

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 4, 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 Colbert, Alan Summerhays, Jeff Stenquist, and Bill Rappleye. Councilmember Troy Walker was absent.

STAFF PRESENT: David Dobbins, Doug Ahlstrom, Tracy Norr, Danyce Steck, Bryan Roberts, Dan Boles, Garth Smith, Rhett Ogden, Troy Wolverton

STUDY MEETING

1.0 Discussion regarding Proposed Amphitheater Use Policy

1.1 Rhett Ogden presented additions to the amphitheater use policy. He reviewed rentals, fees, and parking.

2.0 Presentation by David Goeres, UTA Chief Safety Officer

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2.1 David Goeres, UTA chief safety officer, gave an update on the UTA FrontRunner. He said the system integration testing is going on. He discussed safety messages, flashing red lights and traffic arms. He said the UTA website has safety videos on it. Safety messages are also being given to the schools. He said UTA also has a distracted pedestrian ordinance where citations can be given to distracted pedestrians who do not look both ways before crossing the lines. He discussed schedules for upcoming lines. Front Runner will open in December 2012 and the airport light rail line will be open next year. The Draper TRAX line will open in August 2013, and the Sugar House corridor will open in December 2013. Mr. Goeres distributed safety pins for all present. Councilmember Stenquist said the Pioneer crossing is not safe for bicyclists. Mr. Goeres said additional signage and striping are being installed. Councilmember Stenquist said more space should be given for perpendicular crossings so bicyclists can stay out of traffic. Mr. Goeres said additional treatments are options.

3.0 Adjourn to Municipal Building Authority Meeting

BUSINESS MEETING

1.0 Call to Order

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

2.0 Comment/Prayer and Flag Ceremony

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2.1 City Recorder Tracy Norr gave the opening prayer and led the Pledge of Allegiance.

3.0 Citizen Comments

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3.1 There were no comments given.

4.0 Consent Items:

- a. **Third Amendment to Galena Park Boulevard Underpass Funding Agreement.**
- b. **Notice of Approval for Surplus Property/Boundary Line Adjustment with James and Sandy Schoudel**
- c. **Interlocal Agreement with Salt Lake County regarding Cost Sharing for UPDES (Stormwater) Media Campaign**
- d. **Agreement with Salt Lake County regarding CDBG Funding for ADA Curb Cuts.**
- e. **Resolution #12-33, Amending Draper City's Personnel Policy regarding Hiring Procedures**
- f. **Resolution #12-34, Amending Draper City's Personnel Policy regarding Veterans Preference**
- g. **Agreement #12-99 with TNT Auctions Inc for Auctioneering Services**
- h. **Agreement #12-98 with Curtis Consulting for Legislative Services**

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4.1 **A motion to pull Item B from the Consent Item was made by Councilmember Colbert and seconded by Councilmember Summerhays. The motion carried unanimously.**

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4.2 **A motion to approve the remaining consent items was made by Councilmember Stenquist and seconded by Councilmember Rappleye.**

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

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4.3 City Attorney Doug Ahlstrom said that in addition to the MBA approval to sell the property, the city council must approve the plat amendment and proper recordation.

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4.4 A motion to approve Item B was made by Councilmember Stenquist and seconded by Councilmember Rappleye.

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4.5 A roll call vote was taken with Councilmembers Stenquist and Rappleye voting in favor and Councilmembers Colbert and Summerhays opposed. Mayor Smith broke the tie by voting in favor. The motion carried.

5.0 Public Hearing: Resolution #12-38 regarding Budget Amendments.

*** This item was held out of order. ***

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5.1 A motion to move Item 5 to the end of the agenda was made by Councilmember Summerhays and seconded by Councilmember Colbert. The motion carried.

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5.2 Mayor Smith said the staff had suggested continuing this item until the next meeting. Mr. Dobbins said Danyce Steck and Troy Wolverton were looking at all the CIP projects to close out projects that are done or are not planned and to review funding sources. He suggested a study session prior to the next meeting to discuss these CIP project in more detail.

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5.3 A motion to continue this item until the next meeting was made by Councilmember Summerhays and seconded by Councilmember Rappleye. The motion carried unanimously.

6.0 Consideration for adoption of Resolution #12-38 of the City Council of Draper City, Utah authorizing the issuance and sale of not more than \$14,000,000 aggregate principal amount of Sales Tax Revenue and Refunding Bonds, Series 2012; and related matters.

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6.1 Danyce Steck said this is a parameters resolution which begins the clock for a bond issuance. She said the savings will be over \$1 million for refunding the city hall MBA lease bond, the Bangerter Parkway sales tax bond, and will also include issuing a new bond for property acquisition. She said the bonds would be issued in October. She noted the presence of bond counsel John Crandall.

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6.2 A motion was made by Councilmember Colbert to adopt the resolution. The motion was seconded by Councilmember Rappleye.

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

7.0 Ordinance #1009, Amending Draper City Municipal Code Chapter 17-3, Preliminary Plat; Chapter 17-4, Final Plat; Repealing Chapter 9-16, Sensitive Land Overlay Zone; Amending Section 17-5-030, Streets; Amending 9-34-060 Alteration To Standards; Enacting 11-2-050 Roads Intersecting Arterials And Minor Arterials; Enacting 11-2-060, Adopting Traffic Impact Study Guidelines; And Making Technical Corrections.

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7.1 Doug Ahlstrom said these changes had been discussed at the last meeting. The key concern was the sensitive land overlay zone and 30% slope. He discussed Chapter 9-16-040. The definition of habitable structures was discussed. Limiting structures by the number of square feet was suggested. Councilmember Stenquist asked why the limit is being suggested. He asked if retaining walls and garages would be okay. Councilmember Summerhays said he thinks it is a safety issue as well as a visual issue. Troy Wolverton said the geology portion of the code is not overridden by this section. Other criteria are required for building on a slope. Councilmember Colbert said there will be aesthetic and visibility issues and native vegetation will be lost. This would be a significant change. Mr. Dobbins said this ordinance would allow people limited usage of their property with slopes over 30%. The process was reviewed and discussed. Mayor Smith said anything can be engineered. The problem the city has been facing is the interference with the neighbors' view. Councilmember Colbert said people have paid for the view and have a reasonable expectation that it will be protected. Councilmember Rappleye suggested allowing 240-square-foot ancillary buildings with height limitations. Councilmember Colbert said unintended consequences would be horrible. Mayor Smith said he thinks anything built in those areas is intrusive. Mr. Dobbins suggested allowing only landscaping, fencing and non-structures. Councilmember Colbert said to leave it as it was. He said the Limit of Disturbance (LOD) that was removed last week was not a 30 percent slope. The argument was on the LOD, not the slope. Mr. Ahlstrom said the ordinance affects more than this section, so he suggested adopting the ordinance with no change to 9-16-040 because other development issues need to be addressed.

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7.2 A motion was made by Councilmember Colbert to adopt Ordinance 1009 with the exception of revisions proposed for 9-16-040. The motion was seconded by Councilmember Summerhays.

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

8.0 Resolution #12-39, Appointment to Planning Commission.

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8.1 Mayor Smith recommended the appointment of Jeff Head as a member of the Planning Commission to fill the unexpired term of Brent Anderson. He noted Mr. Anderson has submitted his resignation. Mr. Head has been serving as an alternate member.

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8.2 A motion to approve Resolution #12-39, appointment Jeff Head to the Planning Commission was made by Councilmember Summerhays and seconded by Councilmember Colbert.

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

9.0 Greenwood Development Agreement.

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9.1 David Dobbins said the proposed development agreement will allow the city to have Willow Springs extended to Walden Lane. The city will compensate the developer \$250,000 towards the construction of the road. Density will be increased, allowing 7 lots including the existing home. The large lot character of Fort Street will be maintained. Councilmember Rappleye said we need to look at the ordinance for lot size. He said the connectivity of the road is important and this agreement is proactive in dealing with the acquisition of the property for the road. Mr. Dobbins said no sidewalk will be required on the south side of the road. He added the minor subdivision will still need to follow the platting process.

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9.2 A motion to approve the Greenwood Development Agreement was made by Councilmember Stenquist and seconded by Councilmember Summerhays.

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9.3 The motion carried by unanimous vote.

10.0 Development Agreement with Nate Shipp for 1122 East Mike Weir Drive.

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10.1 Mr. Dobbins said a preliminary plat was approved for this property, but there is now a new owner for the property. The property was originally part of the South Mountain development. The road is being developed by the adjoining property developer. The current development proposal is for seven lots. He said only twenty lots are allowed on a private lane, but this private lane will have two accesses so the concern for safety is

resolved. Mr. Dobbins said there is typically a trade-off in development agreements. The developer has proposed to give property to the city.

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10.2 Nate Shipp, 13658 Kennington Court, said there will be improvements made to the portion of the mountain. He considered expanding the road width to city standards, but that would cause more damage to the mountain. Higher density was considered. As the options were weighed, they feel like the proposal is a fair option. There would be seven homes instead of 26, and the right of way will be private. He proposed giving additional property to the city's current property. Some of that will include some retaining walls for the road. Councilmember Colbert said he does not want to take ownership of retaining walls. Mr. Shipp said the total is 1.2 acres, about half of that is within some retaining areas, so without the retaining walls the area to be given to the city is $\frac{3}{4}$ acre. Councilmember Colbert asked about the native vegetation and about the grade of the road. Mr. Shipp said the HOA would have an agreement with the Montreaux HOA for maintenance. City Engineer Troy Wolverton said the slope is less than 10%. Councilmember Stenquist said the city would not benefit if the property is unusable. Mr. Shipp said he would give $\frac{3}{4}$ -acre to the city and will plan to proceed with a private right of way. Councilmember Summerhays asked if the staff was able to take on additional open space. Councilmember Colbert said he does not like privately owned open space. Councilmember Rappleye said there are benefits to the proposal because there would not be a lot of disturbance to the native trees, there will be a second access, the road will be narrower, and there is an agreement for maintenance of the private road. Mr. Dobbins noted that the road is going in separate from any development. Councilmember Colbert said there are already vested development rights. Councilmember Colbert asked if this is a slide area. Mr. Wolverton said he would check. There are no mapped geologic hazards.

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10.3 A motion was made by Councilmember Colbert to approve the development agreement subject to verification of the legal description for the land outside of the cuts and fills and the retaining walls. The motion was seconded by Councilmember Rappleye.

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10.4 Councilmember Stenquist said he wants to know exactly what benefit the city is getting from this development agreement. He said he would like to take a field trip to see the property. Councilmember Rappleye said the city will get the property. He noted there had been a preliminary plat approved in the past. Mr. Ahlstrom said there must be legal consideration to be able to do a development agreement. Councilmember Stenquist said it is premature to approve this. Councilmember Colbert asked if the developer has development rights without the development agreement. Mr. Dobbins said the number of lots on the private lane would exceed the code's limit.

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10.5 Councilmember Stenquist made a substitute motion to continue this item for two weeks. The motion was seconded by Councilmember Summerhays and carried unanimously.

11.0 Agreement #12-100 with M.C. Green & Sons, Inc. for the Sunburn Lane Curb and Gutter Project.

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11.1 Troy Wolverton explained that the curb and gutter project for Sunburn Lane is because of flooding on the Tafoya property when a Sandy City water line broke. The two cities agreed to make improvements. Draper City will provide curb and gutter improvements and Sandy City will pave half the road width. The project will be awarded to M.C. Green and Sons in the amount of \$32,498.40, the low bidder.

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11.2 A motion to approve the agreement was made by Councilmember Summerhays and seconded by Councilmember Rapplepe.

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11.3 The motion carried by unanimous vote.

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11.4 A short break was taken.

12.0 Council/Manager Reports

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12.1 Councilmember Summerhays thanked everyone for the heartfelt sympathy at the passing of his mother. He also suggested a tour to Sugar House to look at the design of transit-oriented developments.

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12.2 Councilmember Colbert asked for discussion about the Suncrest/Deer Ridge intersection. Mr. Dobbins said staff looked at the plans and felt there may be a better solution. Troy Wolverton said safety issues were considered. He showed a proposal that moves the island toward Stoneleigh Heights that creates a right-turn pocket. The consensus was for Mr. Wolverton to proceed with the design before the season ends. Councilmember Colbert said additional signage needs to be placed, and the HOA should be notified. Councilmember Colbert asked about the portable message sign that is owned by the TRSSD. Mr. Dobbins said the sign has been used by the city, so discussion has been held about reimbursing TRSSD or purchasing one for the city. The consensus was to purchase a sign or two for the city's use. Councilmember Colbert suggested buying the district's sign for the city.

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12.3 David Dobbins said there will be no council meeting next Tuesday. A service project will be taking place at the cemetery. Mr. Dobbins said the trees on 12300 are being watered again. The city's new website is about to go live.

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12.4 Danyce Steck said she had received an e-mail from Kent England regarding the aquarium stating it looks like it is ready to close. The aquarium will purchase the north piece from Boyer and take assignment of the north portion of the lease property and prepare to send \$2.75 million in case. Documents will be prepared.

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12.5 Rhett Ogden said the thank-you dinner for the amphitheater volunteers will be held next Monday night.

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12.6 Garth Smith said the employee summer party was well received. There were almost 500 people there.

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12.7 Chief Jim Bacon said the UFA command training trailer is at Station 114. He invited the council to tour the trailer. He said there will be a valley-wide mass casualty drill at the Equestrian Park in October. Councilmember Rappleye asked that the district representatives be invited. Councilmember Summerhays asked about the mold problem at the fire station. Mr. Dobbins said he would have a report at the next meeting.

13.0 Adjournment to Closed Meeting

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13.1 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 by unanimous vote.

13.2 Following the closed meeting, a motion to adjourn was made by Councilmember Summerhays and seconded by Councilmember Stenquist. The motion carried unanimously. The meeting adjourned at 9:57 p.m.