

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, APRIL 2, 2013, IN THE DRAPER CITY COUNCIL CHAMBERS 1020 EAST PIONEER ROAD, DRAPER, UTAH.

“This document, along with the digital recording, shall constitute the complete meeting minutes for this City Council meeting.”

PRESENT: Mayor Darrell Smith, Councilmembers Bill Rappleye, Troy Walker, Alan Summerhays, Jeff Stenquist, and Bill Colbert.

STAFF PRESENT: David Dobbins, Doug Ahlstrom, Tracy Norr, Russ Fox, Danyce Steck, Garth Smith, Joe Bryant, Russ Adair

Study Meeting

1.0 Closed Meeting

5:37 pm

1.1 A motion to adjourn to a closed meeting was made by Councilmember Summerhays and seconded by Councilmember Rappleye.

2.0 Adjourn to Redevelopment Agency Meeting

6:54:11 PM

2.1 A Redevelopment Agency meeting was held.

BUSINESS MEETING

1.0 Call to Order

7:02:25 PM

1.1 Mayor Smith called the meeting to order and welcomed those in attendance.

2.0 Comment/Prayer and Flag Ceremony

7:02:37 PM

2.1 The prayer was given by Councilmember Rappleye. He then led the Pledge of Allegiance.

3.0 Citizen Comments

7:04:42 PM

3.1 Bill Crawley, 14811 South Pristine Drive said the erosion on Traverse Ridge Drive and Steep Mountain Drive has been raised at the council meeting in the past. It is still going on. The property owners have been filling in the erosion year after year and trying to maintain the property. A surveyor recently surveyed down the fence line and said the

property belongs to the city. He asked the council to please fix the eyesore and noted the neighborhood is willing to maintain the property. Mr. Crawley submitted a copy of the survey. Councilmember Colbert said this problem has existed for several years. Mayor Smith asked Mr. Dobbins to look into the situation.

4.0 Consent Items

- a. **Minutes of City Council Meetings Held March 12, 2013, March 19, 2013, and March 26, 2013**
- b. **Agreement #13-96 with Jeremy Henrie for Payment in Lieu of Frontage Improvements at 770 East 12100 South.**
- c. **Agreement #13-47 with Tot Shots Sports Photography for Recreation Program Team & Individual Pictures**
- d. **Fair Housing Month Proclamation**
- e. **Agreement #13-51 with Glover Landscape & Snow for Landscape Maintenance Services**

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- 4.1 A motion to approve the consent items was made by Councilmember Colbert and seconded by Councilmember Walker.**

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- 4.2 The motion carried by unanimous vote.**

5.0 Public Hearing: Consideration of declaring property surplus and authorizing the sale of the encroachment to Glen & Kathryn Carlson, 1183 E. Hickenlooper Way.

[7:14:30 PM](#)

- 5.1** Doug Ahlstrom showed an aerial photo of the subject property, noting the property line is very close to the house. A similar situation at the neighboring property resulted in the sale of the property to the homeowner. Councilmember Colbert asked if the money from the sale of these properties is being segregated for future park improvements. Mrs. Steck said the money is not segregated but is tracked. Discussion was held about the use of the funds.

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- 5.2** The public hearing was opened. There were no comments and the public hearing was closed.

[7:20:58 PM](#)

- 5.3 A motion was made by Councilmember Rappleye to suspend the rules. The motion was seconded by Councilmember Summerhays and carried by unanimous vote.**

[7:21:18 PM](#)

- 5.4 A motion was made by Councilmember Rappleye to declare the property as surplus and approve the sale to Mr. and Mrs. Carlson. The motion was seconded by Councilmember Summerhays.**

[7:22:11 PM](#)

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

6.0 Public Hearing: Resolution #13-19, Community Development Block Grant (CDBG) Allocations.

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- 6.1 Russ Fox said the annual CDBG public hearing. Last year the city received about \$83,000 in CDBG funds. It was used for applications that we received from Valley Services and Assist and some ADA ramps. This year, the city is targeted to receive approximately \$76,000. He said Assist would receive \$5,000 and Valley Services would receive \$10,000. The remainder will be returned to Salt Lake County. He said Draper does not have any census tracts of low or moderate income, so we are limited to using funds only for bricks and mortar. Additional programs are being investigated so Draper can keep more of the money. Councilmember Rappleye asked if the funds could be used for transportation for the Senior Citizens. Mr. Fox said the money must be used for bricks and mortar. Councilmember Colbert asked if any accessibility for light rail could be considered. He discussed a situation of a citizen who is in a wheelchair and could have problems accessing public transit. Mr. Fox said Draper cannot apply the funds to those types of programs for individuals. It must be tied to census tracts. The individuals can make application to the county. Mayor Smith said we should look towards some of those issues in the future. Councilmember Rappleye said the sidewalk on Library Road crossing the park road does not have a ramp for ADA accessibility.

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- 6.2 The public hearing was opened. There were further comments and the public hearing was closed.

[7:30:06 PM](#)

- 6.3 A motion was made by Councilmember Colbert to suspend the rules. The motion was seconded by Councilmember Rappleye and carried by unanimous vote.**

[7:30:29 PM](#)

- 6.4 A motion was made by Councilmember Colbert to approve Resolution #13-19. The motion was seconded by Councilmember Stenquist.**

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

7.0 Public Hearing: Resolution #13-18, Amending the 2012-2013 Budget.

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7.1 Danyce Steck said the budget amendments are to adjust revenue to smooth out the cash flow. She reviewed the changes to tax, licenses and permits, the transfer from RDA and MBA, charges for services, fines and forfeitures. The amendment also adjusts expenditures such as handheld devices, an additional plans examiner position, permitting software, collision repairs, rollback taxes, communications, overtime in the building department, and transfers to the CIP fund. She said the target is to have a 25% reserve. She reviewed changes to the CIP fund, the Transportation Impact Fee Fund, and the Fire Impact Fee Fund.

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7.2 The public hearing was opened. There were further comments and the public hearing was closed.

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7.3 A motion was made by Councilmember Rapple to suspend the rules. The motion was seconded by Councilmember Stenquist and carried by unanimous vote.

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7.4 A motion was made by Councilmember Rapple to approve the resolution. The motion was seconded by Councilmember Stenquist.

[7:46:09 PM](#)

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

8.0 Amendment to Draper City Staffing Plan to add a Plans Examiner Position.

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8.1 Garth Smith said this item was covered in the budget amendment. The position will address the concerns that have been expressed about the time for issuing building permits.

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8.2 A motion was made by Councilmember Rapple to approve the amendment to the staffing plan to add a plans examiner position. The motion was seconded by Councilmember Stenquist.

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8.3 The motion carried by unanimous vote.

9.0 Ordinance #1043, Amending Draper City Municipal Code by Repealing Title 8-4 and Enacting Title 16-2, relating to Storm Water.

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9.1 Doug Ahlstrom said most of the changes are housekeeping. It is being moved from the Telecommunications chapter to a new chapter. Terms have been made consistent and a couple of definitions have been added. Distinction has been made for the duties of the public works department and the city engineer. An appeal process has been added. Councilmember Summerhays asked if the developer has always had to contact the state to get a permit if developing more than one acre. Mr. Ahlstrom said the state administers the national storm water program and the permit is required. That is not being changed by this ordinance.

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9.2 A motion to approve the ordinance was made by Councilmember Rappleye and seconded by Councilmember Stenquist.

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

10.0 Resolution #13-12, Amending the Consolidated Fee Schedule regarding Storm Water Fees.

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10.1 Doug Ahlstrom said residential and commercial customers are now paying \$4.00 per ERU per month for storm water services. The city has identified \$65 million worth of projects that need to be done, \$25 million of which can be paid by new growth impact fees. The remaining \$40 million has no funding source. The proposed resolution raises the storm water utility fee by \$.50 per year for the next ten years. This will generate about \$13,000 per month in additional revenue. That equates to \$157,000 per year which will start to build up the fund for storm drain improvements, such as the one addressed in the citizen comments. He said Riverton adopted a similar plan last year. Councilmember Colbert said the city's needs are so great that he is not sure the base is reasonable. Mr. Dobbins said an option is to do a one-time bump, but it is difficult for businesses to put this into their planning and budgets. Councilmember Colbert said most of the deficiencies are in residential and hillside areas. Discussion was held about the base fee. Councilmember Colbert suggested different tables for commercial and residential areas.

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10.2 A motion was made by Councilmember Colbert to adopt the resolution with the following changes: leave the rate as is for commercial and creating a separate paragraph for residential rates started at \$6.00 per month, effective July 1, 2013 and increasing \$.50 per year. Councilmember Steck asked for clarification about multi-family units. Councilmember Colbert said they would be commercial for this fee. The motion was seconded by Councilmember Stenquist.

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10.3 Councilmember Colbert said he feels the problems need to be addressed, and most of the problems are in the residential areas not the commercial areas. Mayor Smith and Councilmember Rappleye expressed concern about the 50% increase. Councilmember Stenquist said people expect the city to provide a certain level of service, and the fee is to match the service, not make a profit. People understand they need to pay their fair share of the true cost of the service. He asked how many ERU's are in a commercial use. Mrs. Steck said there are about 100 ERU's for a large parking lot. Councilmember Colbert said most of them have accounted for storm water in their design. Councilmember Walker said most of the storm water problems seem to be in one area. Mr. Ahlstrom said there are problems on the hillside as well as on the flat land in the Willow Springs area. Councilmember Summerhays said there was not a good program in the beginning. Mr. Dobbins said the city did not build a major system, so there are many retention ponds. The fee would be used to run storm drain lines and regional detention basins for a city-wide approach. Councilmember Walker said he was going to suggest a special service area if it was just one neighborhood. He agreed there is a problem that needs to be addressed. Mrs. Steck said the proposed rate would increase the revenue by \$170,000 per year, which could allow for incremental bonding to do the projects. Councilmember Walker said he would like to see a study of using different tables for residential and commercial uses. He said he would be okay with a \$1 increase.

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10.4 A substitute motion was made by Councilmember Walker to adopt the Resolution 13-12 by changing the increase to \$1.00 per year for five years. The motion was seconded by Councilmember Rappleye. He also asked for a study breaking the commercial and residential rates.

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10.5 Councilmember Summerhays said some businesses put in their own detention system. He asked if these businesses will pay the rate. Mrs. Steck said every business and every resident is treated the same unless they comply with the new regulation that became effective this year. She said the liability and testing requirements have increased greatly and the storm water system is not considered lot by lot but as a whole for the city.

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

11.0 Council Manager Reports

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11.1 Councilmember Walker said Stockton, California is bankrupt. The article has read said the city has paid free health care for retired employees. He said the city needs to be careful going forward when we talk about hiring more people and looking at on-going revenues and expenses. Councilmember Summerhays agreed, noting that the new position funded tonight costs the city \$95,000, almost half of which are benefits. David Dobbins said that will be part of the budget discussion. We will be looking ahead to see if we can sustain any budget requests. Councilmember Walker asked about the field trip to see the turf. The councilmembers said it was an interesting trip. Mr. Dobbins said the county is looking at renewal of the ZAP funds next year and Draper is next in line for a facility. Mayor Smith said this needs to be discussed in a study meeting.

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11.2 David Dobbins said a Suncrest resident had expressed interest in purchasing property adjacent to her property. The property is not open space so it could be sold. He asked for discussion about a policy for selling the Suncrest property. Councilmember Colbert said he thinks we need to be cautious about opening the gate. Councilmember Summerhays said he thinks the discussion should be open. Councilmember Stenquist said in this particular situation it makes sense to sell property back to the swale. Councilmember Rappleye said there are other situations where residents are maintaining city property and swales. The consensus was to consider these situations on a case-by-case basis with certain broad standards. Mr. Dobbins said eBay opened yesterday and are moving in phases from their existing facilities. UTA also started charging for parking at the parking structure. There were six cars in the structure and 50 on the street. He said he would like to place "no parking" signage 50' back from the intersection. He said a parking plan would be developed. He said a meeting was held with Geneva Rock regarding the hang gliding park. They have started mining on some of their properties and the hang gliders have expressed concern. The county owns two 40-acre properties. The county and Geneva are open to discussing a property trade.

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11.3 Garth Smith reminded the council about the upcoming "Utah Shakeout."

12.0 Adjournment

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12.1 **A motion to adjourn was made by Councilmember Walker and seconded by Councilmember Rappleye. The motion carried by unanimous vote.**