

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, OCTOBER 2, 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 Troy Walker, Alan Summerhays, Jeff Stenquist, Bill Colbert (via telephone) and Bill Rappleye.

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

STUDY MEETING

1.0 Dinner

[5:52:57 PM](#)

1.1 During dinner Jeff Hartley updated the council on the prison relocation and redevelopment interest in the property.

2.0 Closed Meeting

[6:03:51 PM](#)

2.1 **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.**

BUSINESS MEETING

1.0 Call to Order

[7:00:07 PM](#)

1.1 Mayor Pro Tem Bill Rappleye called the meeting to order and welcomed those in attendance. He noted Mayor Smith was attending a Court of Honor and would join the meeting shortly. He also said Councilmember Colbert is participating via telephone.

2.0 Comment/Prayer and Flag Ceremony

[7:01:33 PM](#)

2.1 The opening prayer was offered by Beau Shaw, Assistant Scoutmaster of Troop 1260. The troop members then presented the flag ceremony.

3.0 REDEVELOPMENT AGENCY

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- 3.1 A motion to adjourn to a Redevelopment Agency meeting was made by Councilmember Walker and seconded by Councilmember Stenquist. The motion carried unanimously.**

3.0 Recognition – Natalie Tonks, Emilee Christenson, London Mohowski

[7:08:15 PM](#)

- 3.1 Recognition was given to Natalie Tonks, Emilee Christenson, and London Mohowski. Battalion Chief Jim Bacon, Fire Marshall Don Buckley, Asst. Fire Marshall Brad Larsen, and firefighters James Sigrest, Brett Morley, and Jack Holman joined the council in presenting awards to the young ladies who saw an electrical fire at Suncrest and were able to put out the fire while waiting for the fire crew and police to arrive.**

4.0 Citizen Comments

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- 4.1 Scott Stillman, 1053 East 133200 South, spoke concerning plans for expansion of 13200 South. He expressed concern about speed, the rural feeling and the historic nature of Draperville, and property values. He asked the council to consider the width of the road and asked for speed control measures to be taken.**

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- 4.2 There were no other comments given.**

5.0 Consent Items:

- a. Minutes of Meetings of September 18, 2012.**
- b. Resolution # 12-41 – Amending the Draper City Personnel Policy Section 5070 regarding outside employment.**
- c. Resolution #12-42 – Amending the Draper City Personnel Policy Section 6050 regarding conflict of interest and code of ethics.**
- d. Resolution #12-47, Reappointing Betty Roth to the Tree Commission.**
- e. Approval of grant award from the Metropolitan Medical Response System (MMRS) for grant funds for the purchase of respiratory protection equipment for Draper police officers.**
- f. Final Acceptance/Final Release – Deer Ridge Drive Phase 2 Revegetation in Suncrest.**
- g. Resolution #12-46, Approval of Concussion and Head Injury Policy.**
- h. Fourth Amendment to Galena Park Boulevard Underpass Funding Agreement.**
- i. Assignment of Rights Under the Development Agreement, Master Reimbursement Agreement and Galena Park Boulevard Underpass Funding Agreement.**

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5.1 A motion to approve the consent items was made by Councilmember Summerhays and seconded by Councilmember Stenquist.

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

6.0 Public Hearing - Public hearing to receive input from the public with respect to (a) the issuance of approximately \$14,000,000 Sales Tax Revenue and Refunding Bonds, Series 2012 and (b) any potential economic impact that the project, financed with the proceeds of said bonds, may have on the private sector.

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6.1 Danyce Steck said two bonds would be refunded: the 2002B Series City Hall construction bond and the 2004 Sales Tax Revenue Bond for construction of Bangerter Parkway. Both bonds were issued in the premium of the market and have higher interest rates. The refunding will provide almost \$1 million in savings and about \$90,000 in debt service savings. In addition to the refunding, additional money would be sought to purchase additional open space property for the city. The net impact of the property purchase would be \$175,000 per year. The debt service would increase by 1% of the annual operating budget. Staff recommendation is to approve issuance of the bond. She said there is no impact to the private business community.

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6.2 The public hearing was opened. There were no comments and the public hearing was closed.

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6.3 A motion to suspend the rules was made by Councilmember Stenquist and seconded by Councilmember Walker.

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6.5 The motion carried unanimously.

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6.6 A motion to approve the issuance of the bonds was made by Councilmember Stenquist and seconded by Councilmember Walker.

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6.7 Councilmember Stenquist expressed appreciation of the staff in identifying the savings which would save money for the citizens. He asked where the debt service falls within recommended standards. Mrs. Steck replied the bond rating is as high as it can be with our current population. She said the ICMA recommended standard for debt service is less than 20% of the regular revenues. Draper City is about half of that.

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

7.0 Public Hearing: Real Estate Purchase Contract and Addendum No. 1 with Zions Bank for Property within the Suncrest Development.

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7.1 Mayor Smith arrived at the meeting.

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7.2 David Dobbins said discussions had been held with potential buyers of the Suncrest development. One thing the council recognized was a need to protect against development at the ridgeline at the top of Corner Canyon. Zions Bank expressed an interest in selling the remaining unplatted Suncrest property to the city. There is approximately 2300 acres remaining. They are willing to sell the property for \$5.6 million. The contract gives the council through the end of October to do due diligence to understand any encumbrances or other issues with the property. He reviewed the terms of the addendum which address remnant parcels and detention pond 7A.

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7.3 Councilmember Stenquist asked what happens with the existing master development agreement (MDA). Mr. Dobbins said it remains in place but the city would determine which portions, if any, would be retained. He said a master plan for the property should be formulated. Councilmember Stenquist asked about the impact on the TRSSD. Mr. Dobbins said there would be less infrastructure to maintain. Danyce Steck said the actual maintenance costs would be maintained. Because there is a TRSSD fund balance, some of the expenses could be absorbed. The property tax may go down some, but is likely to remain the same. She said there is a possibility the property tax value could increase for the existing homes because of limited development. Mr. Dobbins pointed out the market property is included in the purchase. The city would have to figure out the use of the building. Almost 2500 units and the related infrastructure would not be developed. He emphasized the city would maintain control of future development of the property. Councilmember Stenquist asked about the impact of liabilities. Mr. Dobbins said with reduced infrastructure and further control of development areas, there would be less liability. He noted the city has not seen a significant liability after obtaining the 1,000 acres of Corner Canyon. There will be maintenance costs. Councilmember Colbert noted the master plan for the property will take time. He also said conservation easements need to be in the best interest of the property. Councilmember Rappleye asked about the future of the store. Mr. Dobbins said options could be discussed. Councilmember Rappleye suggested an ad hoc planning committee be established to consider uses. Mayor Smith reviewed the history of the property, noting development first started more than 20 years ago. The city has been involved with it through the entire time.

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7.4 The public hearing was opened.

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7.5 Bob Christiansen, DJI Investment Group, said this is a sad end to a great project. The city doesn't have the money to buy it and there are all kinds of problems with the property. The city seems to have forgotten there are other property owners up there who rely on the city for services. He asked if the city can hold both sides of the master development agreement. He said there are reciprocal agreements and easements between various property owners. He said the master development agreement was to get water there, and because the city mismanaged the project there isn't water there. He said he doesn't believe the bonds were called until after Zion obtained the property.

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7.6 Clark Naylor, 763 East Whisperbend Drive, said he is representing Kent Player, another member of the Parks and Trails committee. He said this purchase would be a dream come true by allowing preservation of open space and trail systems at a bargain price. He said the views from proposed trail heads should be seen and appreciated by all. He said there are people willing to help with the preservation of the property. He thanked the administration and council for considering this action.

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7.7 Lisa Holcomb, 1884 East Vista Ridge Court, asked if there is a conflict of interest with the MDA. She asked if there are any checks and balances. She thanked Councilmember Stenquist for bringing up the TRSSD. She said this would be a bigger impact on the current residents. She said Zions Bank is an HOA board members and asked if the council would hold positions on the HOA. She said the HOA recently purchased some property and there are existing contracts. She asked if that had been considered. She said she supports the property purchase but wants to make sure the residents are considered.

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7.8 Ashleigh Spencer, 1931 Aspen Leaf Place, said this could be positive but there are a lot of concerns, including if development includes only the master plan area or if there would be new development areas identified. The TRSSD is another issue. She said there are a lot of trucks that use Suncrest Drive and do damage to the road. She said they should not be allowed because of the damage they do to the road. She also suggested it could be a state road.

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7.9 Robyn Foulger, 1562 Granite Brook Court, said she understands money has to be made but asked if there is a conflict of interest. Suncrest has not been offered to anyone else for that amount and the council has twice killed deals. Councilmember Rappleye said the council did not kill the deals. Ms. Foulger said the city wants to purchase at a heavy discounted rate and the deal was not offered to the other developers. The city intervened and now wants to purchase the property. As a resident, she said the fees have been paid

for TRSSD. The water and road issues need to be addressed. The HOA voting members unanimously said they want no involvement with Draper City in purchasing the land which adjoins the club house. They value their community. They also need to address the fact that this is a business decision and the only way the city can recoup its investment is dividing the lots and selling property. She said she believes the open space will eventually be developed. She said she also wonders if any of the property adjoins and provides access where Dave Mast's property has been landlocked.

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7.10 Christa Muller, 1842 Long Branch Drive, said she is on the Suncrest HOA board as well as a member of the trails committee. She said she is happy the city is considering this purchase. She said she doesn't think the property could handle more development. She said she hopes the council considers working with the HOA and that they will work with Draper City.

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7.11 John Davis, 1907 Aspen Leaf Place, expressed concerns about the TRSSD although he is excited about the prospects. He would like to see more specifics. He said Deer Ridge Drive is in complete disrepair so there is concern about the maintenance of the property. He said there are concerns about increased use of the roads. He encouraged the council to reach out to the residents of Suncrest because of the impact this has on the residents.

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7.12 Paul Tonks, 15381 South Eagle Crest Drive, said this is a huge grand plan. It sounds like Zions made many attempts to sell the property to developers which did not work. Zions has offered the property to the city for a deal that the city cannot pass up. This will resolve many issues and Zions seems to be happy with it. He said Zions is concerned about the bottom line but also about the people in Suncrest. He said if the council looks at the long-term plan and works with the residents of Suncrest by addressing some of the concerns, he is cautiously optimistic.

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7.13 Victor Carsey, 1628 Lone Oak Drive, said there could be a concern to the Homeowners Association as to the long-term funding. He said there will be development. He said there will be great profits made on that land, so he asked that the money be pushed back to that area of the community.

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7.14 Reed Sherman, 2182 Bald Eagle Court, asked where the property is located. The map was referenced. The council added that the map is available on the city's website.

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7.15 Christine McClory, 2031 Eagle Crest Drive, said this is great. One of the reasons she moved to Draper is because of the Corner Canyon acquisition.

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7.16 There were no further comments and the public hearing was closed.

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7.17 David Dobbins said he would be happy to work with the HOA. Councilmember Walker asked who proofread the legal description because it is 26 pages long. He also asked if the seller's disclosure date of October 5 is acceptable. Mr. Dobbins said the city feels like it has received everything. Councilmember Walker asked if the closing date could be extended a week or so to give the council time to address all the concerns. Councilmember Rappleye thanked the citizens for their input. He noted this is only the starting point and there would be additional opportunities for citizen participation. Councilmember Colbert said there is a lot to be learned through the process. He said concerns about the city selling open space are unwarranted because the council has made commitments to preserve open space areas. Some areas are more conducive to development. Those areas will be looked at carefully. There are opportunities which could include a charter school at Suncrest. There is always fear when bold action is taken because of unknowns, but that fear usually is overcome by excitement. He said he thinks this will improve the value of Suncrest properties and will allow the council to address some of the concerns, including Deer Ridge Drive repairs. Councilmember Stenquist said this process started by the city approaching Zions Bank about preserving open space. They expressed the desire to sell the property to the city. The city's intention is to provide some of the amenities like Corner Canyon. There should not be a concern about preserving the open space. He said he is excited about this opportunity. Mayor Smith discussed past versus possibilities and said he appreciates the citizen comments. He compared the fears to the Corner Canyon acquisition.

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7.18 A motion to suspend the rules was made by Councilmember Walker and seconded by Councilmember Rappleye.

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7.19 The motion carried unanimously.

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7.20 A motion to approve the purchase contract and addendum with Zions Bank with a modification to allow the staff flexibility of up to 15 days to extend the deadline if needed was made by Councilmember Walker and seconded by Councilmember Rappleye.

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7.21 Councilmember Walker said all the councilmembers enjoy the trails in Corner Canyon and this purchase is a great deal. The opportunity to preserve the property for future generations, including many diverse uses, is fantastic. Councilmember Rappleye added that he had been worried about the Corner Canyon purchase but his fears were alleviated. The council needs to take advantage of this one-time investment opportunity.

Councilmember Colbert said this provides additional opportunity for providing infrastructure for the surrounding adjacent property owners.

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

[8:43:59 PM](#)

7.23 A short break was called.

8.0 Public Hearing: Ordinance #1029, Amending Draper City Municipal Code Title 9-18-010 as it relates to Signage in the Draper Peaks Commercial Special District Zone.

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8.1 Councilmember Summerhays declared a conflict of interest and recused himself from the meeting.

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8.2 Dan Boles said this item is a request that was initiated by the city council regarding the Draper Peaks CSD signage along 12450 South and signs in clear view area in accordance with the American Association of State Highway and Transportation Officials (AASHT). He showed where the signs could be placed if the ordinance is approved. The Planning Commission has recommended approval.

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8.3 The public hearing was opened. There were no comments and the public hearing was closed.

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8.4 A motion to suspend the rules was made by Councilmember Rappleye and seconded by Councilmember Walker.

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8.5 The motion carried unanimously.

[9:06:11 PM](#)

8.6 A motion to adopt Ordinance #1029 was made by Councilmember Rappleye and seconded by Councilmember Stenquist.

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

9.0 Ground Lease with The Living Planet Aquarium.

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9.1 Councilmember Summerhays rejoined the meeting. Doug Ahlstrom said a ground breaking date has been set for the aquarium, but there are some deliverables that still need to be completed. The Rocky Mountain Power lease has not been received. He said the aquarium has asked for approval of the ground lease contingent upon those deliverables being completed.

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9.2 Councilmember Rappleye said they are working on this item and still plan on the ground breaking.

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9.3 A motion was made by Councilmember Rappleye to approve the ground lease with the contingency that all the deliverables are met prior to the required bonding date. The motion was seconded by Councilmember Walker. Danyce Steck said the bond issue is planned for October 23 and 24, 2012. If the deliverables are not done, the bond series for the aquarium will not be issued.

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9.4 The motion carried by unanimous vote.

10.0 Sale of Surplus Property Located at 110 West south of 13490 South.

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10.1 Ed James said the property was previously declared as surplus. The adjoining property owner, Gary Reynolds, has expressed interest in purchasing the property. The appraisal showed the property as very limited commercial property without other potential buyers and is for \$3.50 per square foot.

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10.2 A motion to approve the sale of the surplus property was made by Councilmember Stenquist and seconded by Councilmember Walker.

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10.3 Councilmember Colbert said the council did not have to sell the property at the appraised price.

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10.4 The motion carried with three ayes (Rappleye, Stenquist, Walker) and two nays (Summerhays, Colbert). The motion carried.

11.0 Council/Manager Reports

9:16:40 PM

11.1 Councilmember Summerhays said he had received a lot of calls and several people were in attendance to discuss the widening of 13200 South. There are some valid concerns that should be heard. Some concerns include sidewalk on one side and no parking strip. Councilmember Summerhays also said he had talked to some people about the name of the middle school. He said Crescent was a community located between Sandy and Draper. He thinks it is odd to have Crescent View middle school in Draper. This should be discussed by the school board. Mayor Smith suggested that the council get involved in asking the school board to consider changing the name. Councilmember Stenquist said he agrees and has also talked to the school board members. Mayor Smith asked David Dobbins to write a letter to the school board.

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11.2 Councilmember Stenquist raised an issue about the property encroachments along Spring Hollow Trail. He said there are some unique attributes about this property and suggested a study session to determine a way to work with the property owners. Doug Ahlstrom said the trail was part of the South Mountain master plan. The developer put in a three-rail fence that encroached on the city property. Personal fences are being extended to the three-rail fence. He suggested removing the three-rail fence to lessen the confusion about property lines. The city has looked at this issue in the past and took no definite action. This is causing problems with new property owners who did not know where the property line was. He noted the city has not maintained the trail. Discussion was held about removing the three-rail fence and letting the council have the fencing material. Councilmember Colbert said the residents should be given 30 days to let us know how they plan to resolve their issue. The consensus was to give the residents notice, then remove the rail fence.

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11.3 Councilmember Rappleye extended invitations to the grand openings at Dickey's Barbeque and at Southern Style Soul Food. He also said he has been working with Lynn Smith and the Visual Arts Committee regarding an art show in the park. He explained a way to handle the business licensing for the show. Councilmember Rappleye said work has been done about speeding issues in Suncrest. He suggested a newsletter article regarding criteria for warrant studies. He noted Troy Wolverton and Bryan Roberts have created a brochure for the Suncrest residents. He also recognized Danyce Steck and David Dobbins for working through so many issues.

9:42:48 PM

11.4 Councilmember Colbert said a comment had been made about using Traverse Ridge Road for truck traffic. He asked if something could be done. Mr. Ahlstrom said we have already established that Traverse Ridge is not a truck route. Councilmember Colbert said there has not been enforcement. He asked if trucks are being weighed. Councilmember Summerhays said they are still weighing. Mayor Smith said there is construction taking

place up there. Troy Wolverton said the South Valley Sewer District is removing a pump station and constructing a sewer outfall. He also clarified that Traverse Ridge Road and Suncrest Drive are both not listed as truck routes. He said the city does not have the ability to enforce weight limits.

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11.5 David Dobbins said the county had approached the city about a study for a cultural arts facility in Draper. The county is willing to fund half of the study and asked the city to fund the other \$40,000. He recommended the council not participate in the study because of the cost of the study as well as the cost of a facility. The consensus was to not participate. Mr. Dobbins also said there is a groundbreaking for the future middle school next Tuesday at 6 p.m. There is not a council meeting next week. He added that he expects to complete the information on the Suncrest property purchase within two weeks. Councilmember Colbert asked if outstanding litigation would be transferred to the city. Mr. Ahlstrom said the city is buying the property, not the litigation.

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11.6 Troy Wolverton presented information about the sidewalk on the west side of 700 East. He discussed the existing fences, the proposed school district solution, and the citizen concerns about that solution. He showed photos of the sidewalk and park strip areas and discussed issues with each property. He presented options for the council to consider for the 7 property owners. Discussion was held about the city's responsibility to provide the fencing and how this became a city problem rather than a school district problem. The desire of the council was for contiguous sidewalks, no park strips, and 8' TREX fences, measured from the new sidewalk. The conditional use permit required for the additional height would be city-initiated. Councilmember Summerhays said the cost should be paid by the school district and they should finish the project. Mr. Wolverton said modifying the fence was not part of their project. The school district would like to complete their improvements as soon as possible. He offered to present additional information regarding the costs at the next meeting.

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11.7 Councilmember Walker said the Haunted Hollow committee wants to know if the council is interested in sponsoring a booth at the event.

12.0 Adjournment to Closed Meeting

[10:21:59 PM](#)

12.1 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.

- 12.2** Following the closed meeting, a motion to adjourn was made by Councilmember Summerhays and seconded by Councilmember Walker. The motion carried unanimously. The meeting adjourned at 11:02 p.m.