

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MAY 28, 2013, 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 Rappleye, Troy Walker, Alan Summerhays, Jeff Stenquist, and Bill Colbert.

STAFF PRESENT: David Dobbins, Russ Fox, Tracy Norr, Bryan Roberts, Troy Wolverton, Rhett Ogden, Pat Evans, Garth Smith, Joe Bryant

Study Meeting

1.0 Presentation - Drug-Free Draper Coalition– Gail Dupree

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1.1 Ms. Dupree reviewed the history of Drug-Free Draper Coalition. It began in 2010 by concerned citizens. They deliver educational presentations about substance abuse. The coalition has at least 25 members, including key leaders in the community and state. She asked the city to contribute \$10,000 for their coalition to implement the Communities that Care model. They will receive matching funds from the state and county.

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1.2 Chief Bryan Roberts expressed appreciation for the efforts of the coalition. He said the police department is engaged in the coalition.

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1.3 Mary Bailey, principal of Corner Canyon High School, said she sees the benefit of the coalition’s training in the school.

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1.4 Mayor Smith asked if the funds are available without the match. Ms. Dupree said it is not available until there is a match. Councilmember Colbert asked if it is a hard match, because the city is already contributing police efforts. Mr. Ben Reaves from the Utah State Department of Substance Abuse and Mental Health said it is a hard match. He said the contract says funding will be available for up to three years. Mayor Smith suggested discussing this at the upcoming budget meeting. Councilmember Summerhays said the city has resource officers already, and he thinks this is a lot of the same efforts of the DARE program. Mr. Reaves said the program looks at areas of risk: community, school, family, individuals, and peer groups. They will enhance the existing DARE program and focus on the remaining areas of risk. Ms. Dupree said in other coalitions, the DARE officers are involved in the coalition. Councilmember Rappleye said the city is looking at hiring resource officers at the school. He asked if the cost of that could be included in

the funding. Chief Roberts said the potential exists that we could go toward the model. This coalition is a way to bring this type of program to the children.

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- 1.5 Mark Vosti said part of the opportunity is to multiply the communication in the schools and also in the community with the parents.

2.0 UTA Update – David Goeres, Chief Safety Officer

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- 2.1 David Goeres gave a brief update on the status of the rail projects. The Front Runner project opened, the airport line just opened, the Draper line will open soon, and the Sugarhouse line will open this year.

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- 2.2 Greg Thorpe said the pre-revenue test lines started today to train the operators. UTA plans to have some static displays for Draper Days, followed by the grand opening on August 18. Mr. Thorpe said safety presentations have been made at the schools and letters have been sent to the residents warning them about the trains. He reviewed the tests and other plans that are in progress to review safety. Councilmember Colbert said the council is concerned about people using the park rather than the UTA parking lot. Mayor Smith asked about security and enforcement. Mr. Thorpe said the police will patrol. There are also cameras in the parking lot.

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- 2.3 Mr. Goeres said the train crossings are quiet zones, but horns will be blown if the operator sees an unsafe condition. He said UTA tries to teach safety around the trains, but also teaches personal responsibility. He said the red lights at the crossing control, not the gate arm. The sidewalks have yellow tactile material to mark the boundary of the safe locations. Green means go. He urged everyone to ride the system. He said the activation process includes the FTA. There have been 13 federal audits during the past six months for the four projects. He said he will work with the mayor for the opening days, the stake holder rides, and the grand opening events.

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- 2.4 Mr. Thorpe said there is an Art in Transit program for the 11800 South station. He is working with David Dobbins.

3.0 Council/Manager Reports

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- 3.1 Councilmember Stenquist said a resident raised concerns about coyote sightings. He asked for feedback from Animal Control or the Division of Wildlife Services. Chief Roberts said there were some issues a couple of months ago. He reminded the council that there is a bounty for coyotes, but there is no shooting within the city limits.

Councilmember Stenquist also said it would be a good idea for an informational open house about Geneva Rock's activity on Steep Mountain. Discussion about the property ownership and process Geneva Rock must go through to get approval to expand their operations. Councilmember Colbert said he does not want to mislead the public because the city cannot do much about the situation. He suggested a news release be sent out. Councilmember Walker said he does not want to present a false sense that the city can do something. Mayor Smith said there would be a meeting with the county next week that should be held before any public meeting is scheduled. Councilmember Rappleye suggested providing maps showing the boundaries and the land owners.

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3.2 The council reports will continue at the end of the meeting.

Business Meeting

1.0 Call to Order

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

2.0 Comment/Prayer and Flag Ceremony

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2.1 Dallin Burnett offered the opening prayer. Gardner Cook and Troop #142 led the flag ceremony.

3.0 Presentation: Day Dairy Barn – Historic Preservation Commission

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3.1 This item was rescheduled to the next meeting.

4.0 Citizen Comments

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4.1 Marty Biljanic, Wadsworth Development Group, 166 East 14000 South, thanked the council for their work. He also acknowledged the work of the staff, particularly the planners. He said they have a lot of projects underway and look forward to working with the staff.

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4.2 There were no other citizen comments.

5.0 Consent Items

a. Minutes of the May 7, 2013 Council Meeting

- b. Construction Agreement No. 13-156 with Geneva Rock Products, Inc. for 13490 South/Vista Station Roadway Project
- c. Professional Services Agreement No. 13-158 with Hansen, Allen, and Luce for the SunCrest Regional Detention Basin.
- d. Construction Agreement No. 13-159 with Acme Construction, Inc. for the 11800 South Sidewalk Project
- e. Surplus of obsolete electronic equipment

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

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5.2 The motion carried by unanimous vote.

6.0 Public Hearing: Ordinance #1045, Amending the Zoning Map for 1.44 acres from RA1 to CN, property located at 12214 South 900 East (Quilter's Lodge Zone Change).

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6.1 Dennis Workman showed the location of the property and said the request is to change the zone for two parcels to Neighborhood Commercial. The Planning Commission unanimously recommended approval. The property owner wants to use the property for three uses: a bed and breakfast, a personal training business, and a retail business. The other parcel contains a business that would like to expand. The request meets the general land use plan. Councilmember Colbert asked if the utilities will be put underground as the site plan moves forward. Mr. Workman said they have not had that discussion. The property owner is also requesting a vacation of some right of way. That request is on a future agenda.

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6.2 Lisa Clark -Millerberg said she looks forward to building the business. She offered to answer question. Councilmember Rappleye asked about the nature of the business. Mrs. Clark-Millerberg said she owns Thimbles and Thread which would move to the new building. There would also be classrooms for instructions and retreats, as well as the bed and breakfast for people who come to the retreat.

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

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6.4 A motion to suspend the rules was made by Councilmember Rappleye and seconded by Councilmember Colbert. The motion carried unanimously.

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6.5 A motion to approve Ordinance #1045, amending the zoning map for 1.44 acres from RA1 to CN, property located at 12214 South 900 East (Quilter's Lodge Zone Change), was made by Councilmember Rappleye and seconded by Councilmember Colbert.

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6.6 Councilmember Rappleye said the store has done good business and he is glad to see the growth.

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

7.0 Public Hearing: Ordinance #1046, Amending the Zoning Map for 1.52 acres from RA1 to RA2, property located at 13105 South Boulter Street (Troy Dana Zoning Map Amendment).

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7.1 Dan Boles showed the location of the property and showed the land use for the general plan. He said it is designated low to medium density residential. There is a lot of RA2 zoning nearby. The applicant is requesting the change to RA2. He said a concern in the past was about animal rights. He said horses are allowed in the RA2 zone. Livestock is not allowed except by conditional use. The applicant would pursue a subdivision application to create three lots which meet the minimum square footage. There is a home on the property and several accessory buildings. The planning commission has recommended approval of the application.

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7.2 Councilmember Colbert asked if there are issues because of the rural designation for Boulter Street. Mr. Boles said the analysis has not been completed on that. The staff recommendation is for curb, gutter and sidewalk although the council can approval a deferral on Boulter Street.

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7.3 Troy Dana, 1516 Cherry Creek Lane, offered to answer any questions.

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

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7.5 A motion to suspend the rules was made by Councilmember Rappleye and seconded by Councilmember Summerhays. The motion carried unanimously.

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7.6 A motion to adopt Ordinance #1046, amending the zoning map for 1.52 acres from RA1 to RA2, property located at 13105 South Boulter Street (Troy Dana Zoning Map Amendment), was made by Councilmember Rappleye and seconded by Councilmember Summerhays.

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7.7 Councilmember Rappleye said development needs to be sensitive to the issues that come with infill development such as impermeable surfaces.

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

8.0 Public Hearing: Amending the Sunset at Draper Ridge Phase 2 Plat by removing Parcel A and amending all notes pertaining to Parcel A. The amendment to the Sunset at Draper Ridge Phase 2 plat is being accomplished through a note that will be added to the Galena Grove plat (See Item 9).

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8.1 Dennis Workman said the Sunset at Draper Ridge Phase 2 plat received approval in 2006. In 2013 the preliminary plat was approved for Galena Grove, which is a 26-lot single family subdivision. However, just before final plat approval was given for Galena Grove, it was determined there is a gap on the Sunset at Draper Ridge Phase 2 plat due to a road radius. That gap was labeled as Parcel A. The road on the Galena Grove plat comes where Parcel A is, so the Sunset at Draper Ridge Phase 2 Plat needs to be amended before the Galena Grove plat can be approved. The amendment on the Sunset at Draper Ridge Plat will be an added note adding to the Galena Grove plat. The note will show that Parcel A is amended and is now part of the Galena Grove plat and is part of the right of way. The notes on the Sunset at Draper Ridge plat are also amended and no longer apply to Parcel A. He said the next agenda item is to approve the Galena Grove plat if the Sunset at Draper Ridge amendment is approved.

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8.2 John Bowen, representing Ivory Development, thanked the staff and council for the work on this plat. He offered to answer questions.

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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 Councilmember Summerhays said this is a jewel in Draper and it is nice to see the improvements that will be made with this development.

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8.5 A motion to suspend the rules was made by Councilmember Stenquist and seconded by Councilmember Walker. The motion carried unanimously.

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8.6 A motion to approve the plat amendment as requested was made by Councilmember Stenquist and seconded by Councilmember Walker.

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

9.0 Approval of Galena Grove Final Plat located at Galena Park Drive and 700 West.

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9.1 Dennis Workman pointed out the note as discussed in the Sunset at Draper Ridge plat amendment that is being added to the Galena Grove final plat.

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9.2 A motion to approve the final plat for Galena Grove was made by Councilmember Stenquist and seconded by Councilmember Walker.

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9.3 The motion carried unanimously.

10.0 Consideration of declaring property surplus and authorizing the sale to David and Jennifer DiMarzio, 15373 S. Falcon Pointe Court.

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10.1 Doug Ahlstrom showed the location of the property and said the DiMarzio's requested purchasing a piece of city property adjacent to their home. He noted that this is not an encroachment. The DiMarzio's had the property surveyed and found that there is a sliver of property along the side of the DiMarzio property which also belongs to the city. The property along the side of the house was dedicated to the city by the developer, and the city has the right to convey that property only to a 501(C)(3) operation or governmental entity and must have a conservation easement on it. The triangle behind the house was purchased by the city with the Suncrest property and can be sold if the council so desires. Mr. Ahlstrom said he compiled property prices from the MLS to show sale prices and said the average is about \$6.40 per square foot.

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10.2 David DiMarzio said the sliver of land on the side of the house is not important to them. He said an appraiser told him the triangular property would add no value to his home. He said \$6 per square foot is expensive for the property. Mayor Smith said in some sense all property has some value. Councilmember Colbert said the council must be consistent.

Mayor Smith thanked Mr. DiMarzio for coming to the city and approaching it proactively. Councilmember Stenquist asked if the council could discuss the price in closed meeting. Councilmember Colbert said the price has been \$9.00, which does not need to be a reasonable price. Mr. DiMarzio said if he doesn't buy it, no one else would. Councilmember Rappleye asked if the property could be declared surplus and then price negotiation discussion could be held.

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10.3 A motion to approve declaring the property surplus and authorizing the sale of the property at a price to-be-determined was made by Councilmember Rappleye and seconded by Councilmember Stenquist.

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10.4 The motion carried with Councilmembers Rappleye, Stenquist, and Summerhays voting in favor and Councilmembers Colbert and Walker opposed.

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10.5 Councilmember Summerhays said he would like to sell the property to have the money to spend on parks and trails. Councilmember Rappleye said the lot is shaped oddly and it would be logical to square off the lot.

11.0 Council/Manager Reports (continued from study meeting)

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11.1 Councilmember Walker said he would like to address lighting for UTA pedestrian crossings. He would like flashing lights and a cross walk.

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11.2 Councilmember Summerhays said a man would like to make a presentation for a recreation vehicle trail or park on the Suncrest property. Councilmember Colbert said he would not like to see the viability of parcels destroyed for financial benefit. Councilmember Rappleye said he toured the area and there are good points to their request. He suggested that those involved make a map about the area that they want. He suggested touring Alpine's ATV park.

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11.3 Councilmember Colbert said we need to move forward with the Urban Wildland Interface FireWise program to allow people to do fire mitigation adjacent to their own property. Councilmember Rappleye suggested looking at the FireWise program implementation in Emigration Canyon. Councilmember Colbert also asked that we get a written agreement to use the UTA parking lot for Draper Days. He also asked that the UTA Eco-pass be considered next year.

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11.4 Danyce Steck reminded the council that the sales tax revenue report is in the council packets. Councilmember Stenquist noted it was up 12% in March. Mrs. Steck said we are pretty close to being on-target with the budget.

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11.5 Troy Wolverton reported that a meeting was held with the residents on 13200 South regarding the roadway cross section for Phase 2. The residents' request was to eliminate the center turn lane, have 10 foot shoulders, eliminate the park strips and move utilities to front yards, reduce the sidewalk width to 4 feet, reduce the speed limit to 25 mph, cross walks and crossing flags at Ptarmigan Gate Road, to connect streets improvements at 13200 South and at Walden Lane-Willow Springs, bury power lines, and provide a four-way stop sign at Fort Street for two years. Mr. Wolverton showed options for the cross section. Option 1 is what is being constructed to the east: a 66' right of way with a center median, 5' sidewalks, 3.5' park strips, and 5' shoulders. Option 2 does not have the center turn lane and increases the shoulders to 6' and a 5' bike lane. Mr. Wolverton said this option provides growth opportunity if a center median is needed in the future. Mr. Dobbins said he tried to explain to the residents that this council or a future council could make the striping change at any time. He said the residents really wanted on-street parking, and this option gives more room for that. The third option has a 61' right of way and does not have a median, has a 10' shoulder/ bike lane and a 7' sidewalk, and eliminates the park strip. He noted the utility easement is in the front yard and there will be signs and mailboxes in the sidewalk width. There would be additional cost to re-do the survey, titles, appraisals, and utility relocation designs. The consensus of the council was to proceed with Option 2. Mr. Wolverton recommended moving forward with the four-way stop sign on Fort Street and not go for another bid at this time. Mr. Dobbins said property negotiations could continue and bids will be scheduled for early next spring. Councilmember Rappleye said there was an option about park strip landscaping on 300 East. Mr. Wolverton said that is an option, but noted there is also maintenance on rock areas. Mr. Wolverton also told the council that bids were opened for the South Mountain Golf Course erosion control issues. The two bids were quite a bit higher than the engineer's estimate. The contractors said they were more interested in getting the bid for the 13490 construction project and did not take time to bid this project carefully. Staff will rebid the project in the fall to try to get better pricing.

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11.6 Rhett Ogden gave an update on the parking at Galena Park. He said the situation has improved. There has been more signage put up. He also said he put a brochure out about the amphitheater season. He invited attendance at the events.

12.0 Adjourn to Closed Meeting

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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 Colbert. The motion carried unanimously.

- 12.2 Following the closed meeting, a motion to adjourn was made by Councilmember Colbert and seconded by Councilmember Rappleye. The meeting adjourned at 9:15 p.m.**