

Approved 6.2.2015

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MAY 26, 2015, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH.

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; Mike Barker, Deputy City Attorney; Rachele 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

Dinner

Study Meeting

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1.0 Discussion: FY 2016 Budget

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1.1 David Dobbins, City Manager, reviewed potential changes to the tentative budget. The Council will hold a public hearing on the budget tonight and will hold another public hearing on the 16th prior to adopting the final budget.

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2.0 Discussion: Electronic Signs

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2.1 Keith Morey, Community Development Director, indicated staff is ready to bring back the ordinance amending electronic signs. He asked whether the City Council wanted a study session prior to that coming to the Council.

The Council stated they wanted to have a discussion prior to bringing the ordinance to the Council for consideration.

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Interviews: Traverse Ridge Special Service District Administrative Control Board (TRSSDACB)

Mayor Walker indicated the City Council had served as the Administrative Control Board for the Traverse Ridge Special Service District (TRSSD) since it was established. The Council recently created the TRSSDACB and appointed residents in the District to serve as the Board members. There is currently a vacancy on the Board that must be filled, and they have two applicants willing to serve. He invited the applicants to introduce themselves to the Council and state why they want to serve on the Board.

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Edan Jorgensen, applicant, stated he has lived in the area for four years after moving from Nebraska. He is very involved in the community, and he has coached youth soccer for the past four years. He said he would love the opportunity to serve. SunCrest is a young community, and they have a lot to learn. They need to partner with the City of Draper to make their community better and learn to better leverage that relationship. He has witnessed a lot of bickering back and forth for the four years he has lived there, and that is not his way. He stated he would like to strengthen the community.

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Councilmember Colbert asked whether Mr. Jorgensen had attended any of the TRSSD Board meetings or spoken with any Board members. Mr. Jorgensen advised he has not attended the Board meetings, but he has spoken with the Amy Baird, Board chair, about the responsibilities. He was also very involved in the process of getting the school bus stop changed.

Councilmember Stenquist questioned what Mr. Jorgensen's vision is for the TRSSD. Mr. Jorgensen indicated his biggest thing is to learn how to best partner with Draper. When the vote to appeal the tax came last year, there was a large uproar in the community about it. He was shocked to learn that with 24-hours left with this vacancy, no one had put in for it. He said he does not think the 2 entities understand each other. SunCrest, as a small community, can learn a lot from Draper City on how to govern their community.

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Councilmember Summerhays stated SunCrest is a part of Draper. Mr. Jorgensen agreed but said that the residents up there do not feel like they are.

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Councilmember Rappleye asked whether Mr. Jorgensen has looked at the original agreement that was in place when the District was established and if he has a clear understanding of what it contains. Mr. Jorgensen replied he has read the agreement. He feels he has a good understanding of it, but there is still a lot he can learn.

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Justin Manakowski, applicant, reviewed his background for the Council. He grew up in Cottonwood Heights. He moved to SunCrest in 2007. He currently works for the Department of Defense at Hill Air Force Base. He saw the email that there had been no interest in applying for the Board, and that helped make his decision to apply. He does not know a lot of the details, but he has experience with starting businesses. He has three children, and he has coached youth soccer for the last five years as well. He is interested in getting involved with the community and to help to make a change for the better.

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Councilmember Stenquist asked what Mr. Manakowski's vision is for SunCrest. Mr. Manakowski stated he is not sure, because he does not have a lot of information about what the Board's responsibilities are. He comes into this quite blindly, and he is okay

with that. He is up to the challenge, and he is willing to put in whatever effort is required. His vision would be to bring everyone together.

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Councilmember Colbert noted it is the District's responsibility to provide snow removal services, road maintenance, street sweeping, and street lighting repair for SunCrest. There has been some misunderstanding as to how that should happen. It will be a learning experience for whoever is selected.

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Mr. Manakowski stated he sees this as a very important role. The communities are expanding around the mountain, and more services will be needed as time goes on. They will need to make this work.

Business Meeting

[7:16:03 PM](#)

1.0 Call to Order

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

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2.0 Comment/Prayer and Pledge of Allegiance

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2.1 The prayer was offered by Shawn Benjamin.

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2.2 The pledge was led by Thulasi Seshan.

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3.0 Public Comments

3.1 No one came forward to speak.

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4.0 Consent Item

a. Approval of May 5, 2015, Minutes

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4.1 Councilmember Rappleye moved to approve the consent item. Councilmember Vawdrey seconded the motion.

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

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5.0 Action Item: Resolution #15-30, Filling a Midterm Vacancy on the Traverse Ridge Special Service District Administrative Control Board

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5.1 Russ Fox, Assistant City Manager, noted this appointment is to fill the remainder of Greg Nuzman's two-year term.

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5.2 Councilmember Colbert stated he was impressed with both candidates. This is a challenging position to apply for. The person not appointed this evening should stay involved, as they will have an opportunity to participate in the future.

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5.3 Councilmember Colbert moved to appoint Edan Jorgenson to serve as a member of the TRSSDACB. Councilmember Rappleve seconded the motion.

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5.4 Councilmember Summerhays expressed his opinion that the turnover on the Board might be frequent, so he asked Mr. Manakowski to stay close.

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5.5 Councilmember Stenquist stated they had two really good candidates tonight. This is a tough job.

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5.6 Councilmember Rappleve thanked both applicants for coming tonight and for their willingness to serve the community. This is a tough job, but he is encouraged with the direction this is going. He stated there will be other opportunities to serve.

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5.7 Councilmember Vawdrey echoed what the other Councilmembers said. She completely agrees with the comments.

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5.8 Mayor Walker thanked both individuals for applying. It is a difficult situation up there due to past miscommunication, but it is his goal to resolve the issues and make it work. He reiterated that the District is not going away.

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

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6.0 Action Item: Resolution #15-29, a Resolution to Replace Speed Humps on 1700 East Street

[7:25:43 PM](#)

6.1 Glade Robbins, Public Works Director, noted the speed humps that were on 1700 East have been removed as part of the Questar gas line replacement. He displayed a map of the roadway and showed where the speed humps had been removed. Staff has received many calls from residents on surrounding streets asking that the speed bumps not be replaced. They have also received calls from the residents on 1700 East asking that they be replaced.

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6.2 Councilmember Summerhays noted he is going to give the benefit of the doubt to the predecessors on the previous Council that made the decision to place the speed humps on the road. He advised they should put them back in because they must have had a good reason.

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6.3 Councilmember Stenquist said the main concern is not necessarily speed humps versus no speed humps, but rather the safety on the road. He asked what other measures the City can take that would still provide some traffic calming. He said he prefers not to replace the speed humps.

Councilmember Summerhays noted they saw some removable speed humps in Las Vegas that might be a good option. They could be removed in the winter to help with snow plowing.

Councilmember Stenquist advised he was thinking more along the lines of narrow striping, which was done on Vestry. That road has as much or more traffic, and it is a longer straight shot. The striping has helped slow traffic down. He also suggested they do curb, gutter, and sidewalks on the roads to provide a safer walking situation in the area. The City has already entered into some deferral agreements for those improvements on those roads.

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6.4 Councilmember Colbert said he agrees with Councilmember Stenquist about coming up with a solution other than speed humps. He is sympathetic with the concerns of the neighbors about not having a safe walkway. He expressed his opinion that he does not think Questar would be willing to install removable speed humps.

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6.5 Councilmember Summerhays asked how the speed humps were originally approved. Councilmember Colbert indicated the Council directed staff to do a study. They were installed soon after that took place.

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6.6 Councilmember Vawdrey asked how many of the speed humps were removed. Mr. Robbins stated the five on 1700 East were removed. There are still some speed humps in place.

Councilmember Vawdrey said she has not been in favor of speed humps because they make the speeding traffic someone else's problems. However, these people had them, and they were supposed to be replaced. She is inclined to put them back, but the City should come up with a solution for the other streets in the area.

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6.7 Councilmember Rappleye agreed with Councilmember Vawdrey. He opposes speed bumps on principle; however, they try to replace the road in the same condition when construction work has been done. In this incident, the best course would be to replace the speed bumps. The City will need to address the speed on the other roads in the area as well.

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6.8 Councilmember Stenquist said they only removed the five speed humps. If the main concern is the traffic from Highland Drive, there are still speed bumps in place. He said those will still have the same effect of discouraging the traffic from Highland Drive. They might get traffic from Moose Hollow onto Relation Street, but most of the traffic is coming from the areas that will want to avoid the existing speed humps. He recommended they leave those five out and keep the remaining ones. The long-term solution is curb, gutter, and sidewalk, as well as opening up 13200 South.

Mr. Robbins indicated staff is working on the extension of 13200 South. They just do not have a timeframe of when that will happen.

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6.9 Councilmember Summerhays moved to reinstall the speed bumps on 1700 East. Councilmember Vawdrey seconded the motion.

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6.10 Councilmember Colbert moved to amend the motion to include striping on the other roads to assist with the traffic issues. Councilmember Rappleye seconded the amendment.

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6.11 A roll call vote was taken on the amendment with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.

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6.12 A roll call vote was taken on the amended motion with Councilmembers Rappleye, Summerhays, and Vawdrey voting in favor and Councilmembers Colbert and Stenquist voting no. The motion carried with a majority vote of 3 to 2.

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7.0 Public Hearing: Palmer Estates Rezone

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7.1 Mayor Walker indicated the applicant has requested this item be continued until June 2, 2015.

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7.2 Councilmember Vawdrey moved to continue this item until June 2, 2015. Councilmember Summerhays seconded the motion.

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

[7:41:12 PM](#)

8.0 **Public Hearing: Fiscal Year 2016 Tentative Budget, to Receive Comments on the Proposed Fiscal Year 2016 Tentative Budget for Draper City**

[7:41:28 PM](#)

8.1 Bob Wylie, Finance Director, reviewed the tentative budget with the City Council. The overall budget is approximately \$77 million. This budget is based on the same certified tax rate as last year. The budget has been posted on the City website for public review.

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8.2 Mr. Dobbins indicated they will hold a public hearing tonight; however, no action will be taken. The Council will hold another public hearing on June 16th and will consider adopting the budget that evening.

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8.3 Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.

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8.4 Councilmember Colbert commented that it is typical and unfortunate that the City does not receive many comments on the City budget.

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9.0 **Public Hearing: Ordinance #1155 and #1156, Draper Pointe Mixed Use-Academy Mortgage, Request for Approval of a Rezone for Properties Located at Approximately 440 W 13800 South from DC (Destination Commercial) Zone to CSD-DPMU (Draper Pointe Mixed Use Commercial Special District) Zone and a Text Amendment Adding the Properties into the Language of the CSD-DPMU Text**

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9.1 Mr. Morey noted the developers are adding more property to their development, and this action would be to include the property in the Draper Point Mixed Use Zone. The property would be used by Academy Mortgage. They are anticipating a 7,500 square foot office building. The Planning Commission and staff are recommending approval.

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9.2 Mark Murdock and Troy Dana, applicants, introduced themselves. They indicated they have just provided a very preliminary site plan for this project. They will be bringing a full site plan back to the Planning Commission.

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9.3 Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.

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9.4 Councilmember Rappleye moved to approve Ordinance #1155 and #1156. Councilmember Vawdrey seconded the motion.

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9.5 Councilmember Rappleye said the area is coming together really well, and a lot of work has been done to bring forth an urban lifestyle. He is excited to see more jobs come to Draper.

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9.6 Councilmember Colbert said this development re-validates the vision the City has had for the Vista Station area. It also shows the potential for the prison site.

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

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10.0 Public Hearing: Indy Acres Plat Amendment, on the Request of Lisa Koncar, for Approval to Amend Lots 4 and 5 of Block 25 of the Draperville Plat to Create a Three-Lot Residential Subdivision. This Application is Otherwise Known as the Indy Acres Minor Subdivision Request

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10.1 Mr. Morey said this is an application to create three lots on the property. The original home will remain on the larger lot, and the other two lots will be half acre. It is currently zoned RA2. This was originally submitted as a minor subdivision application, and while doing research, staff realized this subdivision was located within the old Draperville plat that was recorded in 1873. Staff and the Planning Commission are recommending approval of this application.

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10.2 Councilmember Colbert asked whether this will require curb, gutter and sidewalk. Jennifer Jastremsky, Planner, stated the assessment-in-lieu agreement for this development has already been approved by the City Council.

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10.3 Lisa Koncar, applicant, stated she currently lives on lot #1, and one-acre is just too much for her to maintain. Her brother is planning to build on one of the lots, and she will build on the other lot. She advised this has been a long and painful process, but staff was very helpful.

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10.4 Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.

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10.5 Councilmember Stenquist moved to approve the Indy Acres Plat Amendment. Councilmember Colbert seconded the motion.

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10.6 Councilmember Rappleye expressed appreciation for the applicant's comments. The Council sometimes forgets the process the applicants have to go through to bring these forward. He stated he is glad staff was able to help her out.

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

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11.0 Action Item: Approving an Amendment to the Park School Agreement

[7:58:29 PM](#)

11.1 Mr. Dobbins said the City has had ongoing discussions with the Godfreys in reference to the purchase of the Park School. They are asking for changes to the original agreement, which include:

- Buyer agrees to restore as much as possible/feasible, the exterior of the Old Draper School
 - Seller agrees to carry the contract for a period of 7 months
 - Buyer agrees to pay \$10,000 per month starting on June 1, 2015
 - Due on the 1st day of every month through December 2015
- On January 2, 2016, the Buyer agrees to pay an additional amount of \$330,000 to the seller
 - Total cash amount of \$400,000
- Buyer agrees to lease the Evidence Storage Building to the seller beginning on June 1, 2015, for a period of not more than 2.5 years
- Buyer agrees to lease 500 square feet of office space to the seller for the Draper City's Parks and Recreation Department
 - Term will be 10 years beginning on the date occupancy is permitted
- Buyer agrees to allow the seller to host up to 5 events per year on the property grounds for a period not to exceed 10 years

- Buyer and seller agree to work amicably together and give adequate notice for such events
- If Buyer decides to abandon the restoration or change its course of direction regarding the Draper Park School, the Buyer agrees to pay the remainder of the amount owing totaling \$850,000
 - If the seller has used any of its lease or events terms, that amount would be discounted from the \$850,000 due seller
 - Amount would be based on fair market value
 - If buyer chooses to abandon or change direction, they must notify the seller within 5 days
 - Remaining balance would become due and payable to the seller within 7 days of notification
 - Buyer retains every right to them that is not hereinafter articulated
- The 7 payments of \$10,000 and the payment of \$330,000 plus the “lease and event” value in excess of \$450,000
 - Combined for a total of \$850,000 for the seller

Mr. Dobbins explained the buyers have determined they cannot make the project work with the \$850,000 price tag.

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11.2 Councilmember Stenquist clarified that the main changes would include office space in lieu of cash, give the City access to the plaza area for 5 City events, the use of the evidence garage for 2.5 years, and there is no guarantee that the building would be saved.

Mr. Dobbins said yes; however, if they do tear down the building, they would have to pay the City the full \$850,000.

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11.3 Councilmember Colbert asked whether the lease would include utilities. That needs to be clarified in the agreement.

Mr. Dobbins indicated the intent was to have everything fully covered by the buyer.

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11.4 Councilmember Summerhays asked how long the buyer has to make up their mind about the restoration.

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11.5 Brent Anderson, realtor, indicated it is his client’s intention to fully preserve the building. They have some great ideas. They can reference the timeframe in the agreement if necessary, and they should know within seven to twelve months about the restoration.

Councilmember Summerhays asked for the timeframe to be included in the agreement.

Mayor Walker noted it is already in there to some extent. They have to come up with \$330,000 within 7 months. They can clarify it better though.

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11.6 Councilmember Colbert advised the phrase “as much as possible or feasible” means absolutely nothing. The buyer can determine that the only thing savable is the front porch. He suggested they add a minimum square footage to the agreement.

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11.7 Mayor Walker noted the reality is that it is cheaper to build a new building on the property than it is to restore the current building. This is probably the only hope the Draper Park School has to be restored. If the Council starts putting restrictions on the agreement, they may as well just tear down the building. The buyer is willing to give the City \$850,000 if they are not able to restore the building.

Mr. Anderson indicated they have to be very careful how they define restoration because in order to qualify for certain grants and available funds, it has to meet certain qualifications.

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11.8 Councilmember Rappleye stated this is the most creative proposal they have seen and the most realistic. This will be a huge catalyst for the Town Center. If they can get this accomplished, everybody wins.

Mr. Anderson indicated the Godfreys are very creative and have been successful in the past in making this sort of thing happen. This property will be privately owned; however, the Godfreys want the community to enjoy it and feel welcome.

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11.9 Councilmember Stenquist said he still has some skepticism with this. It is stretching the limits of what he feels like they should be doing. The City can always just tear down the building and do something else with the property. He asked whether there would be a development agreement so the Council has some say in what occurs. He has never seen the pictures that were shown before tonight, so he feels like he is operating in the dark. This is requiring a leap of faith on behalf of the City.

Mr. Dobbins explained they have had to rush this because of some deadlines in the existing agreement.

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11.10 Councilmember Colbert moved to approve the amendment to the Park School agreement with the clarification that the terms of the lease to be all inclusive and the decision to restore the building will be made by January 2016. Councilmember Rappleye seconded the motion.

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11.11 Councilmember Colbert noted this is the last and best hope for the City to save a building that has been a placeholder in the community for nearly 100 years.

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11.12 Mr. Dobbins advised paragraph 3 of the amendment says the lease of the storage shed will be up to 2.5 years. He recommended the Council include in the motion that it can be used for 2.5 years.

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11.13 Councilmember Colbert agreed to add that language to his motion, and Councilmember Rappleye seconded the motion.

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

[8:21:40 PM](#)

12.0 Action Item: Resolution #15-26, Naming the New Dog Park the “Dayland Dog Park”

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12.1 Mr. Robbins gave a history of the property. The property used to be owned by James H. Day, and the family has requested the park be named Dayland Dog Park.

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12.2 Councilmember Summerhays indicated he likes the name Draper Dog Park.

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12.3 Councilmember Colbert said they could defer this until they have a policy in affect. Mr. Robbins noted the Council previous adopted the policy. He reviewed it for the Council.

Councilmember Colbert then noted they already have the Day Barn, which recognizes the Day family. He asked if there is a need to name the park at this time.

Mr. Dobbins advised it takes time to make the signage, so if they want the sign to be available when the park opens, the Council will have to make the decision soon.

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12.4 Councilmember Stenquist said the Council could name it whatever they wanted. This is just a policy.

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12.5 Councilmember Summerhays gave a history of the property and the Day family.

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12.6 Councilmember Rappleye moved to approve Resolution #15-26. Councilmember Vawdrey seconded the motion.

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12.7 Councilmember Colbert said he feels like this falls under item #7 of the policy.

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12.8 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, and Vawdrey voting in favor. Councilmember Summerhays voted no. The motion carried with a majority vote of 4 to 1.

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13.0 Action Item: Resolution #15-27, Naming the New Pocket Park on the Northeast Corner of 13200 South Fort Street

[8:28:52 PM](#)

13.1 Mr. Robbins said the City has a pocket park at the intersection of Fort Street and 13200 South. It is getting ready for completion and needs a name for the signage.

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13.2 Councilmember Stenquist moved to approve Resolution #15-27 to name the park Ballard Corner Park. Councilmember Colbert seconded the motion.

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13.3 Councilmember Summerhays amended the motion to name it The Derek Johnson Memorial at Ballards Corner Park. Councilmember Rappleye seconded the motion.

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13.4 Councilmember Colbert said that seems like a lot of wordage. He stated they could name it something simpler, such as the Memorial Park or Ballards Corner Memorial Park.

Mr. Robbins noted Chief Roberts had mentioned calling it Remembrance Park.

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13.5 Councilmember Stenquist stated they should put more thought into it if they are planning to actually put someone's name to it, such as Derek Johnson.

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13.6 Councilmember Summerhays withdrew his amended motion.

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13.7 Councilmember Colbert amended his motion to call the park Ballards Corner Memorial Park. Councilmember Rappleye seconded the motion.

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13.8 Councilmember Stenquist said the intention of his suggestion was to be Ballard not Ballards.

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13.9 Councilmember Colbert amended his motion to call the park Ballard Corner Memorial Park. Councilmember Rappleye seconded the motion.

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13.10 Chief Roberts said he appreciates the discussion that has taken place here. They all know what happened on that corner where an officer lost his life, and they should take this conversation very seriously with that in mind. It is not uncommon for Cities to name streets, intersections, parks, schools, etc. after people who have lost their lives in the line of duty. In this case, it was Sergeant Derek Johnson. It is fitting to recognize him because that location is where it happened. It takes some thoughtful discussion to make sure they get this right. When Sergeant Cory Wride was killed in Utah County, his community named a park after him, and a portion of the highway has been named after him as well. Draper has not gone to that extent yet. There is a plan in place to have a memorial in the park. They will have a stone bench inscribed, and Derek's wife has developed the wording. There will also be a rock placed near the bench with a placard. It will be a very sacred and memorial place. Something else to consider is that Carlquist Drive, which runs 13200 South to Fort Street was named after Brian Carlquist. He was a twenty-two year old Vietnam Veteran who was killed in combat in 1965. That whole area has a lot of meaning. The City Council might want to put some additional thought into naming that part of Draper.

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13.11 Mayor Walker clarified that there will be a bench placed in the park that will be engraved that will memorialize the loss of Derek Johnson's life.

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13.12 Councilmember Colbert noted there was a plaque at the Park School that recognized the Veterans that lost their lives from World War I and forward. This might be a great place to recognize them as well.

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13.13 Councilmember Stenquist said his thinking in making the original motion to add memorial to the name of the park was that at some point the community will decide what is appropriate to remember Derek.

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13.14 Mayor Walker said they do not have to take action on this tonight if the Council wants to take more time on this.

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13.15 Councilmember Summerhays asked whether the signage for the park will be made from stone. Mr. Robbins stated he is not sure; however, he believes the signage will be a composite type material similar to what is in the other parks.

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13.16 Councilmember Colbert asked whether 13200 South has a name. Mr. Robbins replied no; however, it turns into Carlquist west of Fort Street.

Councilmember Colbert then advised they could name that street after Derek if they wanted to.

Councilmember Stenquist stated it might make more sense to continue that street as Carlquist and find another place for Derek.

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13.17 Mayor Walker restated that the motion was to call the park Ballard Corner Memorial Park.

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13.18 Councilmember Stenquist said he is interested in having further discussion and getting input from the family and Police Department about what would be an appropriate remembrance for Officer Johnson.

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13.19 A roll call vote was taken with Councilmembers Colbert, Stenquist, Summerhays, and Vawdrey voting in favor. Councilmember Rappleeye voted no. The motion carried with a majority vote of 4 to 1.

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14.0 Action Item: Resolution #15-28, a Resolution of the City Council Approving Policy #15-01 Pertaining to Political Activities in the Draper Days Parade

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14.1 Mike Barker, Deputy City Attorney, advised this item is addressing a concern with political campaigning in the Draper Days Parade. It is difficult to form a policy that is litigation proof when dealing with First Amendment issues; however, State law prohibits public entities from extending public funds for political purposes. It is his understanding that the City makes a sizeable contribution to the Draper Foundation and provides employees to help conduct the parade. This policy proposes that all campaigning be banned from the parade entries; however, those interested can participate in political activity along the parade route. They can distribute leaflets or pamphlets along the parade route, but they cannot participate in the parade itself. The City Council and other elected officials can have entry in the parade in honor of their public service, with the caveat that they do not use that forum for campaigning purposes.

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14.2 Councilmember Rappleye asked whether the candidates would be allowed to distribute flyers along the parade route. Mr. Barker said a sidewalk is a traditional public forum, and anyone is allowed their First Amendment rights. The Days of '47 Parade is conducted on a public street; however, it is completely run by a private entity, so there is a different set of rules that apply to them.

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14.3 Councilmember Colbert said the Days of '47 Parade has prohibited any entries with a point of view, and that has been sustained by the courts.

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14.4 Mr. Barker indicated he put forth this policy with the caveat that they never know who will take a swipe at it. It is narrowly tailored to address the issue that was presented in reference to campaigning practices.

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14.5 Councilmember Rappleye said there has been a concern in the past with the parade litter.

Mr. Dobbins stated if this was strictly a Foundation parade they could set limitations. However, the parade route is a public forum, and there are clearly protected rights. The City cannot get into the business of telling people what they can and cannot do in a public forum.

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14.6 Councilmember Summerhays stated Mike Lee could have people on each side of the street to hand out literature along the parade route. Mr. Barker noted they can. It would be similar to any of the candidates handing out information in a local park.

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14.7 Councilmember Stenquist asked what constitutes campaigning. When the City Council participates in the parade, they have signs on the doors identifying who they are. They have had other candidates walking the parade route with banners and signs, and they hand out flyers. He can see them allowing that for incumbents and not for the challengers. This will be viewed as an incumbent favoritism.

Mr. Dobbins said all the sign can say is the name and the title. It cannot say to vote for anyone.

Councilmember Stenquist noted he does not think the City would tell Congressman Chaffetz that he cannot wear his campaign t-shirt. Mr. Dobbins said they will get the word out to all the people in the parade that they cannot do anything that references voting.

Councilmember Stenquist said he attends other parades, and they allow campaigning. He questioned why Draper will not.

Mr. Dobbins noted every year the Foundation asks the City who can be in and who cannot. The City does not want to pick and choose who is allowed to participate.

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14.8 Chad Woolley indicated the point is that the City provides money for the parade, and they cannot allow campaigning when they are providing funds. The only way to avoid that law is not to donate money to the parade.

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14.9 Councilmember Vawdrey moved to approve Resolution #15-28. Councilmember Rappleye seconded the motion.

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14.10 Councilmember Vawdrey expressed appreciation to Mr. Barker for doing this. It has been a source of confusion year-after-year. Everyone may not agree with it, but it is law.

[9:01:16 PM](#)

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

[9:01:28 PM](#)

15.0 Council/Manager Reports

[9:01:35 PM](#)

15.1 Councilmember Stenquist invited the Mayor and Council to the ribbon cutting at the Cycle Park on June 6th at 10:00 a.m. They will be receiving a formal invitation.

[9:02:29 PM](#)

15.2 Councilmember Rappleye said there has been a request to move the shoots at the Equestrian Center. Brad Watson, Public Works, had indicated that City staff could move those as long as a budget was approved to pay for their time. He believes the employees have the expertise to help facilitate that happening.

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15.3 Councilmember Vawdrey asked how the items they discussed tonight would be added to the budget. Mr. Dobbins noted the Council will make the changes as part of the motion to approve the budget. Staff will have a list of the amendments that night.

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15.4 Councilmember Summerhays said he would like to have a voluntary donation box placed at the Equestrian Center and other trail heads and come up with a fee schedule for out of town bikers. He has brought this up multiple times and is interested in doing this as soon as possible.

Councilmember Stenquist said they have had a lot of discussion about ways to get revenue for trail use. Having a place people can donate is a good idea. He would like to

have input from the Parks and Trail Committee as to how they would recommend the City do this.

Councilmember Colbert remarked they could have several options, such as an annual trail pass, or numbering the parking stalls and requiring a parking fee. He asked Mr. Ogden to present options to the City Council at next week's meeting.

[9:08:27 PM](#)

15.5 Mr. Robbins said they have hired a consultant for the Open Space Master Plan. The consultant is forming a steering committee and would like a Councilmember to serve on the committee. Councilmembers Stenquist and Summerhays volunteered to be on the Council.

Mr. Robbins then noted the construction has begun on 1300 East. There will not be a lot of street work until school is out.

[9:09:54 PM](#)

15.6 Mr. Wylie advised there has been some issue with the auto pay feature on the website. They were notified last week by a resident who advised the application was not secured. The City took the website down, and they have begun an investigation into the problem. There were 81 people who signed up, and there could have an additional 40 people who had other information on the website that could be out there. Staff will send letters to anyone who could have information compromised, and the City will take steps to mitigate any problems that might occur.

Mr. Dobbins advised the City's insurance coverage provides help with paying for mitigation efforts.

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15.7 Mayor Walker said the suspension bridge being built along the Bonneville Shoreline Trail will be amazing. It should be completed by June. He recommended everyone go up to see it.

[9:12:14 PM](#)

15.8 Councilmember Vawdrey said the Council has received a complaint about the garage can pickup in the cul-de-sacs. She asked how the implementation has been.

Mr. Robbins advised that is was well received for the most part. Staff has received a couple of complaints from the residents, but he feels they have been able to work through those issues.

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16.0 Adjourn to a Closed Meeting to Discuss Litigation

[9:12:43 PM](#)

16.1 Councilmember Vawdrey moved to adjourn to a closed meeting to discuss litigation. Councilmember Stenquist seconded the motion.

[9:12:50 PM](#)

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

16.3 The meeting adjourned at 9:13 p.m.