700 West – \$61,500
 - **FY17-51 Fire Dept. staffing:** The Fire Department is preparing to begin their staffing request. It is anticipated that the majority of the new staff will begin in June with a few beginning in May. Staff is requesting funding for the payroll expenses that will be incurred for the remainder of FY2017.
 - Funding for this request will come from General Fund, Fund Balance Appropriation General Fund Payroll & Benefits. The total amount of the budget request is \$273,500, broken down as follows:
 - Ambulance Fund – \$227,500
 - Payroll & Benefits – \$46,000
 - **FY17-52 13200 Boulter to Highland:** Staff is requesting additional funding for the 13200 South Boulter to Highland Drive road project. The additional budget is for the increase costs and increases to the scope of work. This work includes additional storm

drain, railroad requirements and a horse trail. The updated estimate for the completed project is \$2.85 million. The total amount of the budget request is \$1 million, broken down as follows:

- Funding for this request will come from the following:
 - Storm Water Fund Balance – \$285,000
 - Park Impact Fees – \$121,000
 - 11950 South Lone Peak – \$300,000
 - B&C Road Maintenance – \$294,000
- **FY17-53 Fire Dept.:** Staff is proceeding with the implementation of the Draper City Fire Department to begin service on July 1, 2017. Funding for this budget amendment will come from General Fund, Fund Balance appropriation. The total amount of the budget request is \$117,300 to fund the following:
 - UTV for Suncrest Station – \$24,100
 - Public Relations Items – \$17,500
 - Radios – \$33,000
 - Station Paging System – \$7,000
 - Helmets/PPE – \$31,000
 - Vehicle Response Lighting – \$2,000
 - VECC Configuration – \$1,700
 - Ambulance Load System Install – \$1,000
- **FY17-54 Parks Staffing:** Parks & Recreation is requesting to add two additional FTE's to their staff. The first position is a General Park Maintenance Tech I. This position is needed to keep up with the general park maintenance that has increased due to the city parks construction. The second position is a Maintenance Tech I Splash Pad. This position will take care of the constant need for service and water quality for the new splash pad. This position will also be responsible for other maintenance associated with the Smith Fields Park complex. Funding for this budget amendment will come from the General Fund, Fund Balance Appropriation. The total amount of the budget request is \$88,000, broken down as follows:
 - General Park Maint. Tech I – salary & benefits (1 month) – \$ 9,000
 - Maint. Tech I Splash Pad – salary & benefits (1 month) – \$9,000
 - Start-up costs – vehicle, cell phone, uniforms, etc. (two positions) – \$70,000
- **FY17-55 Staffing Chart** (new positions)
- **FY17-56 South Mountain Retaining Wall:** PW/Engineering is requesting money to remediate and repair the damaged retaining wall located at the South Mountain Fire Station. The estimated repairs to this wall are \$150,000. Funding for this budget amendment will come from General Fund, Fund Balance appropriation.

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8.2 Councilmember Weeks asked if insurance covered any of that cost and said a broken pipe caused the retaining wall to break. Mike Barker, City Attorney, said he spoke with the insurance broker on the issue, and until they have a final determination of what caused the

break, they won't know what the insurance will cover. Councilmember Weeks asked if they fund the repairs; and insurance covers the repairs, whether the fund will be reimbursed. Mr. Barker said that was correct.

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8.3 Mayor Walker opened the public hearing.

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8.4 Sherri Jensen, Draper Philharmonic, thanked the Council for presenting the budget. She said that in the last thirteen weeks they have had 12,143 volunteer hours. If they paid it according to grant prices, which is \$23.00 per hour, that would be \$279,284 in financial contributions. She said this speaks highly of what they are trying to do as an organization. She requested that the Council approve the funding to further establish the Draper Philharmonic.

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8.5 Lucas Erasmus, resident, said in speaking to Ms. Jensen's comments he knows what it is like to start a new enterprise. He joined the choir when they could barely fit into a small room. He said the caliber of the group's performance abilities spoke to the quality of the organization.

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8.6 Gary Merrill, resident, said he has been a resident of Draper since 1994. This whole time he has been driving up to Salt Lake City where he plays clarinet for the symphony. He would love to have a symphonic organization closer to home. There are benefits to having an orchestra in the City. They have some outreach programs where they send musicians to the elementary and middle schools and play music for the children. Some of them see performances for the first time. He said this is a good use of taxpayer money. He explained that the cost of producing one concert could be upwards of \$20,000. If the Draper philharmonic were to perform five concerts per year, they are adding a value to the community in excess of \$100,000. The value the organization would provide the community would be more than monetary.

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8.7 Sherri Freestone, Sandy resident, said she is a retired school teacher. She taught elementary school for 30 years. She said she directed a children's choir of over 200 students. The Draper Philharmonic would give her another performance avenue.

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8.8 Michael Kralik, Sandy resident, challenged anyone to name a successful community that does not have a basis in the arts. There is growth that can occur that only the arts can provide. The Draper Philharmonic will bring talent internationally. Any invested dollars will be greatly returned because of the talents that will come in just to perform. This is necessary for the City to grow.

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8.9 Michelle Walters, resident, said she invested a lot of time in putting her kids through sports and music. It is awesome to invest in the intellect of the community by investing in music. There are a lot of activities in which kids can participate, but this is something for adults as well.

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8.10 Mayor Walker closed the public hearing.

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8.11 Councilmember Stenquist said they need to understand the nature of the philharmonic request if they are paying taxpayer dollars on it. He asked how the money would be used. Mr. Dobbins said his understanding is that they want to purchase musical instruments. One problem of dealing with a governmental entity is that when they spend taxpayer dollars they have to be accountable for those expenditures. If they approve the funding, they would need to enter into a contract with that entity on how they would use the money. They would have to report on assets. If the entity became no longer viable, they would have to know what happened with the assets. Councilmember Stenquist asked if the assets are depreciated or disposed of. Mr. Dobbins said they would have to handle those assets on their own IRS tax forms. It's not an asset of the City, but they would have to manage the flow of said funds contractually.

Councilmember Summerhays asked if the organization would function similarly to a foundation.

Councilmember Stenquist asked if there were any similar arrangements that the City had with other entities.

Mr. Dobbins said he is not aware of any similar arrangements. He noted that the City provided money to the Draper Days Foundation. After the event takes place, the foundation then provides a report of how the money was used.

[8:04:32 PM](#)

8.12 Councilmember Summerhays said five years after they incorporated, they had a Draper orchestra. The organization lasted for a number of years.

Councilmember Stenquist asked if it was funded by taxpayer dollars. Councilmember Summerhays said it was not; the group was funded by ticket sales. Councilmember Stenquist said this is normally what they would see rather than taxpayer dollars buying equipment. He thinks it seems normal for the City to build ball fields, and then let organizations use those ball fields. They build the amphitheater and they let people perform there. But they don't necessarily buy the sports equipment for them to use. The City doesn't buy the instruments that were used to perform at the amphitheater. He felt that the request was unusual.

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8.13 Councilmember Weeks said they give a certain amount of money to parks and trails for cyclists. In this way, they create an infrastructure for cycling enthusiasts to enjoy the sport. Similarly, they produce infrastructure for baseball players to enjoy their sport. She opined that by purchasing instruments for the Draper Philharmonic's use, the City is providing their organization with the infrastructure they need in order to enjoy their activity.

Councilmember Stenquist said he doesn't think that analogy works because while the City has open space and trails, they don't purchase equipment for other groups. Councilmember Weeks said the City purchased the trail. Councilmember Stenquist said that while the City may provide the space for an activity, it is the responsibility of the user to bear the costs of their own equipment. Councilmember Weeks said the Draper Philharmonic is not asking for the money for lessons to learn how to play their instruments; rather, they are asking for larger instruments. Councilmember Stenquist asked if they will put any restrictions on what they can buy.

Mr. Dobbins said they haven't had that discussion. If the Council wants to fund this, the expectation is that he would sit down with the organization and work out the details of how they want to spend the money. This would then be detailed in a contract that the Council would need to approve. Councilmember Weeks said if they approve this, they are simply allowing it to go to the next step in negotiating a contract. Mr. Dobbins said the Council would just be approving the budget. Similar to any other project, they would draft a contract and bring it back to the Council for review. Councilmember Stenquist asked if they know any details at this point. Mr. Dobbins didn't have any specifics to provide at that time.

Councilmember Stenquist was concerned that this would be setting precedence for other organizations to come in and ask for the same thing. There are lots of organizations that have very well-meaning causes that could ask for similar arrangements.

Mayor Walker remarked they can't spend money unless they budget for it.

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8.14 Councilmember Rappleye said he agrees with Councilmember Stenquist to a certain level. He grew up in a City where they had athletic equipment to use that was owned by the City. Other Cities have purchased equipment and had other entities manage its usage. He opined that it would be in the City's best interest to let the Draper Philharmonic manage the equipment instead of the City. He agrees with the concept of drafting a contract or services agreement. He said the organization has a good plan for showing how their group would add value to the community, which is important. He said this is an opportunity, and it is not uncommon for a City to support the arts. He doesn't see it as a danger in providing funding to the organization.

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8.15 Councilmember Vawdrey said she agrees that this is a desirable addition for the community, but she also thinks that they need to stipulate that this is a one-time funding,

not a commitment for plans to build a future arts center or venue. These funds would just be used to help the group get started.

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8.16 Councilmember Summerhays said it will be interesting to see how the funding is used.

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8.17 Councilmember Stenquist said he didn't want to make it sound like he doesn't value the arts. He thinks arts add significant value to the City; however, he saw this as an unusual request. He reiterated his concerns for setting precedence.

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8.18 Mayor Walker said the City purchases equipment for recreation programs, so there is some precedence that has already been established.

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8.19 Councilmember Summerhays said the City would not store the equipment. The organization would be responsible for finding proper storage.

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8.20 Councilmember Vawdrey moved to approve Resolution #17-27, amending the FY 2017 Budget. Councilmember Weeks seconded the motion.

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

[8:15:27 PM](#)

9.0 Action Item: Approval of Amendment to the Development Agreement with DJ Investment Group, David K. Mast, and Wasatch Land Company, Adjusting the Boundaries of the Hidden Canyon Estates and Mercer Mountain Development Projects

[8:15:34 PM](#)

9.1 Councilmember Summerhays moved to continue this item to May 16th and to allow it to be a public hearing. Councilmember Rappleye seconded the motion.

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9.2 Councilmember Weeks asked if there is enough time to properly notice the public hearing. Mr. Dobbins said there is no noticing requirement, and he recommended that they not notice it. If they start the practice of noticing for things not required by law it could set precedence. The item itself serves as public noticing.

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9.3 Councilmember Stenquist said if noticing is not required, they don't know how much public comment they could expect to receive. Councilmember Summerhays said the developer and opposition could take their respective actions.

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9.4 Mayor Walker suggested that they could allow the developer a certain amount of time to speak and address the item without making it a public hearing.

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9.5 Councilmember Summerhays moved to amend his motion to schedule this item on the 16th of May and to allow the developer to have ten minutes to make a presentation. Councilmember Rappleye seconded the amended motion.

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9.6 Councilmember Stenquist said there was some confusion as to how Item 9 and Item 10 corresponded with one another.

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9.7 Mr. Dobbins said the Council has not seen Item 10 yet; it is a different item that sets a new legal description for the properties. It doesn't have to do with development.

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

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10.0 Action Item: Boundary Line Adjustment for Hidden Canyon Estates

[8:20:57 PM](#)

10.1 Mr. Dobbins said that because the county line runs into the area in question, there has been dispute or question between the two counties as to what the exact legal description is. The two County surveyors have made a final determination. This action cleans up those legal descriptions.

[8:21:38 PM](#)

10.2 Brandon Watson, applicant, said Mr. Dobbins explained the matter clearly. This action is a way for both counties to agree on their boundary lines and avoid hassles in the future.

[8:22:07 PM](#)

10.3 Councilmember Weeks said this has taken a while and it was a hassle, and commended Mr. Watson for a good job.

[8:22:17 PM](#)

10.4 Councilmember Summerhays moved to approve the boundary line adjustment for Hidden Canyon Estates. Councilmember Weeks seconded the motion.

[8:22:36 PM](#)

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

[8:22:47 PM](#)

11.0 Action Item: Ordinance #1257, Amending the Procurement Code and the City Manager's and Department Directors' Duties, Repealing and Reenacting Chapter 3-3 of the DCMC (the Procurement Code) and Amending Portions of Subsections 2-3-080 and 3-1-030 Pertaining to the City Manager and Department Directors' Duties and Responsibilities

[8:23:06 PM](#)

11.1 Mike Barker, City Attorney, said the Council wanted time to consider the changes being proposed to the procurement code. One issue that had been raised is the new language, specifically the last sentence in which the City Manager would have responsibility to update the Council on a monthly basis regarding construction project expenditures and other large expenditures. They will be receiving updates on large projects. The hope is they can amend to code and follow the procedures in the code.

[8:25:11 PM](#)

11.2 Councilmember Rappleye said he thinks it is something to be looked at periodically. There are great changes that could expedite certain procedures, thereby creating more awareness for some of the things they do as a Council.

[8:25:35 PM](#)

11.3 Councilmember Rappleye moved to approve Ordinance #1257. Councilmember Vawdrey seconded the motion.

[8:26:05 PM](#)

11.4 Councilmember Weeks thanked Mr. Barker for making these changes.

[8:26:17 PM](#)

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

[8:26:36 PM](#)

12.0 Action Item: Resolution #17-28, Adopting the Tentative Budget for FY2017-18, and Setting the Public Hearing for June 6, 2017

[8:26:47 PM](#)

12.1 Mr. Wylie said he is submitting the tentative budget for the fiscal year that ends June 2018. This is for all the funds except for the community development agency and the municipal building authority of Draper. This budget is a balanced budget. It is a \$32,376,000 budget in the general fund. Taxes represent 74% of the revenues in the general fund, and sales and use taxes are just components of those taxes. In this budget there is also a recommended 3.5% merit increase in salary and wages. There is also a market rate adjustment for various hourly workers who are below the market average of \$0.75 per hour. The public safety step program has been funded in the proposed budget. There are five new permanent positions: three seasonal park technicians, one full-time equipment operator in the streets division, and the conversion of a part-time receptionist to a full-time position in the community development department. There is also additional hours added to the janitorial staff. Capital projects listed of \$30,737,000, which are previously-approved projects. There are two new capital projects in this budget. One is Hidden Canyon estates trail improvements. The other is new land acquisition for parks. There is a new bobtail truck with a plow and spreader, and one new skid steer. Replacement vehicles total \$598,000 on the replacement program for the fleet department. There is also an item for building renovations for \$175,000. There are four capital equipment replacements in the parks department. There are no rate increases in the water fund. Solid waste fund has a request for a new full-time equipment operator.

[8:30:04 PM](#)

12.2 Councilmember Summerhays asked if the garbage vehicle is a replacement. Mr. Wylie said it is a newly requested vehicle to go along with the equipment operator position that they are also requesting. Glade Robbins, Public Works Director, said this is to provide a new driver and a new truck to help with the expanding growth of the City.

[8:30:57 PM](#)

12.3 Councilmember Weeks thanked Mr. Wylie for his work.

[8:31:05 PM](#)

12.4 Councilmember Weeks moved to approve Resolution #17-28, adopting the tentative budget for FY2017-18 and setting the public hearing for June 6, 2017. Councilmember Stenquist seconded the motion.

[8:31:48 PM](#)

12.5 A roll call vote was taken with Councilmembers Rapple, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

[8:32:07 PM](#)

13.0 Recess to a Municipal Building Authority Meeting

[8:32:16 PM](#)

13.1 Councilmember Summerhays moved to recess to a Municipal Building Authority Meeting. Councilmember Vawdrey seconded the motion.

[8:32:29 PM](#)

13.2 A roll call vote was taken with Councilmembers Rapple, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

[8:40:48 PM](#)

** *The meeting resumed at 8:40 p.m.*

[8:40:37 PM](#)

** **Council/Manager Reports (continued)**

[8:40:57 PM](#)

** Mayor Walker asked if there are more Council items to go over. He asked to go over the letter from Councilmember Weeks' attorney. He is not sure what the legal ramifications are, if the letter is based in the Council's capacities as individuals or as Councilmembers. It concerns him that there is a threat of litigation.

Councilmember Weeks explained she is not threatening to sue the Council or an individual at this time. She asks that if there is an issue, the matter be discussed before it is put on public record. She asks that the public forum not be used to voice opinions to defame her. She again stated she is not looking to sue the City at this time.

Mayor Walker said one allegation they discussed was with respect to an allegation brought up by citizens in the newspaper. Councilmember Weeks said Mayor Walker was the one who brought the matter up on the stand. Mayor Walker said a citizen brought the matter forward to him. Councilmember Weeks said the citizen did not accuse her of the action in question until after the meeting. Mayor Walker said he had a number of citizens contact him about the matter before the meeting started.

Councilmember Stenquist said if any of them have evidence or concern that should be brought before the ethics commission, he thinks they have a responsibility to bring that forward. It is not personal, but they all have a responsibility to do that. Councilmember Weeks said the public forum should not be used to accuse her of something unless there are facts that she has committed an ethics crime. Sometimes in the public meetings she feels attacked, and she does not feel it is justified. She asks that if anyone has an issue they speak with her about it. Mayor Walker said he appreciates those remarks, but he wonders what the letter means for him as the Mayor and as a member of the Council, as well as for the City.

Mr. Barker said, having received the letter just before the meeting started, he does not have an opinion. He is happy to review it and provide an interpretation.

Mayor Walker asked the Council if they wanted to have Mr. Barker review the letter and give the Council advice on what to do. The majority of the Council agreed. Mayor Walker said Mr. Barker represents the City, not the Council. Mr. Barker said he represents the Council as a whole, not as individuals. The implications are how the Council should react.

He can give counsel to the Council as a whole, but he cannot provide individual legal advice.

Councilmember Summerhays said there was a code reference in the letter he did not recognize. He would like to know what it means.

Mr. Barker said it is his position that appropriate investigative bodies investigate these types of issues. He can indicate in a memo what those bodies are at the State level and what types of claims would go there, and subsequently provide the Council with an opinion. He has responsibilities under the ethics code that can give an outline of what his responsibilities are.

Councilmember Stenquist said there are State bodies for reporting ethical or legal violations, but they need to have some process at the City level as well.

Mr. Barker said there is, under the same State law, a political subdivisions ethics commission. There is also a statute that allows cities to adopt their own ethics commission that would hear complaints of unethical behavior. He has looked into a few of those items.

Councilmember Stenquist said one of his concerns is that if there is ever an accusation against a Councilmember that the staff doesn't feel they are in an awkward situation of having to investigate a Councilmember for fear of reprisal or retaliation. He thinks it would be important to have a process to follow that is fair and equally applied in order to provide everyone with a comfort level of following a proper process.

Mr. Dobbins said they are required to provide to the Mayor and Council annual ethic training. They were planning on doing this soon, and they could dovetail this discussion into the matter.

[8:49:29 PM](#)

** Mr. Dobbins said the Council recently changed City code on corner lots. He asked if it would be okay now that they have adopted it, if they look at the matter and make some minor changes.

Mr. Dobbins then said that at the last meeting Councilmember Weeks brought up the Salt Lake County recreation facility. They are looking for two individuals to serve on different committees. He forwarded the email to the Council and asked if they had any direction they wanted to take on the matter. One committee is to select the architect. The other is to have someone to talk about programming.

Councilmember Weeks said she expressed that she would like to sit on one of those committees. The majority of the City Council expressed a desire to have two staff members serve on the boards. Councilmember Weeks explained that she would prefer to have a Councilmember on the board.

[8:52:05 PM](#)

** Mr. Robbins gave an update on the retaining wall, and said the fire station will have a geotechnical engineer do an evaluation of what caused the failure. They will start the design to fix the issue. He spoke with the builders to the north regarding the matter.

[8:52:43 PM](#)

** Rhett Ogden, Parks and Recreation Director, said a TV commercial is going to be shot on Traverse Ridge Road. The road will be closed during the shoot, which could cause delays.

Councilmember Rappleye said the Chamber of Commerce will be doing two days of filming on trails and hang-gliding. They hope to capture recreational activities occurring in Draper.

[8:55:06 PM](#)

14.0 Adjournment

[8:55:08 PM](#)

14.1 Councilmember Summerhays moved to adjourn the meeting. Councilmember Weeks seconded the motion.

[8:55:14 PM](#)

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

14.3 The meeting adjourned at 8:55p.m.