

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MAY 6, 2014, 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 Troy Walker, and Councilmembers Bill Colbert, Bill Rappleye, Jeff Stenquist, Alan Summerhays, and Marsha Vawdrey

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

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**Study Meeting**

**1.0 Dinner**

**2.0 Council/Manager Reports**

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2.1 Councilmember Summerhays indicated Tod Wadsworth is putting a lot of money into the SunCrest Market building. He would like to know if the City is willing to sell it, and if so, what the price would be. He would like to have sixty to seventy percent of the building as a store. He is not sure he wants to put a lot of money into the building and not be able to own it.

Russ Fox, Assistant City Manager, said he has had a conversation with Mr. Wadsworths as well. When the Council talked about this before, they said they would need to get an appraisal. Mr. Fox had advised Mr. Wadsworth that he can come in with an offer and the City would look at it

The Council asked staff to order an appraisal. They said they would be willing to look at an offer.

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2.2 Councilmember Colbert stated he has some neighbors who are concerned with Autumn Fields Drive. People speed on SunCrest Drive and this road is located at the bottom of the curve. The neighbors are concerned that there will be an accident there. He suggested putting mirrors up or some kind of warning sign to alert people of the intersection.

Councilmember Colbert then noted there is a parking problem at the second LDS Church at Eagle Crest. People are parking on the street, and it causes a safety issue. The neighbors would like no parking allowed on Sundays, but selective enforcement is

difficult. If it is a safety issue, there should be no parking allowed at all. He asked staff to go up and look at it to determine if there should be no parking on the church side.

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- 2.3 Councilmember Rappleye noted he received a flyer in his mailbox directing the neighbors to call Draper City and ask that they take care of the weeds in the park and to clean the gutters.

Councilmember Rappleye then indicated he is working on a project to install a six-foot bench in remembrance of the two Roseman boys that have died. He has been working with Blaine Nelson to locate a good spot, and it appears that the park near Councilmember Rappleye's home is the best location for it. He advised he will raise the money for this and bring the information back to the Council for approval.

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- 2.4 Councilmember Vawdrey questioned the process for closing the road for home construction projects. Mr. Dobbins indicated they are required to notify the City and have a traffic management plan.

Councilmember Vawdrey stated this is happening a lot of 600 East, and it is getting tiresome.

6:02:21 PM

- 2.5 Councilmember Summerhays said he has spoken in the past about having a demolition derby in Draper. There is a company that organizes this for Cities. There are a few things that have to happen at the rodeo grounds, but the City could make a lot of money from having one.

The Council agreed to have staff look into making this happen.

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- 2.6 Mayor Walker noted he has had some residents call him to complain about the weeds. He asked staff to make sure the person in charge of controlling the weeds on City property is doing a good job.

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- 2.7 Councilmember Rappleye said he has received a few calls about 13200 South and the work being done there. He has been referring the calls to staff and wanted to make sure that is what he should do. Mr. Dobbins replied that it is.

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- 2.8 Glade Robbins, Public Works Director, noted the Utah Department of Transportation has reviewed the striping plan for 700 East and 11400 South.

## **Business Meeting**

### **1.0 Call to Order**

[6:10:11 PM](#)

1.1 Mayor Walker called the meeting to order and welcomed those in attendance. The Council needs to be finished with this meeting before 7:00 p.m. in order to attend a Town Hall Meeting at Summit Academy. In the interest of time, this meeting will not have the prayer/pledge or citizen comments.

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### **2.0 Consent Items**

- a. **Agreement #14-01**, Assessment-in-Lieu with Alliance Construction Company for Smith's Farm Subdivision.
- b. **Agreement #14-74**, For Approval of a Donation Agreement with Healthy Draper for the Little Valley Open Space Project.

[6:12:00 PM](#)

2.1 **Councilmember Vawdrey moved to approve the Consent Items. Councilmember Summerhays seconded the motion.**

[6:12:16 PM](#)

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

[6:12:32 PM](#)

3.0 **Action Item: Agreement #14-75, For Approval of the SunCrest Regional Detention Basin Project Construction Agreement.**

[6:12:45 PM](#)

3.1 David Dobbins, City Manager, indicated the City has an agreement with Zion's Bank to construct a detention basin, and the City is operating under some strict financial guidelines to get that project done. Staff has designed the project, bid it out, and it is now time to award the project.

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3.2 Troy Wolverton, City Engineer, reviewed the history of the area and the current parameters of the project for the City Council. He explained the various aspects of the project they have looked at, which included the following:

- Schedule A
  - Storm Water Conveyance and Maintenance Road
    - Drainage improvements off SunCrest Drive
    - Embankment construction and access roadway for a thirty-six foot wide access road
      - \$1,090,422.47

- Schedule B
  - Regional Detention Basin
    - \$610,719
- Schedule C
  - Elimination of a Private/Temporary Detention Basin Within Stoneleigh Heights Subdivision
    - \$10,000
- Schedule D (This is not part of the memorandum of understanding (MOU))
  - Expanding the thirty-six foot access road to fifty-six feet
    - The additional excavation material could be used to widen the embankment. There is a three-foot structural section that would need to be imported. The onsite materials are not sufficient for that use.
      - \$162,248
- Schedule E (This is not part of the MOU)
  - Removal of material under the Stoneleigh Heights detention basin.
    - \$ \$272,149

Mr. Wolverton indicated staff is recommending moving forward with options A, B, and C. What they are not able to fund is schedules D and E unless the funding can be provided by a non-City funding source. Zion's Bank has indicated there will be no additional funding provided for this project.

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3.3 Councilmember Summerhays asked whether not removing the material underneath the basin will hamper the soils in that area. Mr. Wolverton indicated it will not. The detention basin included a liner when it was constructed. Any water that goes into that area does not percolate into the soil.

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3.4 Mr. Dobbins indicated they would be happy to remove it; however, it would have to be done at the City's cost.

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3.5 Councilmember Colbert noted they have had problems in the past in SunCrest with fill material not being engineering grade, which has led to some significant issues. He asked how staff knows as they are doing the cut and fill that it is engineered appropriately. Mr. Wolverton indicated they are aware of those problems. There will be a large amount of material that will be wasted. They will remove the organic material and topsoil. They also have a lot of slopes that would need to be revegetated. Some of the topsoil being removed can be used in those areas of the project.

Councilmember Colbert indicated he wants to be sure they are being careful with the materials used so they do not get themselves in trouble. The material up there has a lot of clay in it. Mr. Wolverton advised the three-foot structural section is intended to

discourage or prevent the reflection of those clayed materials in the structural section. They will not be paving this road. It will be a gravel road.

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3.6 Councilmember Colbert then indicated right now they are proposing to do Schedules A, B, and C, which meets the requirements to access the detention basin. He asked whether someone could widen it and make it a public road in the future. Mr. Wolverton noted it could be made a public road. They would just have to key into the current road.

Mr. Dobbins noted the City has enough money to do what staff is currently proposing. It makes sense to do it, and if someone wanted to pay for it, the City could make it happen.

Mr. Wolverton clarified that it is the financial component that the City is not able to recommend for award. Should a private individual with funding for those elements desire to complete them, the City would be able to work with that individual and the contractor to issue a land disturbance permit in order to complete the work.

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3.7 Councilmember Stenquist asked whether there are sufficient fill materials to fill the needs of this project. Mr. Wolverton indicated they will have surplus. Because of the structural section, a contractor will need to bring in material from a source outside of this project. They will send the truck back down with the surplus material.

Councilmember Stenquist clarified that the reason they are bringing in that material is because it has to be engineered road-base type material. Mr. Wolverton stated that is correct. If any of the adjacent property owners wanted some of the fill, they could have it.

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3.8 Mr. Dobbins indicated they have done soil testing up there to determine what is useable and what is not.

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3.9 Councilmember Colbert asked whether they can use any of the concrete they have stored in SunCrest for road base. Mr. Wolverton stated that has not been determined in this design. There would be additional costs involved having to bring a crusher up there.

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3.10 Councilmember Summerhays questioned where they will take the soil and who will use it. Mr. Wolverton stated he does not have that information from the contractor. They looked for a legal source of disposal.

Councilmember Summerhays asked whether staff could find out if there is a place they can use it in the city. Mr. Wolverton noted he will talk with the contractor to see if that would work.

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3.11 David Mast, PO Box 1, noted to award this bid or consider it tonight is in breach of the agreement that he has with the City. He read a provision from his contract pertaining to the contract bid. Mr. Mast advised Mr. Dobbins was mistaken about the fill. The City is mistaken about what the fill is that was used to create the detention basin 3b. The contractor used road base, which is the most expensive fill that can be bought. That has already been set aside for the City to use. It is approximately \$500,000 worth of fill. Mr. Mast stated he is not the reason for the delay in awarding this bid, and he does not appreciate the comments from Mr. Markle saying as much. He received seven property reports less than thirty hours ago. He stated this is still a work in progress. He had some verbal agreements with the City that he is going to rescind. He has learned from one of the other bidders that the City did not want what could have cost about \$40,000 to remove that fill. He stated it is temporary and should be removed. Mr. Mast noted they scared the contractors into thinking there is radioactive waste built up there. That is why it costs 900 percent more than the estimates they received. He noted Draper City Ordinance 787 created the standard for the discharge rate, but the City did not like it, so they amended it to Ordinance 1000. The City has ignored the discharge rate that is stated in the summary that indicated the discharge rate that should be used. In other words, the proposed plan is deficient. The City has done all of the title work, but the North Utah County Water Conservancy District has title restriction that runs with the land. They have not even been consulted about this. Mr. Mast said he has a meeting with them next week, as well as with the Dam Affairs and other federal agencies, about this project. They are not happy to learn that the discharge rate has been increased by almost fifty percent. Mr. Mast said he has told the City he would work with them regarding the temporary detention basin; however, he is not agreeing to a 2 ½ to 1 slope. He would agree to a 2. He said he could tell the City where they could get the fill to build it at the 2 to 1 slope. It is about 300 yards away, and it is there for the City to use. He knows contractors that would do the work for \$30,000; however, when they get done talking to staff it will cost \$300,000. It will cost money to expand the road, but to key in a public road is bad engineering and he will not agree to it.

[6:37:02 PM](#)

3.12 Mr. Dobbins indicated the approval needs to be subject to all of the other requirements of the MOU being met first.

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3.13 Councilmember Colbert asked whether the City has consulted with the North Utah County in reference to the storm drain runoff design. Mr. Wolverton indicated the design for the detention basin is consistent with the Draper City Storm Water Master Plan. North Utah County Water Conservancy District did review the Draper City Storm Water Master Plan, and as a result, they would not have issues with this particular project.

Mr. Dobbins asked whether staff had them review this particular design. Mr. Wolverton indicated he is not aware of any deed restrictions associated with them. Not one of the

title reports Mr. Mast held indicated a deed restriction with the North Utah County Water Conservancy District.

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**3.14 Councilmember Stenquist moved to approve Agreement #14-75, contingent upon all of the items in the Memorandum of Understanding being met specifically including Schedules A, B, and C for the SunCrest Regional Detention Basin Project. Councilmember Vawdrey seconded the motion.**

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3.15 Councilmember Stenquist stated the City had a lot of problems with detention basin 7a and working with Zion's bank. This has always been contemplated that they would have a larger solution, and according to the MOU that was produced, this satisfies that. There was a certain amount of funding that was provided as part of the settlement, and the City is able to make use of that, and it sounds like they are able to include some additional work with Schedule C, which is an additional benefit on the Stoneleigh Heights detention basin. Finally, after so many years of discussing how to resolve 7a, this is a resolution they are able to come together on to resolve these issues.

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3.16 Councilmember Colbert stated he is concerned with this last bit of information about North Utah County Water Conservancy District not being notified about this. The storm waster does drain into their watershed. He asked whether the City can hold off making a decision about this tonight.

Mr. Dobbins stated he would like to do the project this year; however, it is up to the Council.

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3.17 Councilmember Stenquist indicated they have a certain discharge rate in the Storm Water Master Plan, and North Utah County Water Conservancy District is signed off on it. There is no requirement for them to look at the specific design on this.

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3.18 Councilmember Summerhays stated is it surprising that Mr. Mast is not happy with this. This would get the property up and going. This issue has been a pain for Mr. Mast as long as Councilmember Summerhays has been on the Council. Now they have a chance to move along with this, and Zion's Bank is going to pay for it, it is surprising that there are so many questions with this. Mr. Wolverton does a good job for the City, and Councilmember Summerhays relies on his actions.

[6:42:35 PM](#)

3.19 Councilmember Colbert asked whether there is a window for a third party to exercise the design and engineering. He noted at some point the City sees this being a public road, and it will likely be widened. He is not sure if a third party is interested in paying for the other

options or if the City just plans to proceed. Mr. Dobbins indicated they are open to someone adding things in as long as the City is not on the hook for the work.

Councilmember Colbert indicated once the City awards the bid, the contractor will proceed with the project. It will then be too late to add the options.

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3.20 Councilmember Vawdrey wondered whether Councilmember Colbert could amend the motion to satisfy his concerns.

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**3.21 Councilmember Colbert made a substitute motion to continue action on this to no later than May 27<sup>th</sup>. Councilmember Summerhays seconded the motion.**

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3.22 Councilmember Colbert noted he would like Mr. Mast to have an option to commit to Schedules C and D, and he would like Utah County informed that the City is moving forward with this.

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**3.23 A roll call vote was taken with Councilmembers Colbert, Rappleye, and Summerhays voting in favor. Councilmember Vawdrey and Councilmember Stenquist voted no. The motion carried with a majority vote of 3 to 2.**

[6:47:00 PM](#)

**4.0 Action Item: Resolution #14-36, Adopting the Fiscal Year 2014-15 Tentative Budget.**

[6:47:14 PM](#)

4.1 Bob Wylie, Finance Director, noted the budget that is being presented is in compliance with the State of Utah Uniform Fiscal Procedure Act. It is a balanced budget. It includes the following:

- General Fund \$26,966,863
- Enterprise Funds
  - Water Fund
  - Storm Water Fund
  - Solid Waste Fund
- Risk Management

The State requires the Tentative Budget to be adopted. After tonight, the budget will be available for public review, and the City Council will hold a public hearing on the budget on June 3, 2014. This budget was discussed in detail last week, and the Certified Tax Rate has not been submitted yet.

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**4.2 Councilmember Summerhays moved to approve Resolution #14-36, adopting the Fiscal Year 2014-15 Tentative Budget. Councilmember Rappleye seconded the motion.**

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

[6:49:19 PM](#)

**5.0 Adjourn to a Redevelopment Agency Meeting**

[6:49:23 PM](#)

**5.1 A motion to adjourn to a Redevelopment Agency Meeting was made by Councilmember Summerhays and seconded by Councilmember Rappleye**

[6:49:33 PM](#)

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

**5.3 The meeting adjourned at 6:49 p.m.**