

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, AUGUST 27, 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 Colbert, Bill Rappleye, Jeff Stenquist, and Alan Summerhays. Councilmember Troy Walker was excused.

STAFF PRESENT: David Dobbins, Doug Ahlstrom, Angie Olsen, Russ Fox, Keith Morey, Bryan Roberts, Glade Robbins, Bob Wylie, Garth Smith, Rhett Ogden, and Joe Bryant.

Study Meeting

1.0 Call to Order

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

[7:16:00 PM](#)

2.0 Comment/Prayer and Flag Ceremony

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2.1 The prayer was offered by Public Works Director, Glad Robbins. The pledge was lead by Assistant City Manager, Russ Fox.

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3.0 Presentation – Community Foundation and Draper Days Report.

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3.1 Robin McCulloch, President of the Draper Community Foundation provided a brief summary of the recent Draper Days celebration. He thanked the core-committee members and introduced Hugh Haddock, Vice President of the Draper Community Foundation and Chair of the Draper Days Committee as well as Doug Goddery and his wife Marsha who have ran the rodeo for many years; this year the rodeo was exemplary and very well attended. He turned the time over to Mr. Haddock who explained the revenues generated by the event increased 30 percent over last year’s event; the total income or revenue was approximately \$140,000. The overall expenses increased slightly this year, but the bottom line is that the event cost the City of Draper approximately \$32,000, which is a decrease of \$12,000 to \$15,000 over last year. He thanked the Council and City Administration for their support of the event and reiterated Mr. McCulloch’s thanks to the core-committee members as well as sponsors of the various events. He noted the committee has meet in a debriefing meeting to determine if there

are ways to improve the event next year and it is important to note there were very few complaints, if any.

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3.2 Councilmembers Summerhays and Stenquist commented on how great they thought the celebration was this year. Councilmember Summerhays asked if there is any way to designate an area for teenagers to congregate because they currently only congregate near the food areas, which can be problematic. Mr. Hadsock stated there were attempts at designating a teenager area last year, but it was hard to drive the teenagers out of the food court area. He offered a few ideas the committee has discussed to try to address the issue again next year as well.

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3.3 Councilmember Colbert stated that with the opening of the new TRAX line there will be greater public access to Draper Days next year and participation levels will likely increase. Councilmember Stenquist agreed and stated that he parked in the TRAX parking lot this year and he think many people will do the same next year; it provided easy access to the fireworks show. A short discussion regarding attendance levels ensued with Mr. Hadsock communicating that the overall attendance numbers were approximately 75,000 to 80,000. Councilmember Colbert stated the attendance levels for the car show seemed somewhat low. Mr. Hadsock stated the committee actually conducted a survey to determine what events draw people to Draper Days and the top response was the car show.

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3.4 A short discussion regarding the parade ensued with all comments being positive regarding the parade entries. Councilmember Stenquist thanked all City staff that was involved with organizing the Draper Days event and he noted that he does not think many people understand all the work that goes into an event like that.

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3.5 Mayor Smith stated Draper Days is very much a historical tradition and he appreciates everyone that get involved to share their talents as well as their leadership abilities to make the event happen. He provided a brief history of the evolution of the event and stated he hears a lot of comments about how wonderful the various activities are and how much they are improved each year. He asked that the positive feedback from the Council be passed on to the entire committee at their next meeting.

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4.0 Citizen Comments

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4.1 Cara Briggs, 1618 Cherry Creek Lane, stated she wanted to discuss the proposal that was made to the Council last week regarding the purchase of a strip of land east of her property; it borders her property and the Draper Canal Trail. It is a four foot section of

land with a very steep grade that causes potential liability to Draper City if trail-goers are not careful and paying attention. Ms. Briggs stated she asked an appraiser to come to her home and appraise the property and according to County records it is worth \$500. She offered that amount of money to the City for the strip of land.

Mr. Dobbins stated it would be appropriate for this issue to be discussed in a closed session relative to property acquisitions.

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4.2 John Felt, 126 W. 12300 S., stated he dry cleaning business has been open in Draper for five years and in those five years his business has grown to be the highest volume dry cleaning plant in the State of Utah based on the number of units produced on a daily basis. He stated he could not have had this type of success in any other location in Utah; his location is the best location of any dry cleaning business in the State and that is due to the vision of the Council that was in place 20 years ago when they were planning the growth of the City. He stated that today he wants to address an issue that the business owners on that side of the freeway deal with and he would like the Council to discuss it further at an appropriate time; he asked how it would be possible to attract businesses to that side of the freeway by altering regulations in a manner that would be different than those applied on the east side of the freeway. He stated there is a great opportunity to grow businesses on the west side of the freeway, but his business needs some sort of variance relative to signage regulations so that he would be allowed to have a digital or monument sign.

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5.0 Consent Items:

- a. **Resolution #13-45**, Amending Section 6060 & 6070 of the Personnel Policy regarding Drug & Alcohol Testing
- b. **Ordinance #1058**, Amending Section 3-2-130 of Draper City Municipal Code Re: Appeal Board

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5.1 A motion to remove item a from the list of Consent Items was made by Councilmember Summerhays and seconded by Councilmember Colbert. All voted in favor.

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5.2 A motion to approve Consent Items b was made by Councilmember Colbert and seconded by Councilmember Summerhays.

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

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5.4 Councilmember Summerhays addressed Human Resource Director Garth Smith regarding Resolution 13-45 relative to language regarding an individual who has an alcoholic beverage after work hours. Mr. Smith stated that in policy 6060, item four, the language currently listed in the policy is written in black font and it read:

Off-the-Job Prohibitions. Off-the-job use, possession, or sale of alcohol, illegal drugs, or controlled substances may subject an employee to corrective action if action impacts job performance.

Mr. Smith stated the same section has been modified to read as follows:

Off-the-Job Prohibitions. Off-the-job use, possession, sale, distribution, or consumption of alcohol, illegal drugs, or controlled substances may subject an employee to corrective action if any such actions impacts job performance, ability to perform their job, or workplace safety.

Mr. Smith stated that if an employee has a job that requires them to have a driver's license and that employee faces a driving under the influence (DUI) charge, the City needs to know about that because it can impact the employee's work on the job. He stated that if an employee is off the clock and at home they are permitted to use alcohol in a correct manner; the only time alcohol use becomes an issue is when it impacts an employee's job. He stated that could occur if an employee is on-call and required to be able to respond; this policy is intended to make sure the employees are aware of those issues and to protect the citizens from any risk.

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5.5 Councilmember Summerhays stated the only thing that is questionable to him is how subjective the policy could be. He stated if someone was drinking the night before being tested for drugs or alcohol, there could still be some alcohol in their system and he inquired as to the blood alcohol level that would need to be present in order for the City to consider that employee to be impaired. Mr. Smith stated if an employee came to work and showed signs or impairment the City would perform a reasonable suspicion drug test. Councilmember Colbert stated a reasonable suspicion drug test may be conducted, but asked what action would be taken if the blood alcohol level of the employee was only .01. Mr. Smith stated that the policy allows for a 0.04 blood alcohol level and that is based upon commercial driver's license (CDL) policies. He added that he has worked closely with the City's drug testing company and the City Attorney to develop the policy and he feels comfortable with it. Councilmember Summerhays stated he simply wanted to ensure there is a defined number that the employees can reference.

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5.6 City Manager David Dobbins stated he does not want the employees to feel they are being monitored on their time away from work and the only time the City will get involved is if it appears an employee is impaired to the point that they cannot perform their job.

Councilmember Colbert reported that in his line of work there are certain substances that are banned and there is a no tolerance policy relative to those substances.

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5.7 Mr. Smith stated the City's policies have not been updated in over 10 years and he feels City staff had done a very good review and update of the policies. City Attorney Ahlstrom added that this policy does not change any basics of the current policies; it merely adds professional terms and clarifications.

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5.8 A motion to approve Consent Item a Councilmember Stenquist and seconded by Councilmember Rappleye.

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5.9 Councilmember Colbert thanked staff for their work to clean up the policies of the City; he feels policies must be 'living' documents and that it is possible to find solutions to any problems with the policies before issues arise.

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

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6.0 Action Item: Resolution 13-48, Canvass of 2013 Primary Election Results

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6.1 Deputy City Recorder Olsen explained she has provided the Council with the Primary Election results that have been provided to the City by the County.

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6.2 Councilmember Stenquist moved to approve Resolution 13-48. Councilmember Colbert seconded the motion.

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6.3 Councilmember Stenquist commended Phillip Shell; he congratulated him on advancing to the General Election and noted that he is the only candidate that regularly attends City Council meetings; there are some candidates that have not attended a City Council meeting during their campaign, which is somewhat shocking.

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

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7.0 Action Item: Approval of Amendment #2 to Agreement #09-36 with Polaris for Consulting Services extending the contract term through 06/30/2014

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7.1 Finance Manager Joe Bryant explained this is a simple contract extension and the compensation to the consultant will remain the same at \$4,166; the expense has been budgeted and the total expenses are not to exceed \$51,800 for the contract term.

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7.2 Mayor Smith inquired as to how long the City has been working with the consultant, to which Mr. Bryant answered since 2009. Mr. Dobbins noted the firm represents the City well and they have helped to acquire federal funding for various projects.

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7.3 Councilmember Rappleye moved to approve Amendment #2 to Agreement #09-36 with Polaris for consulting services to extend the contract through June 30, 2014. Councilmember Stenquist seconded the motion.

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7.4 Councilmember Rappleye agreed with Mr. Dobbins that the consultant is very good at his job and every time it has been necessary to talk with State representatives in Washington D.C., he has been very helpful.

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7.5 A voice vote was taken with all Councilmembers voting in favor. The motion carried.

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8.0 Action Item: Agreement #13-113 with David Paul Rosen (DPR) & Associates for an Affordable Housing Needs Study.

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8.1 Community Development Director Russ Fox provided a brief history of the need for the agreement. He explained the Affordable Housing Study will give the City needed information to assist in the update of the General Plan and there are requirements by the State of Utah to have a moderate income housing plan, which will be developed with information from this study as well. The agreement will be funded with CDBG monies and it will be necessary to amend the budget to transfer money from the general fund to the Community Development Department budget and the contractor will be paid from that budget before being reimbursed by the County with CDBG funds.

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8.2 Mayor Smith inquired as to the length of time it will take to complete the study. Mr. Fox stated funds must be spent by December and the contractor is planning to provide draft plans by October in order to have them finalized by November.

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8.3 Councilmember Rapple moved to approve Agreement #13-113 with David Paul Rosen (DPR) and Associations for the Affordable Housing Study. Councilmember Summerhays seconded the motion. All voted in favor.

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9.0 Public Hearing: Ordinance #1059, Adjusting the City Boundaries between Draper City and Lehi City.

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9.1 Community Development Director Russ Fox explained that in July the City adopted a resolution to adjust the mutual boundaries between Draper City and Lehi following a request from Micron who was interested in developing their property within just one City rather than splitting it between Draper and Lehi. In addition, Dave Mast who owns the “hatchet parcel” resulting from a settlement agreement with Zion’s Bank, wants his property included in the boundary adjustment to allow his development to take place in Lehi. Mr. Fox reiterate the City has already adopted a resolution announcing its intent to adjust the mutual boundaries, and this public hearing is the next step in the process; if the ordinance is approved after the public hearing, the boundary adjustment process will be completed in Draper, though Lehi will need to do some additional work to finalize the process on their part. He noted there are five property owners in the area where the boundary adjustment will take place, with approximately 850 acres being impacted.

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9.2 Councilmember Stenquist inquired as to the total amount of property tax the City will lose as a result of this boundary adjustment. Mr. Fox stated the he does not know the answer to that question and noted the property is currently undeveloped. He added the future plans for the Micron property is a residential development, which does not generate much in the way of property tax revenues; when comparing the amount of money that would be expended for City services to the amount of property tax revenue that would have been received by the City, it makes financial sense to approve the boundary adjustment so that the property is in Lehi.

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9.3 A short discussion focusing on potential legal liability that would be present if the City were to refuse to adjust the boundary lines then ensued, with Mr. Dobbins reiterating the City would be required to provide services to the development if it were in Draper and it would be difficult to do that. Mayor Smith thanked the staff for their work and

analyzation of all angles of this issue; it has taken a couple of years to get to this point and this is a result of two cities and a developer working together amicably.

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9.4 Mayor Smith opened the public hearing. There were no comments and the hearing was closed.

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9.5 Councilmember Summerhays reiterated Mayor Smith's comments that this issue has been discussed for years and the boundary line adjustment is ultimately the best thing to do for all parties and the citizens of both communities.

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9.6 **Councilmember Rappleye moved to suspend the rules. Councilmember Colbert seconded the motion. All voted in favor.**

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9.7 **Councilmember Rappleye moved to adopt Ordinance #1059, Adjusting the City Boundaries between Draper City and Lehi City. Councilmember Summerhays seconded the motion.**

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9.8 Councilmember Rappleye agreed that this issue has been discussed at length and he feels the City has performed its due diligence. He added it is in the best interest of all parties involved and that is why he supports the action.

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9.9 Councilmember Stenquist stated that even though he thinks this is the right thing to do, it is important to note that the total size of Draper City will be reduced by about 1,000 acres and that is somewhat sad. He reiterated, however, that the action is best for all parties involved. He added that the residents moving into the Micron development will likely access the City's trail system and he would like to consider an interlocal agreement with Lehi regarding participation in maintenance of those trails.

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

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10.0 **Council/Manager Reports**

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10.1 Councilmember Summerhays referenced the comments made during the public comment portion of the meeting regarding business signage and he agreed that it would be appropriate to consider the signage regulations for the business area on the west side of

the freeway near Bangerter Highway. There is a lot of growth in this area and he would like to direct staff to consider potential changes to the signage regulations; he would like to be proactive rather than reactive to future issues or problems. Mayor Smith agreed and stated that it may be appropriate to discuss the issue further in a study session. Mr. Fox stated there are several issues that could be discussed during a study session meeting regarding signs.

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10.2 Councilmember Stenquist raised an issue regarding traffic associated with new schools in the area. One issue he is concerned about is the fact that kids are using the crossing at the Metro Water Trail on 1300 East to get to the middle school; he has seen it happening in the morning and when it is dark in the morning cars might not see kids crossing the road in that area. Mr. Dobbins stated that the City planned to wait a couple of weeks into the school year to see what routes are being used by kids walking to school before recommending any sort of action. He added the City also needs to work with the school district to see what their plans are relative to safe walking routes. He added the City has hired a company to conduct traffic counts at various intersections throughout the City. Councilmember Summerhays stated he has only seen one person walking across Fort Street in the past two weeks since school has opened, but there is a crossing guard in that area. He wondered if it would be good to conduct a count of kids walking to school to evaluate the need for crossing guards.

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10.3 Councilmember Rappleye suggested asking the Sign Code Task Force to begin working again; they were well received and it provides a good educational tool to share with residents and businesses alike. He then asked when the fence reimbursement agreements for 700 East will be on the agenda. Mr. Dobbins stated he is not sure of the date, but noted it will require a 14-day noticing period. Councilmember Rappleye then stated has been keeping an eye on parking in the TRAX lot and he is surprised, but there does not seem to be a problem with overflow onto public streets. He noted there are a lot of bikes at the station and it may be more important to provide additional bike racks. Councilmember Summerhays stated that he has seen secure bike racks in Portland, Oregon and it may be nice to purchase a few of those and see if they are well received. Councilmember Rappleye stated that the bikes at the TRAX station are very visible and that may deter vandals or thieves. He then stated that he has also been trying to monitor school traffic since school started and the only thing he has noticed that is troublesome is a few kids driving from the high school that were speeding on Lone Rock Drive while other students were walking on the shoulder of the street; the vehicle he saw was travelling at a speed of at least 45 or 50 miles per hour.

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10.4 Councilmember Stenquist said he has heard from a few residents that are concerned about the noise generated by TRAX trains and his suggestion is that they contact the Utah Transit Authority (UTA) and if they do not get a response the City can help to reinforce their complaints. Mr. Dobbins stated UTA has heard some of the complaints and they

have contacted him to explain they will conduct some noise tests and report back to him within the next couple of weeks regarding their analysis. Councilmember Summerhays stated the excessive noise only exists in a specific area. Mr. Dobbins agreed and stated UTA will conduct an overall analysis of the noise issues and they will respond back to the City. Councilmember Stenquist then stated he did find out that anyone with a University of Utah event ticket can ride TRAX free to and from the event. He added he would like to see the City move forward with a modification to the Suncrest Development Agreement to transfer the HOA positions to Suncrest residents. Mr. Dobbins stated staff is reviewing that issue and after the number of units is determined it will be possible to determine the number of HOA seats that are available.

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10.5 Mr. Dobbins reported City Administration met with the Utah Department of Transportation (UDOT) today and they will have a new Region Two director soon. Mr. Dobbins provided a brief synopsis of the issues that were discussed during the meeting. A short discussion regarding the various aspects of the future Interstate-15 widening project took place between Mr. Dobbins and the Council. Mr. Dobbins then reported the Employee Appreciation Party is scheduled for September 6, 2013 and the Council and Mayor are invited to attend.

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10.6 Public Works Director, Glade Robbins reviewed a PowerPoint presentation focusing on the intersection of Bangerter Highway and 13800 South and he reported the City has hired a consultant to research the possibility of realigning the intersection. The consultant has provided four different alignments for the City to choose from and it is necessary to select one of the options in order for the project to move forward. He reviewed the aspects of each alignment and the impacts that each alignment would have on surrounding properties. He noted staff is recommending the fourth option. Councilmember Colbert agreed with the recommendation based on the fact that is the option that would cause the least impact to surrounding businesses. Mr. Robbins stated the project is 93 percent funded by UDOT and seven percent funded by the City; the projected cost of the project is \$1.38 million. A short discussion regarding what the project budget covers as well of the scope of the project then ensued. The final Council consensus was to support alignment four. Mr. Robbins then stated that during the last Council meeting Councilmember Walker asked staff to consider options for improving the South Field Park and he reviewed the proposal that was developed in 2012 to landscape the area and construct a trail around the park and he noted the cost associated with that project is \$110,000; if upgrades were made to provide a parking lot, picnic shelters, and a stream enhancement, that would cost the City another \$200,000. He added a dog park amenity would add another \$70,000 for a total estimate of \$380,000. Council discussion regarding the problems associated with the property then ensued with a focus on the water table in the area. Councilmember Colbert stated the property is wet about 80 percent of the time. Council consensus was to monitor the property over the winter months and see how much groundwater remains on the property in the spring.

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10.7 Recreation Director Rhett Ogden updated the Council regarding participation in the City's soccer, flag football, and softball programs; all programs are at capacity and the City parks are very busy right now. He then reported that the City will paint the curb red on the east side of the road at Galena Park to help with traffic congestion and parking issues there. Councilmember Summerhays stated he thought there is a significant amount of money that must be spent this year on Galena Park improvements to avoid refunding the money. Mr. Dobbins stated there is impact fee money that needs to be spent this year, but the maximum amount of money that can be spent at Galena Park has been reached. He noted there will be a need to have a discussion regarding a plan for using impact fee proceeds.

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10.8 Councilmember Stenquist reported the new Corner Canyon High School has the largest mountain biking team in the country. He added that the Utah High School Mountain Bike Races will be held in Draper and it is a big deal and is one of the largest well run races. He added that Corner Canyon is used by several high schools in the valley as a training ground and a lot of the teams have contributed work to the trail, which is a positive impact. The sport is unisex and the team is made up of a split of male and female members.

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10.9 Mayor Smith stated in the past the City has held periodic Town Hall meetings and he suggested that one be scheduled for October 29, 2013 to discuss various topics.

11.0 Adjourn

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11.1 A motion to adjourn to a closed meeting to discuss property acquisition was made by Councilmember Stenquist and seconded by Councilmember Rappleye. All voted in favor and the motion carried.