

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 15, 2016, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy Walker, and Councilmembers Bill Rappleye, Jeff Stenquist, Alan Summerhays, Marsha Vawdrey, and Michele Weeks

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Hazel Dunsmore, Human Resource Director; Rhett Ogden, Recreation Director; Bryan Roberts, Police Chief; and Bob Wylie, Finance Director

Dinner

Study Meeting

5:50:20 PM

** Clint Smith, Fire Chief, briefed the Council on the status of the new Fire Department and presented a mock up of the new Fire Department patch and badge. The official separation date from the Unified Fire Authority is July 1, 2017.

1.0 Report: Equestrian Board

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1.1 Doug Vawdrey, chair, reviewed what the Equestrian Board has accomplished since they were appointed in 2016. They have made a lot of improvements to the arena, which involved a lot of man hours.

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1.2 Maureen McDonald, boardmember, reviewed the arena improvements as follows:

- Increased seating
 - Moved fencing to the east approximately 30 feet
 - Moved calf chutes to the south
 - Fixed the gates to the chutes so they do not stick in the dirt, which is much safer
 - The rodeo is getting more popular so there is a need for more seating
 - They have spend approximately 259 volunteer hours working on the arena

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1.3 Mr. Vawdrey indicated the City Council gave the Board \$75,000 when it was created to use for events. They had the first event, Bull Riders Only, scheduled for September; however, it was the same night as the Brigham Young University versus University of Utah rivalry football game. Due to that conflict, it was canceled. The Board has now scheduled an Enduro Cross and Arena Cross scheduled for May of 2017, and they are hoping to schedule a Demolition Derby or Bull Fighters event in August. The Board will need money in the budget for either event they decide to do.

David Dobbins, City Manager, stated staff will look at options for this and bring it back to the City Council for their consideration.

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2.0 Council / Manager Reports

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2.1 Councilmember Summerhays noted he brought up the salt free water softeners at the last Council meeting. He recently spoke with the Mayor of Bluffdale City, and they are considering offering an incentive to the residents who use this type of equipment. This will take some time, but he feels it is worth looking into being proactive on this issue.

Councilmember Summerhays, Councilmember Weeks, and Councilmember Rapple were in favor of looking at an ordinance.

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2.2 Discussion: Park Ranger

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2.3 Mr. Dobbins stated he has heard from several Councilmembers that they have changed their minds about the Park Ranger. There are three options the Council can look at for this position:

- Park Ranger
 - Authority to issue citations but no law enforcement capabilities
- Special Functions Officer (SFO)
 - This position has to be under the Police Department
 - Some law enforcement authority
 - Only able to enforce City Code
- Law Enforcement Officer
 - Full law enforcement ability
 - This position is under the Police Department

Subsequent to Council staff discussion, all of the Councilmembers were in favor of having this as a law enforcement position.

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2.4 Discussion: Splash Pad Concept Plan

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2.5 Rhett Ogden, Parks and Recreation Director, displayed the newest splash pad concept plan and reviewed the components that would be included. The cost has increased by \$300,000, so staff will need to determine where the funds would come from. They might be able to use Park Impact Fees to make up the difference.

All of the Councilmembers were in favor of moving forward with this concept plan.

Business Meeting

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1.0 Call to Order: Mayor Troy K. Walker

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2.0 Thought/Prayer and Pledge of Allegiance

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2.1 Jacob Harding, Scout Troop #1716, offered the prayer.

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2.2 Landon Brough led Scout Troop #1120 in performing the Flag Ceremony.

** *The Auditor had not arrived at the meeting, so Item #3 was taken care of later in the meeting.*

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4.0 Public Comments

To be considerate of everyone attending the meeting, public comments will be restricted to items not listed on this or a future agenda and limited to three minutes per person. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.

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4.1 Josh Stika, resident, requested the City Council put a discussion item on the agenda for the 13200 South project. He saw the new concept plan, and he still has concerns with the number of lanes, speed limit, and no crosswalk for the children. Mayor Walker indicated that discussion will be on the December 6, 2016, City Council agenda.

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5.0 Consent Items

- a. **Approval of November 1, 2016, City Council Meeting Minutes**
- b. **Approval of Resolution #16-69, Adopting Section 6115 and Amending Section 9020 of the Personnel Policy Handbook**

A new policy has been created outlining the procedure to follow if an employee is involved in a vehicle accident while driving a City vehicle, as well as establishing an Accident Review Committee and outlining the duties of that committee. This new policy will ensure that accidents are handled consistently as far as reporting, drug screening, and review of damage and risk management. Additionally, the list of employee responsibilities while driving on City business has been removed from the travel reimbursement section and added to the new policy so that all

information on driving City vehicles is included in one section of the personnel policy manual

- c. **Approval of a Reimbursement Agreement for the Windsor Mill Subdivision storm drainage gates**

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- 5.1 **Councilmember Rappleye moved to approve the Consent Items. Councilmember Vawdrey seconded the motion.**

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

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- 6.0 **Public Hearing: Balderson Farms Zone Change, a request of James Balderson for a rezone from RA1 (Residential Agricultural, 40,000 square foot lot minimum) to RA2 (Residential Agricultural, 20,000 square foot lot minimum) on 1.87 acres at 13414 South Fort Street**

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- 6.1 Maryann Pickering, Planner, displayed an aerial map showing sizes of the surrounding lots as well as the Zoning Map. She advised the Planning Commission voted 5 to 0 to forward a positive recommendation to the City Council, and staff is in favor of it also. The applicant intends to create a three-lot subdivision in the future, and he will live on the rear lot. The other houses would remain.

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- 6.2 Councilmember Summerhays questioned how they would enter the subdivision. Ms. Pickering indicated both lots have an entrance from Fort Street, so the rear lot would be a flag lot.

Councilmember Summerhays indicated he knows this is just a zone change, but he has a problem with a zone change without knowing where the entrance would be for the half-acre.

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- 6.3 Councilmember Rappleye referenced the Zoning Map and noted there are three lots on the end that are less than one acre. Ms. Pickering advised that is correct, and she has not had any contact from the neighbors in reference to this request.

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

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6.5 Councilmember Vawdrey moved to approve the Balderson Farms zone change. Councilmember Summerhays seconded the motion.

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

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7.0 Action Item: Ordinance #1233, Updating the Stormwater Utility Code in order to comply with mandatory requirements of the MS4 Permit. Deficiencies in the current code were identified during a DWQ audit of the City's Stormwater Program performed in June of 2015

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7.1 Scott Cooley, City Engineer, advised the City had an audit of the storm water system completed in June of 2015, and the audit found the City was deficient in a number of areas. The proposed changes to the City Code will bring the City into compliance with State requirements. He reviewed the changes to the Code, which included changes to the definitions, requirements of the business owners and developers, and reporting requirements.

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7.2 Councilmember Rappleye indicated the City looked at the storm water system several years ago, and at that time there was a \$93 million cost to fix it. He asked whether these changes require the City to make all of those fixes at this time. Mr. Cooley replied it does not. This pertains to the quality of water being delivered to the streams and rivers. He does not know of any agency that actually passed the audit. It is a serious matter and the fines are very steep for violations. These changes will get the City into compliance with their permit.

Councilmember Rappleye then asked what the new requirements entail. Mr. Cooley stated anything that affects the quality of the stormwater, such as fertilizers. The City just needs to make sure there are no illegal discharges into the system. The biggest part of this is that everyone moving forward will have to sign an agreement stating they will maintain and inspect their private system and submit a report.

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7.3 Councilmember Summerhays asked whether anyone walks along the Jordan River to see if any illegal dumping is taking place there. Mr. Cooley responded they do check various areas, but they do not find all of the problems. They inspect what they can and try to rectify it.

Councilmember Summerhays wondered whether the fee is adequate. Mr. Cooley indicated there are a few cities that charge a dollar more than Draper. However, Draper is close to the average.

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7.4 Councilmember Weeks moved to approve Ordinance #1233, updating the Stormwater Utility Code. Councilmember Summerhays seconded the motion.

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

**** Council/Manager Reports**

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** Councilmember Vawdrey noted there was recently a young man hit on 1300 East and Highland Drive. There was a crossing guard up there, and they did all they could, but it is very dark when the kids are going to school. She asked about putting street lights in that area.

Mr. Cooley indicated the City recently installed a couple of lights on 13800 South. They can look into the Highland area as well.

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** Councilmember Rappleye stated he has been working on his driveway for the last few days, so he has seen a lot of traffic issues in his neighborhood coming from the high school. It seems to be the most prevalent during the lunch period. He asked the Chief to have officers patrol the area during that time period.

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** Councilmember Stenquist stated he has had several neighbors express concern with the Deer Run development. The City Council specifically talked about building heights when they discussed approving Deer Run. The builders are currently building two buildings, and they are really tall. He expressed his opinion that they are not getting what they approved.

Mr. Dobbins explained the buildings are within the height that was approved; however, it does not match the elevations that were shown to the Council for approval.

Councilmember Stenquist questioned whether there is anything that can be done about it and how they can avoid this problem in the future. Mr. Dobbins reviewed what Mr. Soffe had presented to the Council for approval. The Council approved it based on the height restriction and the elevations provided; however, the Council did not adopt anything that required it to match the drawings.

Councilmember Rappleye suggested in the future they have a starting elevation and the height restriction will be based on that elevation.

Mr. Dobbins indicated staff will speak with outside legal counsel to see if they have any options.

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** Councilmember Weeks noted her concern is with cats. Sandy City has a Catch and Release Program where they will catch cats, neuter them, and release them back into the community. She indicated she is not sure if Draper has a similar program. She noted Draper should have an ordinance that limits the number of cats that can be released in the neighborhoods. Chief Roberts advised that is a policy decision the Council would have to make; however, he sees a problem with taking cats from one area and then dropping them off in a different neighborhood.

Councilmember Summerhays indicated he is not sure about a Catch and Release Program. If they have a feral cat problem, they have the Animal Control Officers try to adopt them out.

Councilmember Stenquist stated it would be interesting to know what the City's current practices and policies are. Cats are one thing, but there are also raccoons and all sorts of other nuisance type of animals. He would like to receive more education about it.

Mr. Dobbins asked whether the City Council is interested in receiving an update about what the City and other organizations are doing. The Council agreed.

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3.0 Action Item: Acceptance of the Audit for the Fiscal Year Ending June 30, 2016 (CAFR)

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3.1 Rob Wood, Auditor, noted his firm has completed the audit of the City's finances. He stated the staff should be commended. He reviewed the results of the audit, which showed a clean opinion of the City's financial statements.

One of the findings they have is that the City had an overage in the fund balance. The State Code allows the City to have 5 to 25 percent of the total budget in the fund balance, and the City of Draper had 38.5 percent. Last year the City was at 54 percent, so they have decreased the overage amount. The auditors also identified another finding regarding the overspending of funds. There were two funds where the actual expenditures exceeded the approved budget. The Council would have to amend the budget prior to the funds being overspent. These are rather minor findings. The auditors have given the City a clean opinion.

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3.2 Councilmember Summerhays moved to accept the audit. Councilmember Rappleye seconded the motion.

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

**** Adjourn to a Closed-Door Meeting to Discuss Property Acquisition, Litigation, and/or the Character, Professional Competence, or Physical or Mental Health of an Individual**

[7:55:00 PM](#)

**** Councilmember Summerhays moved to adjourn to a closed-door meeting to discuss property acquisition and the character, professional competence, or physical or mental health of an individual. Councilmember Vawdrey seconded the motion.**

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

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8.0 Recess to a Redevelopment Agency Meeting.

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8.1 Councilmember Vawdrey moved to recess to a Redevelopment Agency Meeting. Councilmember Weeks seconded the motion.

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8.2 A roll call vote was taken with Councilmembers Rapple, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

**** *The Council meeting recessed at 8:41 p.m.***

**** *The Council meeting reconvened at 9:20 p.m.***

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9.0 Adjournment

[9:20:46 PM](#)

9.1 Councilmember Summerhays moved to adjourn the meeting. Councilmember Rapple seconded the motion.

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9.2 A roll call vote was taken with Councilmembers Rapple, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

9.3 The meeting adjourned at 9:21 p.m.