

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, AUGUST 14, 2012, IN THE DRAPER CITY ADMINISTRATION CONFERENCE ROOM, 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 Colbert, Alan Summerhays, and Bill Rappleye.

STAFF PRESENT: Doug Ahlstrom, David Dobbins, Tracy Norr, Danyce Steck

BUSINESS MEETING

1.0 Call to Order

[6:03:40 PM](#)

1.1 Mayor Darrell Smith called the meeting to order and welcomed those in attendance. He excused Councilmembers Stenquist and Walker.

2.0 Amendment to Memorandum of Understanding with The Living Planet Aquarium.

[6:04:13 PM](#)

2.1 Doug Ahlstrom reviewed the proposed amendments to the Memorandum of Understanding (MOU). David Dobbins said an expiration time for the MOU should be set.

[6:21:30 PM](#)

2.2 Kent England clarified the ground lease and the Rocky Mountain Power lease are not the same. Councilmember Colbert said there are concerns about the visibility of the side. Mr. England said Rocky Mountain Power is particular about the landscaping allowed on their property, so any landscaping will be consistent with rest of the Rocky Mountain property. Councilmember Colbert asked about maintenance of the parking lots. Mr. Ahlstrom said that is covered in the ground lease.

[6:26:04 PM](#)

2.3 Councilmember Stenquist joined the meeting via telephone.

[6:27:15 PM](#)

2.4 Mr. England said the purpose of reviewing the MOU is to clean up concerns. He asked about the deposit of the \$2 million. Danyce Steck said the money is already in an account. Councilmember Rappleye said the reference in the MOU could be changed to show the current status.

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2.5 Brent Anderson said the account was set up and the money allocated for items. Some of it has been expended. Councilmember Rappleye said the allocations could be noted in the MOU. Mr. Anderson said the board runs the organization, so he disagreed with “the principles” being listed. Councilmember Rappleye said insurance could be purchased to protect the board and principles. Mr. England said his opinion is that the aquarium, not the city, should hold its principles responsible. Following discussion, the consensus to let the bond counsel propose language acceptable to both parties. Mr. England said there is a possibility for a cross-parking agreement with the property to the north. Mr. Ahlstrom said the city could live with the provision as requested by the Living Planet Aquarium. Mr. England said the “non-compete clause” needs to be clarified because some board members may contribute to Hogle Zoo. Mr. England then gave an update on the schedule and said the plan is to submit the construction plans by the end of the month. Construction is planned to start in September. Mr. England said a time limit on the MOU would be reasonable. He suggested 90-120 days. Mr. Ahlstrom said he is okay with that time frame. Councilmember Summerhays clarified that the \$14.9 million will cover all the costs. Councilmember Rappleye asked that the Living Planet use local restaurants if they need to cater beyond their restaurant’s capability. Mr. Hansen said the money will see them through the opening. He answered council questions regarding the concessions and gift shop.

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2.6 Mr. Ahlstrom recommended approval of the MOU subject to the tweaks as discussed and subject to the resolution of the language regarding the “principles.” Danyce Steck noted that aquarium requested that funds not be put in the PTIF fund but in the Chase account. The account with Chase is already opened and has better interest. She recommended the language be changed to “an interest-bearing account.” The underwriters have encouraged bond issuance prior to the election in November. The consensus was to have an October 31, 2012 expiration date, with the option to extend the date if both parties agree.

[7:10:04 PM](#)

2.7 Councilmember Walker joined the meeting via telephone.

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2.8 A motion was made by Councilmember Rappleye to approve the amended and restated Memorandum of Understanding subject to the critiquing and clarifications as discussed in the meeting tonight. The motion was seconded by Councilmember Stenquist.

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2.9 Councilmember Stenquist clarified the bond issuance is \$14.9 million with \$14 million net proceeds. Councilmember Walker said he wanted it to be clear that the bond amount is the limit. Councilmember Summerhays said he feels the aquarium can pay the additional amount and the aquarium is a good investment for Draper. Councilmember

Rappleye said a lot of people in the community support the aquarium and feel it is an acceptable risk.

[7:15:07 PM](#)

2.10 The motion carried by unanimous vote.

3.0 Council/Manager Reports

[7:17:59 PM](#)

3.1 Councilmember Rappleye asked that a TREX fence be built to tie into his existing fence for Mr. Erasmus and for the staff to waive the conditional use permit application fee. David Dobbins said the fence is outside the UTA corridor so a conditional use permit is required because of the height. Councilmember Rappleye said UTA is waiting on this. Mr. Dobbins said he would check on the process. The consensus was to waive the fee.

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3.2 Councilmember Colbert asked for a status report on the crosswalk improvements at the four-way interchange in Suncrest. He said there are also requests for additional crosswalks to the recreation/welcome center. Mr. Dobbins said there are concerns about the liabilities of the crosswalk. The city engineer recommended eliminating the free right turn. Mr. Dobbins added the school district must approve crosswalks for the students. Councilmember Colbert said a resident in South Mountain said they were denied access to their home during the Tour of Utah bike race on Saturday. Mr. Dobbins said he would have Chief Roberts report on this complaint.

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3.3 Mr. Dobbins said Paul McCarty from the school district wants to talk to the council at the next meeting. Discussion was held about the use of the auditorium.

[7:35:10 PM](#)

3.4 Mayor Smith said Mark Crockett would also like to attend the council meeting to introduce himself. The consensus was to let him come to dinner and meet the council but not to schedule meeting time other than citizen comments.

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3.5 Sharlene Wardrop, 68 East Saddleville Drive, asked the council what plans there are for widening 1300 East for the new middle school. Councilmember Colbert said there are some sidewalk and intersection improvements planned. Mayor Smith said there are future plans for widening the road to include a center turn lane. A light is planned for 13200 South and 1300 East.

4.0 Closed Meeting to discuss litigation, property acquisition, and the character and professional competence or physical or mental health of an individual.

[7:42:03 PM](#)

4.1 A motion to adjourn to a closed meeting to discuss litigation, property acquisition, and the character and professional competence or physical or mental health of an individual was made by Councilmember Summerhays and seconded by Councilmember Rappleye. The motion carried unanimously.

- 4.2 Following the closed meeting, a motion to adjourn was made by Councilmember Colbert and seconded by Councilmember Summerhays. The motion carried. The meeting adjourned at 8:15 p.m.**