

Approved 1/13/15

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, DECEMBER 16, 2014, 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 Troy Walker, and Councilmembers Bill Colbert, Bill Rappleye, Jeff Stenquist, Alan Summerhays, and Marsha Vawdrey

STAFF PRESENT: David Dobbins, City Manager; Doug Ahlstrom, City Attorney; Rachelle Conner, City Recorder; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; Bryan Roberts, Police Chief; and Garth Smith, Human Resource Director

Study Meeting

[5:03:50 PM](#)

Interviews: Traverse Ridge Special Service District Administrative Control Board Applicants

The City Council gave each applicant a few minutes to tell why they want to serve on the Traverse Ridge Special Service District Administrative Control Board and to answer questions.

[5:04:29 PM](#) – Amy Baird

[5:06:53 PM](#) - Natalie Bennion

[5:08:22 PM](#) - Blaine Carlton

[5:10:43 PM](#) - Nathan Lunstad

[5:12:53 PM](#) – Greg Nuzman

[5:17:41 PM](#) – Dan Wheatley

Dinner

[5:43:29 PM](#)

Presentation: Proposed List of Capital Improvement Projects

Glade Robbins, Public Works Director, reviewed the proposed Capital Improvement Project List as follows:

- Backup/Standby Power for Each Pump Station
 - Required by State Code Section R309-540-5(6)(f)
 - Cost Estimate \$874,000
- Pressure Reducing Valve Stations
 - Cost Estimate \$270,000
- Traverse Ridge Road Widening
 - Draper Heights to Steep Mountain Drive

- Cost Estimate \$750,000
- Pioneer Road Widening
 - 600 East to 900 East
 - Cost Estimate \$2,500,000
- 300 East Road Widening
 - 12450 South to Carlquist Drive
 - Cost Estimate \$2,450,000
- 13800 South Street Widening
 - 300 East to Fort Street
 - Cost Estimate \$2,950,000

David Dobbins indicated staff is recommending they do the two water items on the list this year. There is money available for those projects in the Water Fund. Staff will go over the budget and bring back the priority list and funding options to the City Council for their consideration of the other projects.

[5:58:19 PM](#)

Presentation: 1700 East Gas Line

Gaylon Sorensen, Questar Project Manager, introduced Terry Workman, Rick Elstrom, and Tony Billings as the project team for the 1700 East Gas Line Replacement Project.

Mr. Sorensen advised they will be replacing their feeder #6 gas line, which was installed in the late 1940s. The current location is grown over, and the right-of-way has been landscaped and built over. They have looked at alternate routes. He displayed the routes for the Council. The options are to go with the existing route, which goes through yards, and they have also looked at going into the street in some areas.

Mr. Billings indicated the residents are opposing Questar going into the street, and they have threatened legal action to stop the project. The people that have the line in their yard would probably rather it go in the street, and those that do not have it in their yards do not want it in the street. Mr. Billings said they are confident they can use either route for the line. They have a sixteen-foot easement available. He asked the City Council whether they have a preference of which route they use.

The consensus of the Council was to go through the road.

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Adjourn to a Closed-Door Meeting to Discuss Litigation and Property Acquisition.

Business Meeting

[7:01:28 PM](#)

1.0 Call to Order

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

[7:03:49 PM](#)

2.0 Comment/Prayer and Flag Ceremony

[7:04:13 PM](#)

2.1 The prayer was offered by Jacob Wright, Scout Troop #1334.

[7:04:39 PM](#)

2.2 The flag ceremony was presented by Scout Troop #1334 and was led by Logan Christiansen.

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3.0 Public Comments

3.1 No one came forward to speak.

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4.0 Consent Items

- a. Approval of December 2, 2014, Minutes.
- b. Approval of Resolution #14-69, Appointment of City Treasurer. Staff: Garth Smith
- c. Approval of Resolution #14-70, Adopting the 2015 Water Conservation Plan Update, Dated December 2014.
- d. Approval of Resolution #14-74, Adopting the 2015 Annual Meeting Schedule.
- e. Approval of Agreement #14-299, Roan River Ranch Subdivision Assessment-in-Lieu.
- f. Approval of an Amendment to Agreement #12-47, Amending the Reimbursement Agreement with M&M Automotive.

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4.1 Councilmember Stenquist moved to approve the consent items. Councilmember Vawdrey seconded the motion.

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

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5.0 Action Item: Resolution #14-75, Appointing Members to Serve on the Traverse Ridge Special Service District Administrative Control Board

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5.1 David Dobbins, City Manager, indicated the action tonight is for the City Council to appoint five members to serve on the Traverse Ridge Special Service District Administrative Control Board. The Council interviewed six applicants earlier in the meeting. They will be appointed to staggered terms, and the City Council will need to include in the motion the names of the five individuals.

[7:12:12 PM](#)

5.2 Mayor Walker noted the six applicants are Amy Baird, Natalie Bennion, Blaine Carlton, Nathan Lunstad, Greg Nuzman, and Dan Wheatley. He expressed his appreciation to everyone who was willing to put their name in to serve on the Traverse Ridge Special Service District Administrative Control Board.

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5.3 Councilmember Stenquist noted the resolution specifies that three of them will have four-year terms and two of them will have two-year terms. So the City Council will have to make that determination as well.

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5.4 **Councilmember Rappleye moved to appoint Amy Baird to serve a 4-year term, Blaine Carlton to a 2-year term, Nathan Lunstad to a 4-year term, Greg Nuzman to a 2-year term, and Dan Wheatley to a 4-year term. Councilmember Colbert seconded the motion.**

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5.5 Councilmember Summerhays asked whether they can have an alternate.

Councilmember Colbert stated all six candidates were quality candidates, and it was difficult to make the choice to eliminate one. However, it would be up to the new Board to determine whether it is beneficial for them to have alternate board members.

Mr. Dobbins indicated it was not included in the resolution or the noticing, so they cannot do that.

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

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5.7 Councilmember Rappleye noted he expects those serving the two-year term to be reappointed if that is their desire.

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6.0 **Public Hearing: Resolution #14-72, Notice of Intent to Create a Special Assessment Area for the White Mountain CSD. Consideration for Adoption of a Resolution of the City Council of Draper City, Utah, Declaring its Intention to Designate an Assessment Area for the Purpose of Levying Assessments Against Properties within the Assessment Area to Finance the Construction and Installation of Road, Sewer, Storm Water, Culinary Water and Related Improvement Related Matters**

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6.1 David Dobbins, City Manager, stated this will be the extension of Lone Peak Parkway. The City received some funds from the County to help reconstruct this road, and the

remaining portion will be paid for by the adjacent property owners. To do that, they have agreed to do a special assessment area. There is one property owner, and this was their idea.

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

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6.3 Councilmember Colbert moved to approve Resolution #14-72. Councilmember Summerhays seconded the motion.

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

[7:19:12 PM](#)

7.0 Action Item: Presentation of the Audit for the Fiscal Year Ending June 30, 2014. Presentation of the Fiscal Year 2014 Annual Audit and Financial Statements. Presenter: Rob Wood from Hansen, Bradshaw, Malmrose & Erickson, PC

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7.1 Bob Wylie, Finance Director, introduced Rob Wood as the audit manager on this project. Mr. Wylie publicly thanked the Finance staff for all of their work on this report.

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7.2 Rob Wood, Hansen, Bradshaw, Malmrose & Erickson, expressed appreciation to City staff for their help in completing the audit. He reviewed the highlights of the audit and stated they have given the City a “clean” audit opinion. They found no material misstatements in the financial statements for each of the respective funds, both governmental and business type.

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7.3 Councilmember Rappleye moved to accept the audit report as presented. Councilmember Summerhays seconded the motion.

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7.4 Councilmember Rappleye said it is exciting to be on the Council at this time. The City is doing a wonderful job in terms of its finances, and a lot of that credit goes to Mr. Dobbins and his staff. The one thing that is paramount for an elected official is to have confidence in the staff. This is a good report card. He said he is excited to see what the City will do next year, because they are moving so many things in the right direction.

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

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7.6 Mayor Walker indicated they are very fortunate to have the staff they do. The City has been fiscally responsible with the funds and will continue to do so.

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8.0 Public Hearing: Resolution #14-73 Declaring Portions of Draper Historic Park Property as Surplus and Approving a Boundary Agreement with Surrounding Property Owners

[7:29:40 PM](#)

8.1 Mr. Dobbins displayed the subject property on the overhead map. He indicated the property is the parking lot of the Draper Historic Park and the surrounding parcels. The surveys of this area were off by a couple of feet. This boundary agreement will correct any boundary discrepancies.

[7:31:03 PM](#)

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

[7:31:13 PM](#)

8.3 Councilmember Vawdrey moved to approve Resolution #14-73. Councilmember Rappleye seconded the motion.

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8.4 Councilmember Rappleye indicated one of the property owners approached him about this issue about two years ago. Councilmember Rappleye said he directed the individual to work with City staff to get this taken care of. He expressed appreciation that staff was able to work through this to make it a win-win for the property owners and the City.

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

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9.0 Public Hearing: Ordinance #1138, Request for Approval of a Zone Change from RA1 to R3 on 4.63 Acres Located at Approximately 12980 South 300 East. The application is otherwise known as the Carlquist Rezone Request.

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9.1 Keith Morey, Community Development Director, displayed the subject property on an overhead map. The request is to rezone the property from RA1 to R3. The Planning Commission has forwarded a positive recommendation for this application.

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9.2 Councilmember Rappleye asked whether this has been referred to the Army Corp of Engineers to make sure it does not intrude into the wetland area. Mr. Morey replied staff

has reviewed it, and the area that is not being included in the rezone has been identified as a potential wetlands area.

Councilmember Rappleye then noted the City has a problem with the groundwater in this area. He asked whether that has been checked. Mr. Morey advised the applicant is very aware of the water issues. He can address those when he speaks.

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9.3 Ryan Button, applicant, noted he held a neighborhood meeting a few months ago, and it was well attended. He loves holding those meetings because the people living in the area know more about the property than anyone else. It was a productive meeting, and they were able to talk about access, drainage, water table, etc. He stated he has been working with a wetland engineer to determine what is happening with the property. They have done things to determine what the water table is doing on the property. Right now he is just planning to develop the west half of the property.

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9.4 Councilmember Summerhays noted the applicant piped off the existing ditch. He asked whether the ditch is active. Mr. Button explained it is a lateral ditch that comes off the east Jordan canal. It is what keeps Brown's Pond full.

Councilmember Summerhays advised he knows this is just a zoning request, but the cattails are indicative of wetlands. He asked whether the Corp of Engineers has designated this area as wetlands. Mr. Buttons replied it shows some areas that they have identified as potential wetlands, but this is classified as manmade and not natural. He has hired a wetland engineer to help with the issues.

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

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9.6 Councilmember Colbert moved to approve Ordinance #1138. Councilmember Vawdrey seconded the motion.

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9.7 Councilmember Colbert expressed appreciation that the applicant understands the groundwater issues and is already addressing some of those. This has been a challenge in that area of the city, and he stated he believes the applicant will address those appropriately.

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

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10.0 Action Item: Galena Park Townhomes Plat Amendment #2, request to amend the plat by moving the south property line north approximately twenty-three feet so the turn-around hammerhead is on Rocky Mountain Power property

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10.1 Mr. Morey noted the final plat was approved for the Queen of Heart townhomes in July. Rocky Mountain Power has insisted that the plat be amended because they would like the majority of the hammerhead on their property.

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10.2 Councilmember Colbert asked whether all of the agreements are signed. Mr. Morey stated they are.

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10.3 Councilmember Colbert then questioned whether Rocky Mountain Power would maintain the hammerhead.

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10.4 John Wilson, applicant, stated there is a perpetual easement that the developer will receive for this that will go to the HOA. They will maintain it. There will be no parking signs posted there.

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10.5 Councilmember Stenquist moved to approve the Galena Park Townhomes Plat Amendment #2. Councilmember Summerhays seconded the motion.

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

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11.0 Action Item: Agreement #14-302, Approval of Agreement to Sell Draper Park School Property to Godfrey Properties & Design

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11.1 Mr. Dobbins explained the City Council decided some time ago to resolve what to do with the Park School property. Some people have wanted to save the structure, while others wanted to tear it down. The Council declared the property as surplus to allow it to be sold, and they have been working with a group of Draper residents who wanted to save the school. The group had a deadline of the end of December 2014, to come up with the funds to purchase it. Last Month, Greg Godfrey and Brent Anderson toured the building and have made a proposal to purchase the property. They have offered the City \$850,000 to purchase the Draper Park School with the intent of trying to save at least a portion of the original school. The City's hope in selling the property was to have it developed into some type of economic development in the Town Center. He expressed

his opinion that this proposal satisfies almost all of the criteria the City was hoping for. The buyers are local guys who have an interest in trying to benefit the city. They are willing to purchase the property for what he believes is a fair market value given that it has issues that need to be addressed. The action tonight is for the City Council to grant the buyers a due diligence period to look into the details of the building to see what they can do with it and what it will cost. The offer is to buy the property for \$850,000 with the intent to save it. If it turns out that saving the building is too expensive, they would still like to move forward with the purchase of the property and build something new. After the end of December, the City Council would have been tearing down the building if it had not sold.

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11.2 Councilmember Summerhays commented that the Draper Community Development Corporation turned it over to the Godfrey's to purchase the building. They are in favor of this proposal.

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11.3 Brent Anderson, realtor, noted he is a real estate broker in the valley. The Godfreys are his clients, and they are interested in purchasing the Draper Park School. Mr. Godfrey is responsible for Nitro Circus and Thrillbillies. He is a writer and developer of different movies, ideas, and concepts. He is involved with a whole different world of people and businesses that are not here now but would be valuable to Draper. The history and significance of the building is what drew them to the Park School, and their objective is to preserve as much of the history as possible for the residents. Mr. Godfrey is a resident of Draper, and he would like to see that area developed into something that will enhance the City and become the center of Draper. Their intention is to spend quite a lot of money to put their plan in place. Mr. Anderson then reviewed the deadlines in the agreement. The seller's disclosure deadline is one week after the execution of the contract. The next deadline is the buyers due diligence, which is March 1, 2015. The buyers will be communicating their findings through Mr. Dobbins. Mr. Anderson stated they have worked with the Historic Preservation Society to determine the state of the building. The next deadline is for the earnest money on April 1, 2015. If they can meet all of these deadlines sooner, they would like to do that. They would love to be able to close on the building sooner rather than later.

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11.4 Councilmember Colbert asked whether all of the data the buyers acquire would be given to the City. Mr. Anderson said that would be up to the client; however, he does not see any reason why it would not be.

Councilmember Colbert then questioned how the City would be indemnified during this process, as there will be a lot of people in the building. Mr. Dobbins advised anyone entering the building be will required to sign the release of liability form.

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11.5 Greg Godfrey, applicant, indicated he lives in Draper, and he loves it. He is not a developer; however his business has been fairly successful. They have an opportunity to build an arts center and an area to bring people from all over the world to develop stories and other avenues dealing with filmmaking. He has contacted some friends in the industry, and they want to join him. This is a fun project that is close to his heart, and he has a lot of ideas for the building that will enhance Draper and will make it a destination.

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11.6 Councilmember Vawdrey moved to approve Agreement #14-302. Councilmember Summerhays seconded.

Councilmember Vawdrey indicated she feels like this is a win-win-win for the City's residents, the Historic Preservation Society, and economic development. That has been the Council's desire all along.

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11.7 Mayor Walker noted this has been an interesting process, and there have been so many residents that have put a lot of time and effort into the preservation of this building. He thanked everyone involved in this process.

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

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12.0 Public Hearing: Lone Peak Business Park Minor Subdivision. Request for approval of a minor subdivision plat for Lone Peak Business Park on 14.24 acres of property, located at 12044 South Lone Peak Parkway. The application is otherwise known as the Lone Peak Business Park Minor Subdivision

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12.1 Mr. Morey displayed an overhead map of the subject property. The applicant is proposing to create two buildable lots and two parcels that allow for access and protection of a well area. There has been some discussion about the property to the north, which is the school. He showed the recorded plat for that parcel. It shows a private road going through it. When the plat was approved, it showed that the road would be extended to a cul-de-sac that would provide access. When this project was approved, it was made clear that no access to 11950 South would be granted until such time the property owner and the owner of the "sliver" parcel can come to an agreement. The Fire Department required that an emergency access be created with a crash gate. Staff has reviewed the road issue, and they feel the City does not have the legal opportunity to require this development to provide access to the school. The City is sympathetic to the school's concerns; however, staff does not feel like it is the developer's responsibility.

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12.2 Mr. Dobbins noted the Council received a letter this afternoon from Mr. Hulme. There are a few items in the letter that need to be addressed by the City that were inaccurate. The City became involved in the project a few years ago when the school decided to build on this site. There were access issues that were not resolved when the school decided to go ahead and start construction. The City has tried to help in this regard; however, they have tried to be extremely careful that they do not end up in a situation of having to deal with a takings claim or obligating the taxpayers in Draper to deal with something that is not their issue. Mr. Dobbins reviewed the inaccuracies as follows:

- Draper City acknowledged prior to the school opening that the best access for the school was 11950 South.
 - There is nothing in writing that states the City agreed with the premise that the school should access Lone Peak via 11950 South.
 - The City knows there are private property issues here, and transportation issues are best resolved on a holistic basis.
- The State allocated more than \$1 million to Draper City to install the traffic signal, widen the existing 11950 South Street, and extend 11950 South Street to the west. Draper City rushed to install the signal before the school opened in the fall.
 - The City did rush to install the signal because the school had not resolved the traffic issues themselves. The City was stuck trying to figure out how to resolve those problems. The State did provide funding for that.
- Now that the State has dispersed the money to Draper for the traffic light and to widen 11950 South Street, PLCD wants to deny access to the street and the light where the money has already been provided to the City.
 - Those funds were not provided to the City. There is an agreement that those funds are to be reimbursed to the City after the work has been done. Obviously, the City cannot do work on property they do not own without paying for the property or going through condemnation. The City installed the traffic signal, and the City fronted that money. They have been reimbursed for those costs.
- Under a written agreement with the State, Draper City accepted \$637,720 for the purpose of widening the road.
 - Draper did not accept those funds. They have not received the money, and they did not agree under contract that they have to do that work. The State said if the work was done, the City can be reimbursed. They are not contractually obligated to do the work. Those numbers were not even provided by the City. That amount is inadequate to resolve the property issues, property acquisition, and utility work that needs to be done out there.
- It says Draper accepted \$250,000 to install the traffic signal, which is accurate. However, it says the City should not use a fraction of those funds to install a private traffic signal for the applicant.
 - The City does not have that money sitting in the bank. They did not take the money with the intent to do something. There is no obligation

to do that work. The only reason that traffic signal was installed is because the school created a traffic problem. Even with that signal, there are still traffic problems there. There are people who use that as a turnaround because there is no access to 11950 South. The engineer for the school even said that private access should be a right-in right-out only. The City has been receiving complaints from the businesses in the area that the school parents are parking in their private parking lots. This is not a private traffic signal. It is in the public way and is for the public benefit. The City has a contract with the State of Utah. In that contract, it states that the City would do certain things if they could with those funds. The State allocated \$1.37 million to the City. Mr. Hulme's letter does not outline the fact that there is a \$250,000 reimbursement to American Preparatory Academy (APA). The APA received that money from the State, and the City just acted as a pass through.

Mr. Dobbins concluded that there are many points in Mr. Hulme's letter that implies or outright states that the City is not fulfilling their obligations, and outlines the funds the City has supposedly received, which they have not. The APA has received funding from the State to help resolve issues in the area. A lot of the issues raised in the letter are not relevant to the application the City Council has before them; however, Mr. Dobbins said he felt it was important for the City to address them to make the record clear.

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12.3 Dave Castleton, applicant, advised this development is exciting for the City of Draper. He said he did not receive a copy of the letter from Mr. Hulme, but he noted he was able to read it prior to this meeting. He said he also found many inconsistencies. The only objection to this development has been from the APA. There was a letter submitted with the packet from Brad Findlay, representing the APA. In the second paragraph he states that he hopes the subdivision is approved with the contingency that the developer deed to the City the portion of the existing private road that lies between the western end of 11950 South on Lone Peak Parkway to the entrance of Wasatch Products. Mr. Castleton noted it is clear that the concern is not about the subdivision, and many of the arguments made are just trying to block it in an effort to obtain access. He asked the City Council to look at this application based on the merits of the subdivision and its compliance.

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12.4 Mayor Walker opened the public hearing.

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12.5 Ed James, 3447 South Chattel Drive in Riverton, stated he was the consultant/planner for the school to the north of this application. In reference to the private lane in question, it was his understanding that this was a temporary second access for the school while they were working out their issues. They were informed there would be money available for the improvement of any dedication or any public street to the south. He noted the City Code states the City has to take into account the residential properties around this

development, and the City approved the location of this school project two years ago. The property to the north has the right to access, and it is within the City's ability and authority to require dedication of a street so all properties can have access.

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12.6 Brad Findlay, 1094 East 13800 South, noted the question is whether the school built before they got access and if they just rushed through this. He noted they knew they had to get the access to 11950 South, and they talked with Mr. Price about obtaining that access through an easement. Mr. Price said he would grant the easement with conditions. APA went to work on those conditions in the fall of 2012. The increased traffic would require work on the existing road, but the school did not have the money nor did the City. The 2013 State Legislature appropriated \$4.5 million to the City of Draper to install the traffic signal and to widen and lengthen the road out to the west. The school relied on Mr. Price's acclamation that they would get access when the conditions were met, so they began construction in February. In May of that year, Mr. Dobbins wrote a letter asking for the appropriated funds and included the APA as a reason for the funding. GOED was under the impression that the school would gain access to this road. When it became apparent that Mr. Price would not grant access to the school, the fund amount was lowered from \$4.5 million to \$1.37 million to install the traffic signal and reimburse APA for some of the money they expended to put in the private road. Money was also provided to the City to widen 11950 South to the west to accommodate the school's needs.

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12.7 Jim Duffin, 10692 South 300 East in Sandy, stated he is the property owner to the north of this application, and they did grant the property to the school. He said he understands there is a problem, and it needs to be resolved. He noted 11950 South was granted to the City as a public right-of-way about twenty-four years ago. It was partially finished at that time. There is an illegal piece of land to the north of the subdivision in question that serves no purpose. He suggested the best thing to do would be to adjust property lines and take away the disputed property in order to obtain good clean economic development. He noted three things should happen in granting this subdivision. The first is to realign the property lines so the strip goes away. The second is to grant the street to the City as it was intended to be, and the third is to finish the roadway that will serve the entire area.

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12.8 Tom Duffin, 4222 Water Lane in Salt Lake City, distributed a copy of a special warranty deed to the City Council. He indicated that 11950 South was declared a public street by the City in 1990. He said it is the City Council's duty to treat the road as it was gifted at that time. The right-of-way was not completed at that time, but it needs to be finished. There are schools in the area and new businesses, and the sidewalks need to be installed.

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12.9 Kyle Roberts, 4469 Gilead Way in Salt Lake City, stated he has been involved with this project since the 1998. The three parties that are asking the City to require this developer to allow them access are using arguments citing Draper City Code. He noted the school should have followed the same guidelines they are trying to impose on this developer. It

is incumbent on a party that develops property in Draper City to provide transportation infrastructure on their own site that is suitable to deal with its own traffic. He knows of no other property from 11400 South to 12300 South from I-15 to the railroad that has not been forced to include significant infrastructure on their own sites to handle traffic they create. There is now an attempt to have a party, who had nothing to do with the school, provide access to help the school with their traffic issues.

[8:44:15 PM](#)

12.10 Steve Bennett, Director of Operations Humanetics Corporation, noted they have been silent during this process. Humanetics chose this site to support their regional manufacturing strategy. They have been manufacturing and distributing out of that site for about four years. Humanetics has a philosophy of safety, quality, service, and cost. It was stated earlier that there is a problem; however, as far as he is concerned, there is no problem right now with traffic. He drives this every day, he observes shift changes out of Edwards Life Science and Humanetics every day, and that stop light does benefit the school as their traffic flows pretty smoothly right now. There will be a problem if the City routes all of that traffic through 11950 South. In the next three years, Humanetics is planning to invest \$20 million in this site. Distribution and production is growing, and Edwards Life Science is also growing. If the City plans to push all of that traffic through one light signal, it will not work. The traffic study that was cited noted Humanetics would benefit from the road going through, which is not correct. The traffic coming from the school was understated. It does not support the fact that they would like to build a high school there, it does not support the traffic flow today, and it does not take into account the truck traffic today or what it will grow into in the next couple of years. It also does not take into account Edwards Life Science getting 1,000 employees. He reiterated that the traffic study is inaccurate and does not represent what is going on.

[8:47:31 PM](#)

12.11 Loyal Hulme, Kirton McConkie, apologized to Mr. Dobbins for the misunderstanding in his letter. He said he has received some bad information on where those funds were allocated. He stated it is important for the City to understand that there are funds available to help solve the traffic problems. The City Council is here to make decisions on development in the City, and the City has the authority to require the dedication of streets in order to allow the free flow of traffic. He read from the City Code in reference to this. The key thing he asked the Council to focus on is that the parcel at issue is a residential parcel and not a Charter School. The Draper City Code requires that the adjacent land be most efficiently subdivided so it can provide access. There has been a lot of discussion and a lot of history with this site, but the bottom line is that the school relied on the anticipation that the City would enforce its own ordinance and require this subdivision to continue with the completion of installing the light and finishing the road. The school has been told by staff they have inadequate access to that parcel. It is incumbent on the City to enforce its own ordinance so the school has that.

[8:50:52 PM](#)

12.12 Rick Peterson, 12137 South Sampson Circle, noted he is a registered voter and tax payer in Draper, and his children attend this school. He said as a resident he hopes the City does not take the easy route and would step up to help all the participants in this issue to find a resolution.

[8:52:40 PM](#)

12.13 Kevin Casey, 13617 Carolina Hill Court, said he is the president of Wasatch Development. He noted the biggest concern he has is safety. His children have attended Channing Hall and Summit Academy, and one of the things that happens with the parents picking up their children is they line up on the street, and the children run between the cars. Between Wasatch, Humanetics, and Edwards Life Science, there are a lot of semi-trucks and employee traffic coming up and down that street. The biggest concern he has is the safety of the children.

[8:54:15 PM](#)

12.14 Luke Burbank, 1944 East Herbert Avenue in Salt Lake City, noted this has been a very entertaining meeting. He noted some of the arguments that have been presented by the representatives of the school and the standard practice for dedicated and subdividing should have been applied to their particular property.

[8:55:18 PM](#)

12.15 Tim Evancich, 1567 West 8600 South, advised he works for the Charter School. He worked with Troy at the City on the traffic and carpool process. They have worked very hard to make sure they are a good neighbor, and they have had very few complaints. With regard to the “pork chop”, the school was required by the Fire Department to remove that so they could get the fire trucks in. He said this is not a neighborhood school, so they do not have an army of students walking to the school. The parents transport the students to the school, and they have a policy that they do not allow walkers at all. There would not be a safety issue with trucks and students intermingling. He noted the traffic is heavy for an hour and a half or less each day. Aside from that, they have far less traffic coming in and out of the building than their neighbors do. The other issue he wanted to clarify is they have no problem with their neighbors’ traffic flowing across the property. They do not allow the students out in that area.

[8:58:13 PM](#)

12.16 David Sharette, 1156 East 5840 South, indicated Mr. Dobbins mentioned that this is not a tax payer issue. Tax payers are currently paying for this and will continue to pay for it. The school is paying for lawyers, and the money is coming out of classroom budgets. Mr. Dobbins also said the traffic signal is not the source of the problem, but the traffic signal was put in prior to school starting so it is hard to know whether the signal is responsible for the backup. Mr. Castleton said to the Planning Commission that the APA is suing the City, which is not true. Mr. Sharette advised he did not appreciate the school being put in a negative light on the public record. He noted the school is trying to put in the infrastructure to allow their traffic to flow appropriately, which is why they are asking for this access.

[9:01:31 PM](#)

12.17 Sarah Ward, 444 Morning Ridge Circle, noted she is affiliated with Wasatch Product Development, and she also had her children attend the APA. She is a tax payer in Draper as a resident, and she also pays business taxes in Draper. She noted there is traffic in the morning and afternoon at the school for drop off and pick up. She said it would take her about twenty to thirty minutes to pick up her kids. The school also has a lot of assemblies and activities, and she would recommend the school to anyone because of their commitment to the students; however, it does incur a lot of traffic throughout the day. They also have sporting events, field trips, etc. so there are a lot of vehicle trips. She is concerned about children safety, and she suggested the APA create their own road on their property to keep themselves as safe and protected as possible. The parents should be expecting that from a school of this caliber. APA obviously has enough money to hire Loyal Hulme, who is not cheap, so if they have funds to do that and build multiple campuses, they should be able to provide for each campus.

[9:04:28 PM](#)

12.18 Mayor Walker closed the public hearing.

[9:04:50 PM](#)

12.19 Councilmember Summerhays moved to approve the Lone Peak Business Park Minor Subdivision. Councilmember Rappleye seconded the motion.

[9:05:21 PM](#)

12.20 Councilmember Summerhays commented that what is before the City Council this evening is a lot split.

[9:05:39 PM](#)

12.21 Councilmember Colbert asked whether there is anything that would stop the school from acquiring one of the homes along Election Road and making a public access through there. Mr. Morey replied that there is not. Staff was actually talking hypothetically, and that was one of the options they came up with.

Councilmember Colbert stated arguments were made about making sure the applicant provides access to residential property; however, the reality is that the City does not do that in industrial areas. It seems like a solution to acquire one of the homes to make the access. Those homes are one of the more affordable housing options in the city. There may be enough spacing in the future to put a light at the four-way stop on Election Road to solve the problem for everyone. The current residents on Election Road may not like the student traffic, but it would not co-mingle resident traffic with industrial traffic.

[9:07:34 PM](#)

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

[9:08:09 PM](#)

** *The City Council took at break at 9:08 p.m.*

[9:19:13 PM](#)

** *The meeting resumed at 9:19 p.m.*

[9:19:18 PM](#)

13.0 Public Hearing: Resolution #14-71, Presentation and Public Hearing on Reopening and Amending the Current Fiscal Year 2015 Budget

[9:19:22 PM](#)

13.1 Bob Wylie, Finance Director, reviewed the proposed budget amendments as follows:

- **FY15-025 Little Valley Trail**
 - Healthy Draper has secured \$57,667 in donated funds for the Little Valley Instructional Trails and trail head. They have already deposited \$27,000 with the City. The remaining \$30,667 will be deposited after the first of the year. Funding for this item will be 100 percent from donated funds.
 - Amount of requested budget amendment is \$57,667.
- **FY15-026 Shelving**
 - The City Recorder's office is in need of shelving to organize and store records. Funding for this item will come from the GF fund balance.
 - Amount of the requested amendment is \$8,350.
- **FY15-027 Legislative History**
 - Sterling Codifiers provides the web hosting for Draper City's Code and City Code updates. It was discovered that there are errors in the City's legislative history. In order to post the City's legislative history they need to be corrected. Funding for this item would come from a transfer from the City Managers budget.
 - Amount of the requested budget amendment is \$6,400.
- **FY15-028 Risk Management**
 - The Risk Management Internal Service Fund has a negative fund balance of \$767,083 as of 06/30/14. This fund is used to operate the City's insurance program which includes premiums for insurance policies and also expenses for claims and damages. The requested amount is to eliminate the deficit. Future years' expenses are allocated to departments in the annual budget process. Funding for this request will come from the General Fund.
 - Amount of the requested budget amendment is \$767,083
- **FY15-029 Performance Pay**
 - One-time performance pay for employees. There are no salary increases included in the current FY2015 budget. With an increase in revenues and conservative operational spending within the departments, the General Fund ended the FY2014 with a positive unassigned fund balance. The average one-time performance pay is equivalent to one percent of the general fund salaries.
 - Amount of the requested budget amendment is:
 - \$88,664 General Fund, Fund Balance
 - \$3,311 Water, Fund Balance
 - \$1,306 Storm, Fund Balance
 - \$4,099 Solid Waste, Fund Balance
 - \$97,380

[9:22:27 PM](#)

13.2 Mr. Dobbins advised the City did not budget any employee pay raises this year, so he is asking the City Council to allocate what would be an equivalent of a one percent one-time pay increase. This would not increase anyone's base salary, and would not carry forward to next year. Staff would pool that money and split the amount evenly with all full-time employees. This has been a challenging year with transitions and difficult projects, and he wants the employees to understand that the City appreciates and values them for what they do. This would also provide a small amount for part-time employees.

[9:24:43 PM](#)

13.3 Councilmember Rappleye noted he has a problem with this, because he is concerned that it is not enough. He thinks where they are going as a City, and what they are trying to build here is important. He suggested they take another one percent and maybe make it a merit pay increase. He expressed his opinion that the one percent is not adequate to accomplish what he believes Mr. Dobbins is trying to do.

[9:25:37 PM](#)

13.4 Councilmember Stenquist clarified that this is just a bonus, and it does not add to their salary. Mr. Dobbins noted that is correct.

Councilmember Stenquist then said he thinks this is good. Most people would rather have a salary increase, but he thinks that will come in the next budget process.

[9:26:49 PM](#)

13.5 Mr. Wylie indicated there are several fund balances with unassigned amounts. He then reviewed some of those balances.

[9:28:20 PM](#)

13.6 Mr. Dobbins advised in order to get the City down to the allowed twenty-five percent in fund reserves the City has to spend an additional \$140,000.

[9:28:27 PM](#)

13.7 Councilmember Rappleye proposed the City Council add an additional \$88,000 to go towards some sort of salary benefit to be determined by Mr. Dobbins.

[9:29:10 PM](#)

13.8 Mayor Walker stated the Little Valley Trail is one of the coolest things Draper has in the trail system. The residents can take a young child on that trail and teach them how to ride every feature and element in the trail system, and it is phenomenal.

[9:29:49 PM](#)

13.9 Councilmember Rappleye advised Healthy Draper spent almost one year discussing that trail option. They determined the other skills park was too difficult for the younger kids.

[9:30:21 PM](#)

13.10 Mayor Walker stated the City staff works hard, and they have done a good job moving things along this year. The City has taken advantage of refunding bonds this year, which has put the City in a good financial situation. He said the effort the employees have put forth is commendable. He expressed appreciation to the employees for their service, hard work, talent, and professionalism.

[9:32:42 PM](#)

13.11 Councilmember Summerhays asked whether they have enough money to finish the Police Department. Mr. Dobbins indicated staff will probably come back to the City Council with a plan for the space that is being vacated by the Police Department. They have talked about putting some of the City Recorder storage down there and resolving some IT issues.

Councilmember Summerhays said he wants to make sure they have enough money to finish the building. He then noted he does not have a problem doubling the one-time pay increase. The City has excellent employees. The private sector is struggling with hiring good employees, and the minimum wage is not \$7.75 anymore. He is starting people at \$10.00 to \$11.00 per hour. He is interested in hearing how the rest of the Council feels about the two percent one-time increase.

[9:34:21 PM](#)

13.12 Councilmember Colbert advised there are a lot of needs in the city, and the City Manager is recommending one percent, which Councilmember Colbert is willing to support. He questioned whether they need another position in the City, because that amount is almost another entry level position. Mr. Dobbins noted it is; however, this is just a one-time thing and adding another employee is an ongoing expense.

Councilmember Colbert stated that is a significant amount of money that can buy a needed piece of equipment. Mr. Dobbins reiterated that as a one-time deal, the City can afford to do this. He does not see anything they will be missing out on.

Councilmember Colbert noted a bonus is a good idea to make the employees know they are valued.

[9:36:18 PM](#)

13.13 Councilmember Stenquist said he is comfortable with Mr. Dobbins's recommendation, and he is fine going with 1.5 percent. Mr. Dobbins said the employees would be appreciative of whatever the City Council does. This is just a way of showing the employees that they are recognized and appreciated.

[9:37:25 PM](#)

13.14 Councilmember Vawdrey noted she is comfortable with whatever Mr. Dobbins recommends. She likes that this is a one-time thing because the financial picture might change. She has seen the City lose good employees over the years.

[9:38:32 PM](#)

13.15 Mr. Dobbins noted they expect a lot of the employees. They are called at all hours of the night and day to do things for the City, and they do it without complaint. A lot of the employees could go somewhere else and make more money, but a lot of it is about their environment and feeling appreciated by their appointed and elected officials. His request is for one percent. If the City Council wanted to do more that is wonderful, but they will understand if they do not.

[9:39:12 PM](#)

13.16 Councilmember Colbert said \$1,000 sounds like a significant amount. He received \$1,000 as a bonus once, and it was a nice gesture.

[9:39:50 PM](#)

13.17 Mayor Walker said he would vote for the two percent if he could. It is a one-time thing, and the employees have done a lot this year. This sends a message that the Council appreciates and cares about the employees.

[9:40:29 PM](#)

13.18 Mayor Walker opened the public hearing.

[9:41:10 PM](#)

13.19 Shawn Benjamin, 360 West 13165 South, said he recently heard a news story about pay increases for public employees. The public sentiment frowns upon elected officials giving themselves pay raises, but this is not that situation. He said the employees in Draper do a great job. The average cost of living increase is 1.7 percent, and this request is not even the cost of living increase amount. He challenged the City Council to make the cost of living increase a part of the annual budget each year. He said that is appropriate.

[9:43:43 PM](#)

13.20 Mayor Walker closed the public hearing.

[9:43:47 PM](#)

13.21 Councilmember Rappleye moved to approve Resolution #14-71 with the change of adding an additional one percent for the one-time fee for the employees. Councilmember Vawdrey seconded the motion.

[9:44:25 PM](#)

13.22 Councilmember Rappleye stated they have done a lot of things as a City this year that has saved the City money, and he believes the employees have earned this. They are tight-fisted as a City, and he is proud of that.

[9:45:12 PM](#)

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

[9:45:25 PM](#)

14.0 Council/Manager Reports

[9:45:29 PM](#)

14.1 Councilmember Stenquist expressed appreciation to the Mayor for attending his son's Eagle Scout Court of Honor Sunday night.

Councilmember Stenquist then noted the Utah League of Cities and Towns is requesting the Cities adopt a Resolution supporting transportation funding.

He was told that the City Council adopted that resolution at the last City Council meeting when Councilmember Stenquist was absent.

[9:47:39 PM](#)

14.2 Councilmember Colbert asked whether the City has plans to do anything with Traverse Ridge Road and SunCrest Drive. They have talked about making it a toll road; however, he does not believe that is feasible. Mr. Dobbins said they are waiting to see what happens during the legislative session.

[9:48:20 PM](#)

14.3 Councilmember Rappleye stated tomorrow morning is a ribbon cutting for Megadyne at 10:00 a.m. He also thanked Mr. Dobbins for responding to the problems with the lights going out on the tree in the historic park.

[9:49:07 PM](#)

14.4 Councilmember Summerhays suggested they put a voluntary donation box at the trailheads. He then said they need to realize that the Park and Trails people are getting older, and it is difficult to get younger people to serve on the committee.

[9:50:52 PM](#)

14.5 Mayor Walker noted he enjoyed attending the Eagle Court of Honor for Eric Stenquist. It was very impressive when Eric did the recognition of his mom and dad.

[9:51:48 PM](#)

14.6 Councilmember Vawdrey expressed appreciation to Mr. Ogden for the Candy Cane Hunt the other night. It was a lot of fun, and they had a crazy crowd.

[9:52:03 PM](#)

14.7 Mayor Walker advised he received another email about the speed on Manila Drive. Mr. Robbins indicated he has a committee together that will start addressing those issues.

Mayor Walker then noted he would like to prepare a Resolution supporting the move of the prison to another city. The Councilmembers agreed.

15.0 Adjournment

[9:53:01 PM](#)

15.1 Councilmember Summerhays moved to adjourn the meeting. Councilmember Rappleve seconded the motion.

[9:53:06 PM](#)

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