

Approved 12/17/13

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, DECEMBER 3, 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, and Councilmembers Bill Colbert, Bill Rappleye, Jeff Stenquist, Alan Summerhays, and Troy Walker

STAFF PRESENT: David Dobbins, City Manager; Russ Fox, Assistant City Manager; Doug Ahlstrom, City Attorney; Rachelle Conner, City Recorder; Keith Morey, Community Development Director; Glade Robbins, Bryan Roberts, Chief of Police; Public Works Director; Garth Smith, Human Resource Director; and Bob Wylie, Finance Director

Study Meeting

1.0 Dinner

[6:00:20 PM](#)

2.0 Presentation: Betterments of the Utah Department of Transportation I-15; SR-73 to 12300 South Widening Project.

[6:29:08 PM](#)

3.0 Presentation: 13200 South Cross Section

Business Meeting

1.0 Call to Order

[7:11:34 PM](#)

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

2.0 Comment/Prayer and Flag Ceremony

[7:12:09 PM](#)

2.1 The prayer was offered by Drew Zarboch from Scout Troop #1614. The flag ceremony was led by Alex Vance and Scout Troop #1565.

3.0 Citizen Comments

[7:15:51 PM](#)

3.1 Sunny and Tyler Leggett, 12841 South Ashton Brook Lane, introduced themselves. Ms. Leggett indicated they are here to talk about the curb, gutter, and sidewalk improvements the City is requiring them to put in for a home they are building at 12368 South

1700 East. Staff had given them two options, which had included bonding for the improvements and putting them in or pay in lieu of the improvements and hope that someday it will benefit them. They chose to pay for the improvements. No one involved believes the improvements will actually improve the streets. They will in reality be a nuisance. The proposed sidewalk would run into countless obstacles if it continued on the same path. Their improvements will sit twelve inches higher than the neighbors on the south side. There are no improvements on the west side of 1700 East for at least three blocks. The City Planners have advised there are no plans in the near future to put in the improvements. She expressed her opinion that the improvements will not benefit the neighborhood or the City. She said 1700 East has the same rural feel of Bolter and Relation Street and should be considered one of those country roads that have been deemed exempt from those requirements. Ms. Leggett indicated she understands why the deferrals went away; however, she asked that they be reinstated with a stricter set of rules and a more legal binding obligation. She asked the City Council to consider that as an option.

Mr. Dobbins advised the City Council had asked staff to change deferral agreements so they were not an option anymore.

Councilmember Summerhays noted the Leggetts would basically be the only ones on the street that has the improvements. He said he is not sure them paying the City \$7,600 for the improvements is the best answer. Mr. Dobbins clarified that those are the only two options the Council has given them.

Mayor Smith advised this has been an ongoing issue for many years. He asked whether there would be other homes built in the area. Ms. Leggett replied there are homes all around it. They tore down a dilapidated home to build their new one.

Mayor Smith indicated the Council's obligation is to follow the City ordinance. That is the issue they face here. The two options right now are to put in the improvements, or pay it in lieu.

Ms. Leggett stated a third option would be to add that road to the exemptions like Bolter and Relation Street.

Councilmember Colbert noted he would like to get the City Engineer's opinion about this.

Ms. Leggett indicated there is another home on the street that was in the same situation. The City allowed them temporary occupancy while this got sorted out. She said she asked for the same application and was told there is not one. Their neighbors moved in less than a year ago.

Mayor Smith said the City will look into this.

Councilmember Colbert said the Leggett's could go ahead and pay the money, and if the City decides to add this to the exempt streets, their money could be refunded.

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- 3.2 Ken Vance, 707 Golden Pheasant Drive, thanked the City Council for listening to the residents around Corner Canyon High School. They went through a very thorough and thoughtful process, and the City worked with them to come up with a solution that everyone could be happy with. He said, for the record, that the whole environment around the school is better than he expected. He thanked the City and the Police Department for their enforcement in the area.

[7:27:21 PM](#)

4.0 Consent Items

- a. Approval of November 19, 2013, Minutes
- b. **Agreement #13-183**, Addendum #1 Architectural Services for the New Police Department Addition
- c. **Resolution #13-57**, Reappointment of Laura Bakker to the Draper Tree Commission

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- 4.1 **Councilmember Stenquist moved to approve the consent calendar as listed. Councilmember Rappleye seconded the motion.**

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- 4.2 Councilmember Rappleye commented that Laura has done a terrific job on the Tree Commission. She is very good at reviewing the landscape plans, and she does that diligently.

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- 4.3 **A roll call vote was taken with Councilmembers Colbert, Rappleye, Summerhays, Stenquist, and Walker voting in favor. The motion passed unanimously.**

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- 5.0 **Action Item: Agreement #13-261, Approving a Purchase Agreement with John and Cara Briggs for Property Located Generally at 1620 East Cherry Creek Lane.**

[7:29:13 PM](#)

- 5.1 Russ Fox, Assistant City Manager, stated the City declared this property as surplus at the last Council meeting. This is the final step in the purchase agreement. The Briggs are offering \$1,200 for 870 square feet of property. At the last meeting, Cara Briggs indicated that only 238 square feet of that would be useable. In her calculations, they were actually offering closer to \$5 per square foot for the useable portion of the property.

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- 5.2 Councilmember Stenquist said he would like to further discuss the purchase price before the City Council takes formal action on this.

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- 5.3 Councilmember Colbert agreed with Councilmember Stenquist. He said he would like to discuss the price in a closed session.

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- 5.4 Mayor Smith recommended moving this item to the end of the meeting to allow the City Council to go to a closed-door meeting to discuss the sell price.

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- 6.0 **Action Item: Agreement to Amend the Purchase Contract with the Corporation of the Presiding Bishopric of the Church of Jesus Christ of Latter-day Saints for Property Located at the Corner of Manti Drive and Parowan Way.**

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- 6.1 David Dobbins, City Manager, explained the City Council previously agreed to sell a portion of Steep Mountain Park to the LDS Church for a chapel. The Church has requested to have the agreement amended.

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- 6.2 Mike Davey, applicant, advised the Church is asking to change one part of the contract. The purchase price states the Church can change the grade six feet in elevation at the property line that is common with the park. This property is located on Manti Drive, and they are basically digging a hole in that slope to make the grading work. It is a steep site. If they stick with the original purchase contract, they will have four sections of nine-foot retaining walls against the park area. They are proposing that instead of changing the grade by six feet, they change it up to thirty feet, which would allow them to have a three-to-one slope behind the retaining walls and to take out half of the retaining walls. In exchange for this, they would landscape the three-to-one slope with trees and bushes. They would also build up some area around the existing tennis courts and build up a flat area for more useable park area. He reviewed the plans on the aerial map.

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- 6.3 Councilmember Colbert asked whether they would be willing to work with staff on a design, so the area can be used as playing fields. Mr. Davey said they would. They have been working with Troy Wolverton and the Parks Department to establish a proposal for the City Council.

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- 6.4 Mr. Dobbins said the Church has proposed to install a sprinkler system, provide the fill, and provide the sod. This would essentially expand the useable park portion to create

more of a field area. Staff has looked at it, and they thought it was a good idea. He noted the City Council could make the approval subject to staff's final approval.

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- 6.5 Councilmember Summerhays asked whether they could reduce the slope to one half percent to make the area more useable. Having it at two percent is too much of a slope.

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- 6.6 Councilmember Colbert noted this would be beneficial for the Church activities and City activities.

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- 6.7 Mr. Davey advised if they do amend the purchase contract, they would not have to purchase as much property. That would reduce the amount the Church would be encroaching on the park.

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- 6.8 **Councilmember Rappleye moved to approve an agreement to amend the purchase contract with the Corporation of the Presiding Bishopric of the Church of Jesus Christ of Latter-day Saints for property located at the corner of Manti Drive and Parowan Way subject to staff's final approval of what is being proposed with the redesign. The motion was seconded by Councilmember Summerhays.**

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- 6.9 **A vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays and Walker voting in favor. The motion carried unanimously.**

- 7.0 **Action Item: Resolution #13-59, Amending the Previously Adopted Valley Emergency Communications Center (VECC) Interlocal Agreement.**

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- 7.1 Mr. Dobbins indicated the City Council recently amended an Interlocal agreement with VECC. There are two cities that wanted a minor change to that agreement. The change would state that any vote on an expenditure in excess of \$500,000 would require a super majority of the Boardmembers.

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- 7.2 **Councilmember Colbert moved to approve Resolution #13-59, amending the previously adopted Valley Emergency Communications Center (VECC) Interlocal Agreement. Councilmember Rappleye seconded the motion.**

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

8.0 Action Item: Ordinance #1079, Establishing a Temporary Land Use Regulation to Temporarily Prohibit the Establishment of Equipment Rental or Sale Businesses in the Community Commercial Zoning District.

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8.1 Keith Morey, Community Development Director, noted the City Council had asked staff to put together a moratorium while they changed the language to clarify which types of rentals would be allowed in that zone. This would give staff up to six months to make the changes; although, they do not expect to take that long.

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8.3 Councilmember Stenquist moved to approve Ordinance #1079, establishing a temporary land use regulation to temporarily prohibit the establishment of equipment rental or sale businesses in the Community Commercial zoning district. Councilmember Summerhays seconded the motion.

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

9.0 Action Item: Resolution #13-60, Amending the Consolidated Fee Schedule Regarding False Alarm Fees.

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9.1 Mr. Fox stated there was some concern expressed about the false alarm fees. Right now, the statute states that if someone has more than two false alarms, there is a fee for each responding unit. The concern was that if six or seven officers responded on an alarm, the person would be charged for each unit. The City's practice has been to only charge people for up to two officers or up to four officers for larger businesses. That language is already in the City Code. Mr. Fox noted he is proposing to amend the consolidated fee schedule to put in the maximum amount. The City allows two false alarms before they ever charge for a response. There is a \$55 charge for the third false alarm, \$80 for the fourth, and \$105 for the fifth false alarm. The fees are per responding unit.

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9.2 Councilmember Summerhays thanked staff for looking into this. He advised it could really hurt small businesses.

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9.3 Mr. Dobbins clarified that even though the consolidated fee schedule did not put a limit on the amount that is charged, it was written in the City Code. The City has never charged anyone for more than two responding units because the City Code did not allow it. This change makes the fee schedule consistent with the City Code.

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- 9.4 Councilmember Stenquist said he cannot imagine that just because a business has had three false alarms, they would send multiple units to check it out.

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- 9.5 Mayor Smith noted on the other hand, there could be a major event taking place that would require additional officers. The statistics show that most of the alarms are false alarms. Mr. Dobbins said that is correct. Approximately ninety-eight percent of the alarms are false.

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- 9.6 Councilmember Rappleye moved, by resolution, to approve Resolution #13-60, amending the consolidated fee schedule regarding false alarm fees. Councilmember Colbert seconded the motion.

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

The Council then continued the discussion of Item 5 regarding the John and Cara Briggs property purchase agreement.

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- 5.5 Councilmember Colbert moved to recess the City Council meeting and go to a closed meeting to discuss property acquisition and Councilmember Rappleye seconded the motion.

*****The City Council meeting recessed at 7:50 p.m.***

***** The City Council meeting resumed at 8:03 p.m.***

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- 5.6 Mr. Fox noted this is the property the City Council declared as surplus last week. The offer on the table is \$1,200 for the 870 square foot portion.

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- 5.7 Councilmember Summerhays moved to approve Agreement #13-261, which is a purchase agreement with John and Cara Briggs for property located generally at 1620 East Cherry Creek Lane for the purchase price of \$2,610. Councilmember Walker seconded the motion.

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- 5.8 A vote was taken with Councilmembers Rappleye, Stenquist, Summerhays and Walker voting in favor. Councilmember Colbert voted no. The motion carried with a majority vote of 4 to1.

10.0 Council/Manager Reports

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- 10.1 Councilmember Stenquist asked whether the City had formally changed the name of the road in front of the new high school to Charger Way and questioned when the new signs would be up. Mr. Robbins noted staff would take care of it.

Councilmember Stenquist said he noticed at the Lights on Ceremony last night that one of the exercise machines is gone. Mr. Dobbins explained they are relocating the equipment. They are working with Healthy Draper to find a place for them.

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- 10.2 Councilmember Rappleye stated he has been keeping an eye on the parking at the day barn since the train opened up. It is starting to pick up. Today there were eleven cars parked there. They park across from and to the east of the day barn all day. He recommended staff look at doing signage to try to alleviate the problem. This area is not for rail parking. Mr. Dobbins replied they can put up signs indicating the area is not for Trax parking to see if that will help. If it does not help, they will have to resort to putting up no parking signs.

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- 10.3 Mr. Dobbins presented a process to the Council for filling Mr. Walker's Council vacancy in January. The process is as follows:
- Send information notice to newspaper and post to website – Dec. 12 & Jan. 2
 - Newspaper notice – Dec. 16 & Jan. 7
 - Deadline for name submittal – Jan. 15
 - Interview each candidate and fill vacancy – Jan. 21

Subsequent to Council and staff discussion, the proposed schedule was agreed upon.

Mr. Dobbins then noted a couple of weeks ago there was an issue with an emergency call which caused Sandy City to leave VECC. Sandy City is now contracting with Salt Lake City to handle their dispatch. VECC handles Draper, Midvale, West Valley, and Murray. One of the issues that is happening is that when someone calls 911 on the border, depending on which tower the call hits, the caller might be forwarded to Salt Lake City and then transferred to VECC. They are aware of the issue and are trying to get it resolved.

Councilmember Summerhays asked why Sandy left VECC. Mr. Dobbins explained they said it was cheaper, and Salt Lake has better technology.

Councilmember Colbert said he worries when they have this type of thing, especially in an emergency. More and more people do not have landlines at home because they use cell phones as their main phone.

Councilmember Summerhays asked Mr. Dobbins to look at getting a bid from Salt Lake as well. Mr. Dobbins recommended they talk to Sandy City first. He said it is his understanding that Sandy did not save as much money as they thought they would.

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10.4 Councilmember Stenquist noted this is the first bad snow day of the year, and it contributed to something that is already a problem. The number of people dropping off their kids at the new Park Middle School was increased today because of the storm. This caused the traffic to back up from 1300 East and 13200 South all the way to Rambling and Highland Drive. This is because of the way the School District designed the ingress and egress and their drop off zones. The drop off zone needs to be redesigned because it does not work. He said the City needs to put some pressure on the District to fix the problem because it is impacting the City streets.

Mr. Dobbins noted he, Mr. Robbins, and Troy Wolverton went out there about one month ago because the school was concerned about the traffic. They looked at it and walked the entire site. The school is concerned about this as well. Their first reaction was asking what the City could do to fix the light. Staff determined it was not the light, so the school is working on making some reconfigurations internally to see if they can solve the problem. The school gets complaints from the parents as well. Mr. Dobbins said he will talk to the principal again and will let the Council know what comes from that.

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10.4 Garth Smith, Human Resource Director, reminded everyone about the Meet and Greet tomorrow for Emergency Preparedness from 7:00 p.m. to 8:30 p.m. He invited everyone to attend and handed out flyers with the information on it.

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10.5 Mr. Dobbins reviewed the options for 13200 South, which included:

- Option 1
 - 66' right-of-way
 - Future center turn lane
 - 2 travel lanes
 - Bike lane
 - Shoulder
 - Curb and gutter
 - Park strip
 - Sidewalk
- Option 2
 - 57' right-of-way (neighborhood recommendation)
 - 2 travel lanes only
 - Shoulder wide enough to accommodate bike lane
 - Curb and gutter
 - Sidewalk with power poles and utilities on the back side of sidewalk in the yards

Mr. Dobbins noted they had discussed that if the City Council wanted to designate this as a bike facility, they would need an eight-foot recommended lane with a seven-foot minimum, so they would have twelve feet for that area. They would have two travel lanes and then the twelve feet. Then they would get into the issue about how wide the sidewalk is and whether or not to have a park strip. Potentially, if the Council did not want the bike lane, they could have two travel lanes at eleven feet, a minimum six-foot shoulder, curb and gutter at two and one-half feet, and an eight and one-half foot park strip with sidewalk. That would be a total of fifty-six feet if the Council went that route. That would mean no possibility of a center turn lane in the future. He asked the Council what they wanted to do.

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Councilmember Colbert said the City has already acquired the right-of-way at sixty-six feet for most of the properties in that area. The City Engineer is recommending sixty-six feet. Councilmember Colbert said he understands the neighbors and some Council Members feel it is too wide for what they need right now. However, he feels that they should just do it according to the national standard, keep the bike lanes, and keep the width at sixty-six feet. That is what the City has planned all along, and that is how it has been designed.

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Councilmember Rappleye said he is favor of the fifty-eight feet; however, trying to put the sidewalks on the inside of the thing creates a problem. Even if they narrowed the parks strips, they are better served to put the utilities inside the park strip. He said one side of him is saying that the only way to really do this is the sixty-six foot width.

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Councilmember Stenquist noted if he goes component-by-component, he believes they need the park strip, and he likes the idea of having a future option of a center turn lane. However, he would be willing to give up the center turn lane to bring the width down a little bit. He would be agreeable to go with the sixty-six feet as well. The area he is willing to compromise on is the center turn lane.

Mr. Dobbins explained if they want the bike lane, they need the five-foot bike lane with a seven-foot shoulder.

Councilmember Stenquist stated he is in agreement with the other two Councilmembers with the sixty-six foot width.

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Councilmember Walker said he would be fine with eliminating the center turn lane forever. His one concern about the road being sixty-six feet wide is whether or not it really needs to be that wide. It is wide at the east end and across Fort Street. His one concern is about the speed and maybe striping the sixty-six foot down and taking the striping out of the turn lane would work. He said he is in favor of taking out the turn lane

permanently, so that width does not have to be planned for. He has changed his mind on the park strip sidewalk. He can see why the park strip needs to be there for the utilities. He said he is not convinced that the road will ever need to be that wide. That being said, he noted he is one hundred percent in favor of opening 13200 South across the rail line. The City needs to get that done if they can. Councilmember Walker said he does think they need the park strips and the sidewalk on the other side of the park strips, and he is in favor of not having the center turn lane. He noted if they need it in the future, they would have to tear out the road.

Councilmember Rappleye said that is what is throwing him off. To make a narrower pavement width, they are just increasing the width of the park strip. He cannot see an advantage of doing that. He advised it would, however, take out fewer trees, which he is in favor of.

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Councilmember Summerhays said the City started at sixty-six feet at the top, went down one-third of the way, and now they want to narrow it down to fifty-seven feet. He noted he can see where everyone is coming from, but the City hired the City Engineer for a reason. Councilmember Summerhays said he might be wrong, but he feels it is working fine right now. He said he would like to give it a little time before the City does anything. However, he said he does not want to see anyone get killed on the street.

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Mayor Smith thanked the Councilmembers for their comments.

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Mr. Dobbins indicated another issue they have not discussed is the intersection. He asked whether the City Council wanted the roundabout or a four-way stop. Staff needs to know how to connect the road at the intersection.

Councilmember Stenquist said he would like to have a roundabout. However, he is not sure how to make it safe for pedestrians. He expressed his opinion that they should plan for a signal light, but leave the stop signs there for the time being.

Councilmember Colbert agreed. He said if there was some way to signalize the roundabout he would be in favor of that.

Mr. Dobbins clarified that staff will plan to widen it out, stub the utilities, and keep the stop signs for the time being. He noted the neighbors wanted to have another public hearing to voice their opinions. The City Council noted they have held many public hearings on this already.

11.0 Adjournment

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- 11.1 A motion to adjourn was made by Councilmember Summerhays and seconded by Councilmember Walker. The motion passed unanimously.**