DRAPER CITY

CITY COUNCIL AGENDA

Notice is hereby given that the Draper City Council will hold a **Business Meeting** beginning at **5:30 p.m.** on **Tuesday, December 3, 2013,** in the City Council Chambers at 1020 East Pioneer Road, Draper, Utah.

(Times listed for each item on the agenda are approximate and may be accelerated or delayed).

The agenda will be as follows:

STUDY MEETING

5:30 p.m. **1.0** **Dinner**

6:00 p.m. **2.0** **Presentation:** Relating to the Betterments of the Utah Department of Transportation I-15; SR-73 to 12300 South Widening Project. Staff report by Troy Wolverton.

6:15 p.m. **3.0** **Presentation: 13200 South Cross Section.** Staff report by David Dobbins.

6:30 p.m. **4.0** **Adjourn to Closed Meeting** to discuss litigation, property acquisition, and the character and professional competence or physical or mental health of an individual.

BUSINESS MEETING

7:00 p.m. **1.0** **Call to Order:** Mayor Darrell Smith

7:00 p.m. **2.0** **Comment/Prayer and Flag Ceremony**

7:10 p.m. **3.0** **Citizen Comments:** To be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be restricted to items not listed on the agenda and limited to three minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.

7:20 p.m. **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

PUBLIC HEARING PROCEDURE AND ORDER OF BUSINESS

In compliance with the American with Disabilities Act, any individuals needing special accommodations including auxiliary communicative aides and services during this meeting shall notify Rachelle Conner, MMC, City Recorder at (801) 576-6502 or rachelle.conner@draper.ut.us, at least 24 hours prior to the meeting. Meetings of the Draper City Council may be conducted by electronic means pursuant to Utah Code Annotated Section 52-4-207. In such circumstances, contact will be established and maintained by telephone and the meeting will be conducted pursuant to Draper City Municipal Code 2-1-040(e) regarding electronic meetings.

7:25 p.m.	**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. Staff report by Russ Fox.
7:40 p.m.	**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. Staff report by David Dobbins.
7:45 p.m.	**7.0**	**Action Item: Resolution #13-59,** Amending the Previously Adopted Valley Emergency Communications Center (VECC) Interlocal Agreement. Staff report by David Dobbins.
7:50 p.m.	**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. Staff report by Keith Morey.
7:55 p.m.	**9.0**	**Action Item: Resolution #13-60,** Amending the Consolidated Fee Schedule Regarding False Alarm Fees. Staff report by Russ Fox.
8:05 p.m.	**10.0**	**Council/Manager Reports**
	11.0	**Adjourn to Closed Meeting** to discuss litigation, property acquisition, and the character and professional competence or physical or mental health of an individual (if needed).

SALT LAKE COUNTY/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, certify that copies of the agenda for the **Draper City Council** meeting to be held the **3rd** day of **December, 2013,** were posted on the Draper City Bulletin Board, Draper City website www.draper.ut.us, the Utah Public Meeting Notice website at www.utah.gov/pmn, and sent by facsimile to The Salt Lake Tribune, and The Deseret News.

Date Posted:
City Seal

_____
Rachelle Conner, MMC, City Recorder
Draper City, State of Utah

Return to Agenda

CONSENT ITEM #A

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 19, 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

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Study Meeting

1.0 Tour – Parc at Day Dairy

2.0 Dinner

3.0 Adjourn to Closed Meeting

Business Meeting

1.0 Call to Order

7:07:00 PM

1.1 Mayor Pro Tem Stenquist called the meeting to order and welcomed those in attendance. He excused Mayor Smith's absence. Mayor Smith is attending a Prison Relocation meeting and will arrive later.

2.0 Comment/Prayer and Flag Ceremony

7:08:05 PM

2.1 Garth Smith read the Gettysburg Address for the thought. The pledge was led by Ellie Simkins, Kendal Doleac, and Ryan Smith.

3.0 Citizen Comments

7:11:38 PM

3.1 Dan Parkinson stated he lives on the corner or 12900 South and Bolter Street. A couple of things have happened in the last few years to escalate a concern on Bolter. When 1700 East had the speed bumps installed, it diverted traffic to 12900 South, up Bolter,

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and then up to 12500 South. With the opening of the new junior high school, it has reached a critical mass point in the velocity of the traffic that is going to and from the area. It is common to see vehicles travel in excess of 45 to 50 miles on Bolter. He advised his children walk to and from school, so this is a concern for him. It is a very narrow street. Mr. Parkinson indicated he would like to work with the City to come up with some passive solutions to this problem. He suggested possibly having some speed limit signs that display the speed.

4.0 Presentation: Winners of the Police Department Holiday Card Art Competition

7:13:56 PM

4.1 Police Chief Bryan Roberts indicated the Police Department had an idea to hold an art contest to help design the Police Department holiday card. They invited the fifth grade classes from all of the elementary schools in Draper to participate and had approximately 200 students submit entries. The winner was Ellie Simkins from Saint John the Baptist Elementary School, and the two runner ups were Kendal Doleac from Saint John the Baptist Elementary School and Ryan Smith from Summit Academy.

Chief Roberts gave the winners a framed version of their art entry and a small gift bag. The winners were then presented to the City Council.

5.0 Presentation: Rollin Cook, Executive Director, Utah Department of Corrections

7:20:06 PM

5.1 Rollin Cook, Executive Director, introduced himself to the City Council. He stated he was raised in this area, and it means a lot to him to be working here. He spent twenty-two years with the Salt County Sheriff's Office, and he spent his entire career in the jail. When he retired, he spent seven years as the Chief of Corrections. He spent one year in the private sector and is now with the Utah State Department of Corrections. Mr. Cook publicly thanked Mayor Smith for his hard work on the Prison Relocation Committee. He noted the prison wants to be a good community partner, and he believes in open communication and transparency. He expressed a desire to have the correction officers participate in the Draper Days parade. Mr. Cook asked the City to consider utilizing the services the Utah Correctional Industry can provide, such as banners, signs, print projects, and things that can really help the City. They have quality work. He invited the Council to take a tour to see how that program works.

7:25:06 PM

5.2 Councilmember Colbert stated he has used the embroidery shop and the print shop with his day job. They do an outstanding job with pretty good turnaround times. The inmates are very customer friendly and very professional.

7:26:01 PM

5.3 Councilmember Rappleye asked what will happen with the local volunteers that help at the prison when it is relocated. Mr. Cook replied he is responsible for slowing the

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relocation process down a little bit because he wants to make sure they are looking at all of the issues. He noted he helped move the Salt Lake County Jail in 1997, so he is aware of the many issues they will be facing. They are still trying to find areas that will allow the people that currently serve as volunteers to continue to work there. Mr. Cook indicated they have over 1,200 volunteers that work in the prison, and he would like to still utilize them after the move. The prison needs to be close to courts, hospitals, and the employees.

6.0 Presentation: Utah Transit Authority – Noise Mitigation for TRAX Line

7:28:57 PM

6.1 Steve Meyer, Utah Transit Authority (UTA), stated they had a great meeting last week with the residents in the Thornberry/Cranberry Hill area. They talked about ways to mitigate the noise impacts. He displayed a graph showing the noise impact criteria. They are shooting for a moderate impact, which is below a level of 59. Right now it is ranging between 59 and 62. They have received complaints since TRAX started running and have tested noise levels in people's backyards.

7:31:44 PM

6.2 Councilmember Colbert asked where they measure from. Mr. Meyer explained they pick a point in the backyard because that is the greatest impact. The typical way they do it is to measure in the center of the backyard.

Councilmember Colbert said with the highway, sometimes sound walls are constructed to mitigate the noise. For whatever reason, the noise bounces over the wall, and it can make it worse. Mr. Meyers noted they look at the source of the noise, which in this case is primarily the wheels and the wheel/rail interface. They are trying to capture as much of the noise with the wall as possible. They use the trex walls rather than concrete. The Jordan line still uses freight locomotives, so they did use concrete for those walls. Trex walls have been proven to give a similar noise reduction as the concrete walls do. They were used on the West Valley line, and they were approved by the Federal Transit Administration. They have since taken the freight service off the line, which has also helped.

7:35:09 PM

6.3 Councilmember Rappleye noted there are some homes on the bluff in that area, and he heard from some of the residents that they are wearing earplugs because of the extreme noise. He asked whether they are doing monitoring up there as well. Mr. Meyers replied they are monitoring it. The homes are below the severe threshold; however, UTA is working on driving the noise level down. That will benefit everyone.

Councilmember Rappleye stated he recently attended the Rail Conference in Seattle. He spent some time with one of the contractors that does the measurements. One of the things to be aware of with the Trex fences is that the gaps between slats should be caulked or plugged. Mr. Meyers said that is one of the solutions they are looking at.

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7:36:33 PM

6.4 Mr. Meyers reviewed the areas the testing has been done. They are in the process of adding walls in the Sandy area, and they are looking at several options for the Draper area. The skirting of the trains does keep a lot of the noise internal. The wheel/rail interface is the main problem with the noise. The options they are looking at are:

- Rubber damper to dampen the vibration with the rail
- Acoustical rail
- Adding lubrication

Mr. Meyers indicated they have a lot of people looking in many different areas to try to find solutions to the problems. The caulking of the noise barriers is one solution for the noise barriers, and there is also a sound absorbing fabric that can be placed inside the rail corridor. UTA's goal is to get within the acceptable level. They will not be able to eliminate the noise altogether, but they are working to address the issues. They have agreed to provide weekly updates to the neighbors, and they can include the City on those updates. He expressed appreciation to the community for coming out and getting informed. Mr. Meyers indicated the first train out is at 4:30 a.m. They have slowed that train down. The trains run at fifteen minutes headways during the day, and they are about fourteen minutes apart when they hit the end of the line. Folks have suggested they slow those trains down through Draper; however, that messes with the whole train schedule.

7:41:16 PM

6.5 Councilmember Colbert stated part of the issue is that this is a change. People will acclimate over time, but that is not what they want to hear. Mr. Meyers noted this was a very quiet neighborhood. There are some loud piercing sounds coming from the train, and UTA is trying to solve that problem.

7:43:19 PM

6.6 Councilmember Rappleye thanked Mr. Meyers for the responsiveness of UTA in reference to the noise concerns. He recognized that UTA is doing more than he ever thought they would to try to mitigate the problems. He expressed appreciation for their effort.

7:44:06 PM

6.7 Councilmember Walker thanked UTA for coming out and meeting with the neighbors to hear the concerns. The Board at UTA is committed to meeting the EIS standard in terms of decibel levels. The newer cars are definitely quieter, so it will help as they replace the cars.

7:45:33 PM

7.0 Consent Items

a. Approval of November 12, 2013, Minutes
b. Sale of Surplus Electronics and Small Office Furnishings and Supplies
c. Canvass the 2013 Municipal General Election Results

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7:45:56 PM

7.1 Councilmember Rappleye moved to approve the consent calendar as slated. Councilmember Summerhays seconded the motion.

7:46:23 PM

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

8.0 Public Hearing: Resolution #13-55, Surplus Property - 1620 East Cherry Creek Lane – Cara Briggs.

7:46:47 PM

8.1 Russ Fox, Assistant City Manager, noted this property is adjacent to the Porter Rockwell Trail. The property owners have approached the Council before to see if the Council would consider selling a sliver of property next to the trail to them. The Briggs are proposing to purchase 870 square feet. The property is not necessary for the trail system, but it would allow the Briggs to install a vinyl fence for privacy. The proposed fence would line up with the existing fence to the south. Staff noticed the property, and if the Council declares it surplus, they would enter into an agreement. The Briggs have offered $1200 for the property, which equated to approximately $1.30 per square foot. The contract with the sales price would come back to the Council for approval. Mr. Fox noted the Briggs originally offered $500 for the property, but they have come back with an offer of $1200. This is the first step needed in the process to consider selling the property.

7:50:13 PM

8.2 Councilmember Colbert stated it is interesting that when the City needs to purchase property, no one offers to sell it to them for $1.30 per square foot. It is always market value or higher.

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8.3 Councilmember Summerhays advised he has noticed that if there is any space in the vinyl fence, the high winds will just blow the slats off.

7:52:32 PM

8.4 Mayor Pro Tem Stenquist opened the public hearing.

7:52:57 PM

8.5 Cara Briggs, 1618 Cherry Creek, stated all of the neighbors to the east have vinyl fences, and they are trying to match that. She distributed photos of the area to the Councilmembers. Ms. Briggs said there is no privacy in her yard from the trail. There is a slope between the trail and her yard, and children have gotten stuck on the slope. That is a liability for the City. Kids have thrown sticks and rocks into their yard, which is a safety concern for her young children. Ms. Briggs indicated they want to construct a retaining wall and a fence on top of that. The fence line is 238 feet. They are offering approximately $5.00 per square foot for the property. They will not have full use of the

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870 square feet, because Draper City Code states a retaining wall has to be 3 feet away from the fence. The City would be gaining 1-foot of land along the fence line. Ms. Briggs said they are trying to meet the City in the middle as far as the price goes.

7:57:13 PM
8.6 Mayor Pro Tem Stenquist closed the public hearing

7:57:17 PM
8.7 Councilmember Summerhays moved to suspend the rules. Councilmember Rappleye seconded the motion.

7:57:27 PM
8.8 A vote was taken with Councilmembers Colbert, Rappleye, Summerhays, Stenquist, and Walker voting in favor. The motion passed unanimously.

7:57:31 PM
8.9 Councilmember Summerhays moved to approve Resolution 13-55, to surplus property at 1620 East Cherry Creek Lane with the purchase amount to be determined at a later date. Councilmember Rappleye seconded the motion.

7:58:49 PM
8.10 A roll call vote was taken with Councilmembers Colbert, Rappleye, Summerhays, Stenquist, and Walker voting in favor. The motion passed unanimously.

9.0 Public Hearing: Ordinances #1077 & #1078, for Approval of Land Use and Zoning Map Amendments of 9.02 Acres at Approximately 12052 South 300 East by Changing the General Plan Map from Low Density Residential to High Density Residential and Changing the Zoning Designation from A5 Agriculture to RM2 Multiple Family Residential.

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9.1 Dan Boles, Planner, stated this property has been used for farming for many years. The applicant is proposing to change the zoning to high-density residential. There are two separate parcels with two owners. Mr. Boles showed a map of the surrounding neighborhood. The area included the following developments:

- American Heritage Apartments
  - Approximately 18 units per acre
- Baywood Village (has a new name)
  - Approximately 7 units per acre
- Cottages at Kimballs Lane
  - Approximately 6.5 units per acre
- South Willow
  - Approximately 12.5 units per acre

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- Draper Landing
  - Approximately 14 units per acre
- Draper Peaks
  - Approximately 21 units per acre

8:04:25 PM

9.2 Mayor Pro Tem Stenquist stated Draper Peaks was done with a development agreement. He asked whether that is the same for American Heritage. Mr. Boles replied they did not have the CSD in place at the time, and he does not know how they got that density.

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9.3 Councilmember Colbert stated he thinks there is affordable housing in there. That is also right on State Street, which is not a good comparison.

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9.4 Mr. Boles stated Juan Diego High School is also in the area, and that has created some parking issues on the streets. That is a particular problem on 11900 South. That was one of the considerations that Planning Commission used in making their recommendation.

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9.5 Councilmember Summerhays indicated he drove on 300 East, and there were a lot of cars there for a football game. He asked if that was customary. Mr. Boles indicated that is normal for the games. The neighbors will say that it can get a lot more crowded at times.

8:07:09 PM

9.6 Mr. Boles stated the applicant performed a traffic study for the area. The study did not take into consideration some of the special events, but it did look at the overall traffic flow and what the roads can handle. They believe the road could handle the additional 108 units with this proposal if approved. Mr. Boles displayed more pictures showing the low-density development to the east of this proposal. The lot sizes are one-half acre and one-acre lots.

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9.7 Councilmember Rappleye noted he was in this area on a game night, and there was parking on both sides of the road. It was hard to find a spot to pull over to take a picture. He said it seems to have a lot of traffic at certain times because of the school. Mr. Boles stated the traffic study did not take those special event times into consideration.

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9.8 Mr. Boles noted staff had originally recommended approval of this proposal. They took into account the walkability due to its close proximity to Draper Peaks and other services, and there is high density around it. The Planning Commission thought there was a little too much high density in that area, so their recommendation is denial.

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9.9 Councilmember Summerhays asked whether there is secondary water on Kimballs. He said he knows there is not secondary water on the acre lots to the east. Mr. Boles said he does not know the answer to that question.

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9.10 Rene Oehlerking, 899 Tendoy Drive, introduced himself as the applicant. He noted he would like to build a beautiful community of solar powered townhomes in this area. He built another development called Chandler Point in South Mountain. It was a successful development. He is seeing a similar need here, and they have a waiting list of people wanting to buy this type of product. The density he is asking for is eight to twelve units per acre. They had Hales Engineering do a traffic study to make sure this development would not negatively impact the area.

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9.11 Councilmember Summerhays asked the price range. Mr. Oehlerking replied it would be $250,000 to $320,000. The price per square foot would be similar to the homes to the east of this property.

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9.12 Mr. Oehlerking noted he has seen a lot of people downsize to this type of development because they like Draper but want something smaller and more affordable in their later years that is also maintenance free. This is also a good opportunity for young families. It is a great location for a walkable community. Garbett Homes is a "green" builder. They just finished the first production "net zero" home. The home produces more energy than it actually uses. These homes would be similar to that. The power bills will be in the range of $5 per month. An average 2,000 square foot home costs $180 for power and natural gas each month. These homes cost $5 to $10 each month. They build the home to a high air-tight capacity and use energy recovery ventilators. They also use geothermal technology to heat the home, and they have high-efficiency appliances.

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9.13 Mayor Pro Tem Stenquist indicated the applicant is asking for a land use change from low density to high density, and it is a pretty dramatic change. The applicant said they will have eight to twelve units per acre. He asked whether they could approve it to allow up to eight units per acre. Mr. Oehlerking explained this could be as low as 8.5 units per acre as they go through the process. They are hoping to have the ability to go from eight to twelve and have the City work with them on their site plan to make sure it is compatible with the surrounding area. The price point they are reaching for is $320,000.

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9.14 Councilmember Summerhays questioned whether the applicant is planning to install curb, gutter, and sidewalk on the west side. Mr. Oehlerking responded they are.

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9.15 Sherman Smith, property owner, noted he and his sister inherited the land from many generations of Smiths that have gone before them. They feel like their family has gotten too big, and there are too many opinions about what to do with the land. They have decided that now is the time to sell the property. They have spoken with different developers, and they like what Garbett Homes has proposed. Mr. Smith indicated they also sold a portion of the property to the east to the City of Draper. It was later sold by the City. They also contributed some property to the road on 300 East. They sold some land to the post office as well. Mr. Smith said they feel what has been proposed by Garbett Homes is a good use. He said now is the time to sell the rest of the property. He asked the City Council to give this application their consideration and assistance. Mr. Smith said he thinks they have been good neighbors and asked for the same.

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9.16 Councilmember Stenquist opened the public hearing.

8:27:54 PM

9.17 Bryce Green, 313 East 12000 South, joked that he would like the property to be used as extra parking for Juan Diego. He enjoys having the school there; however, there is a lot of traffic. He understands a traffic study was done and took into account the school events, but there are a lot of events every week. He has watched cars park on both sides of the street, and it turns this street into a one-way road. It is not just an inconvenience for the people who live there; it is a huge safety issue. The decision to allow high density in that area was actually made when Juan Diego came. He said he is glad the school is there, but it completely took over 300 East. There is not adequate parking for events, so people are parking on both sides of the street. He distributed pictures of the parking during normal everyday traffic. There is no parking allowed on 300 East, but there are not any other options. People would rather just pay the parking ticket. This is a favorite place for people to walk and jog, which is a safety issue for them.

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9.18 Jeff Hansen, 12057 South 300 East, stated he lives across the street from the property in question. He has been asked to represent the neighbors in reference to this application. He read from the City Code pertaining to buffers between the high-density housing and low-density residential. He suggested there should be a gradual increase to the density. The City Code requires a substantial buffer. In the Planning Commission meeting, they gave the developer an opportunity to add a buffer; however, the developer chose not to do that. Building high density brings in a lot more congestion. He asked the City Council to follow the Planning Commission recommendation and deny this request.

8:39:27 PM

9.19 Mike Malan, 497 East 12100 South, said he was on the Planning Commission when the zoning for this area was determined. The land use for the Draperville area was very specific in desiring large lots with walkability. There are high-density housing developments to the west and one-acre lots to the east. The Planning Commission felt it

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was not appropriate for another high-density housing project to go in there. The final point is that 300 East is not the only street that has traffic problems. There are also issues on 12000 and 12100 South. The Planning Commission wanted more open space in that area, and a twelve-unit development does not allow for a lot of open space. He urged the City Council to deny this request.

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9.20 Suzanne Nelson, 12073 South 300 East, asked those that are in opposition to this project to raise their hands. The majority of the audience raised their hands. She read a statement concerning the rezone request. The statement reviewed many reasons the rezone is not appropriate for this area. She asked the City Council to deny the rezone.

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9.21 Karen Tsujimoto, 441 East 12100 South, noted she has lived in her home for over eleven years. When they purchased their home, they were told there would be a park on 300 East. She said she would like the City to keep that promise because it would be a good buffer.

Mayor Pro Tem Stenquist indicated he is not sure who made that promise to her.

8:46:59 PM

9.22 Russ Peterson, neighbor, thanked the City Council for their service to the community and for the time they put in. He advised he is the president of the homeowners association for the Cottages on Kimballs Lane. They are concerned about the traffic, the alignment of the intersection, ingress and egress out of there, and the amount of traffic this project will bring. The Cottages on Kimballs Lane have what he calls "mature citizens", and it is a challenge sometimes to get out on 11950 South. The traffic study did not give any consideration to the special events or peak times at Juan Diego. That is what is causing the biggest concern for the residents.

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9.23 Gary Tsujimoto, 441 East 12100 South, clarified that prior to him moving into his home in October 2003, he made several calls to the City. He cannot remember who he spoke with, but he was concerned about the traffic. He was told that 12200 South would go through, and a park would be built on 300 East. He has a truck and a trailer, and he cannot even get down the street on event days. Juan Diego is a very popular location, and they have a lot of special events going on. It is great to have them there, but it does cause a problem.

8:50:10 PM

9.24 Anne Marie Curran, 429 East 12000 South, stated she is very involved with Juan Diego. They ran the play last week for three nights, which is good because the traffic would have been so much worse if they had only done it for one night. The families want to support their kids, and they have to have a place to park. She said her kids walk to school, so she is very worried about this proposal and the increased traffic it will bring.

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9.25 Cathy Floyd, 318 East 12000 South, stated she did not buy one acre of land so she could look across the street at four houses. She has one house next to her, and she can look into their backyard. She also looks into the backyard of the neighbor behind her. She does not want to have four more houses in her backyard. She owns the pink house with the broken white fence. She indicated she is not going to repair it anymore because she is tired of fixing it.

8:52:27 PM

9.26 Larry Hardy, 371 East 12000 South, reemphasized that there are homes being built by Ivory Homes on 500 East and 12000 South. No one in the neighborhood has any issues with that, because it will improve the neighborhood. A high-density development to the west will lower property values, which is a big concern for the neighbors. He asked the City Council to take that into consideration.

8:53:11 PM

9.27 Danielle George, 446 East 12000 South, stated her family just moved here in April. One of the things they love about the area is the large land sizes. She said she is not opposed to development of the property in question; however, she would like to see something that would flow more gradually into the area such as half-acre or quarter-acre lots.

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9.28 Mike Vigos, 409 East 12000 South, reiterated that the traffic in this area is ridiculous. It is more than just once a month or once a week. It can happen several times a week. People cannot get into their driveway, people walk through the neighbors' yards to get to Juan Diego, and it is already too congested. The home values are still low due to the drop in the market, and high density will just hurt them again. When they bought their property, they were all promised that there would be one-acre lots behind them. He was disappointed when the school went it instead.

8:55:15 PM

9.29 Mayor Pro Tem Stenquist closed the public hearing.

8:55:53 PM

9.30 Councilmember Walker moved to suspend the rules. Councilmember Summerhays seconded the motion.

8:56:14 PM

9.31 A vote was taken with Councilmembers Colbert, Rappleye, Summerhays and Walker voting in favor. Councilmember Stenquist voted nay. The motion carried with a majority vote of 4 to 1.

8:56:24 PM

9.32 Councilmember Walker moved to deny ordinances 1077 and 1078. The motion was seconded by Councilmember Summerhays.

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9.33 Councilmember Walker noted the reasons he is making this motion is because he does not believe there is an adequate buffer between the existing larger zone subdivision, this property, and the property to the west. He expressed his opinion that this proposal does not represent the character or nature of the neighborhood to the east. He said the traffic is a major concern, specifically with the children. There is a school and Catholic dioceses that meets in the area as well. He said he has been down there on many occasions and has witnessed the traffic problems. That area is not designed to handle such a heavy load. The L-shape of the road on 300 East is a concern for him as well. There is a potential for this property to be zoned as high-density housing. He is not opposed to that, but he is opposed to the level of density that would be required with this application. The buffer needs to get less dense as it gets closer to the neighborhood to the east.

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9.34 Councilmember Summerhays said most everyone has talked about the traffic in the area. He has had two kids attend Juan Diego, so he knows firsthand that it is a problem. He said they need to try to figure something out.

8:56:34 PM

9.35 Councilmember Rappleye noted he spent ten years on the Planning Commission, and he agrees with Mr. Hansen's summation that good planning does require buffering between these things. They have high density around there, and things do change, such as the park. Many things have changed in his neighborhood too. That is the gist of living in an active community. However, there is a possibility of different types of housing across the street there. Having it zone down towards single family is a good concept. There will be additional traffic even with single homes there on smaller lots. A case has been made that there should be a buffer there. The ordinance does speak to that, and the neighbors have made a good point.

9:00:16 PM

9.36 Councilmember Colbert agreed with the motion. He recommended a development with one-third acre or one-half acre lots to act as a buffer. At some point, that property might have been proposed to be a City Park or the City Hall, but that was opposed by many in the community. He expressed his opinion that the Planning Commission brought forward the correct recommendation to the City Council. The Planning Commission represents the conscience of the community, and that is why they are there. He noted there will be some residential development on that property, and the City will have to address the traffic flow.

9:02:28 PM

9.37 Councilmember Stenquist noted he supports the motion, but they need to keep in mind that this property will develop into something. The traffic problems that exist today will only get worse. He suggested the City talk to the Catholic Center and the school to try to work out the issues. Councilmember Stenquist stated the property owner should be allowed to do something with their property. People might not want to build half-acre lots

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on this parcel, so that idea might not be feasible. He recommended something that provides a transition from the west to the east. He wants a nice product built there.

9:04:58 PM

9.38 Councilmember Walker said he does not want his motion to reflect that he is penalizing the developer because of the traffic. His concern is that there is no buffer. He is not opposed to a proper density to buffer that area. This property will not have one-acre lots. There is a transition level, and this proposal is too dense for him in that it does not meet the desired buffering in the General Plan.

Mayor Pro Tem Stenquist agreed saying the General Plan is the document that is supposed to guide their decisions on this kind of thing. To just change it from low density to high density is a big change to make.

9:07:01 PM

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

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

***Mayor Smith arrived at the meeting at 9:15 p.m.*

***The Council Meeting resumed at 9:22 p.m.*

10.0 Public Hearing: Ordinance #1076, On the Request of Draper City, for Approval of a Zoning Text Amendment Allowing 'Vehicle and Equipment Rental or Sale' in the Community Commercial (CC) Zone.

9:23:15 PM

10.1 Mr. Boles noted this is a request to change the text as it pertains to vehicles sales in the CC zone by making it a conditional use. He displayed a map showing the areas that would be affected by this change. Most of the property in this zone is already developed.

9:24:52 PM

10.2 Councilmember Colbert stated there is a difference between a standard car rental place versus a place that rents forklifts and heavy equipment. Mr. Boles explained vehicle and equipment rental or sales could be a car lot, heavy equipment, or an Avis car rental.

Councilmember Colbert suggested they divide that up, because there is a difference between those uses. Mr. Boles noted staff can look at separating those uses.

9:26:21 PM

10.3 Councilmember Summerhays asked what sparked this application. Mr. Boles replied Velocity Auto wanted to expand on their current site; however, they are not allowed to do that right now because it is not permitted.

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9:27:06 PM

10.4 Councilmember Summerhays stated his concern with this application is the loading and unloading of vehicles in the middle of the street. Keith Morey, Community Development Director, noted Velocity Auto is planning to address that issue with the site plan when they expand. Their desire is to create an off-loading area on site. Mr. Morey also clarified that vehicle rental is a different category under the current ordinance.

9:29:07 PM

10.5 Councilmember Rappleye questioned whether the traffic patterns for the entire lot would change and have more access on 12300 South as opposed to the secondary road in the back. Mr. Morey explained the action tonight would just allow this to go forward. Staff would work with the applicant on whatever site plan they put forward to address all of the issues.

9:29:56 PM

10.6 Mayor Smith asked whether this change will move the vehicle rentals under this category. Mr. Morey indicated it would stay the same.

9:30:14 PM

10.7 Councilmember Stenquist stated it is important to remember that they are changing the definition of what is allowed in the entire CC zone. The position of staff is that it is appropriate in this zone because it is generally found along large arterial commercial areas. This is the mid-level commercial intensity and is located on the main transportation corridors.

9:31:33 PM

10.8 Mr. Morey said there was a comment about the outlying Community Commercial areas; however, auto sales would not be interested in going there. They want to go where there are major arterials with large traffic flows and visibility.

9:32:00 PM

10.9 Councilmember Stenquist asked for examples of other uses in that zone that are as intense as or more intense than what they are looking at with a car dealership.

9:32:10 PM

10.10 Mr. Dobbins advised that currently in the CC zone they can have convenience stores, gas stations, hotels, medical services, nurseries, offices, repair services, restaurants, retail, second hand thrift stores, tattoo establishments, vehicles rentals, and vehicles repairs. Some of these uses are conditional and some are permitted.

9:33:04 PM

10.11 Mayor Smith opened the public hearing. No one came forward to speak, so Mayor Smith closed the public hearing.

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9:33:29 PM

10.12 Mr. Dobbins clarified that vehicle and equipment rental or sale is different than vehicle rental. He recommended they clean up the definition, so they know what it is. The City Council can approve this tonight, and staff can bring back language that cleans up the definition.

Subsequent to staff and Council discussion, it was agreed that staff would bring the definition change to the City Council at the next meeting.

9:37:55 PM

10.13 Councilmember Walker moved to suspend the rules. Councilmember Rappleye seconded the motion.

9:38:18 PM

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

9:38:24 PM

10.15 Councilmember Walker moved to approve Ordinance #1076, to allow vehicle and equipment rental or sale in the Community Commercial zone with the consideration that staff will bring language to the City Council to clean up the definitions. Councilmember Rappleye seconded the motion.

Councilmember Walker expressed his opinion that the use fits and this will allow the business to expand.

9:39:31 PM

10.16 Councilmember Rappleye said this could have a positive effect on Velocity, and it will allow them to create better access points, which will reduce some of the impact on the surrounding areas.

9:40:03 PM

10.17 Councilmember Colbert stated he respects and supports the intent of the motion; however, he believes it is premature. He wants to change the definition first. He does not want to risk someone sneaking through with an application prior to the change being made.

9:40:39 PM

10.18 A roll call 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.

11.0 <u>Public Hearing: Ordinance #1075, On the Request of Draper City, for Approval of Text Amendments to the Zoning and Subdivision Ordinances Bringing Both into Compliance with the Utah State Code.</u>

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9:41:36 PM

11.1 Jennifer Jastremsky, Planner, noted State law changed over the past year relating to noticing requirements. This change brings the City Code into compliance with the State Code.

9:42:07 PM

11.2 Councilmember Summerhays asked what this accomplishes. Ms. Jastremsky explained it is a requirement by State Code. Staff made minor changes in order to clean up the language. The main change is pertaining to the Utah Public Notice Website. This change adds that requirement to the Draper City Code.

9:44:19 PM

11.3 Mayor Smith opened the public hearing. No one came forward to speak, so Mayor Smith closed the public hearing.

9:44:29 PM

11.4 Councilmember Stenquist moved to suspend the rules. Councilmember Colbert seconded the motion.

9:44:40 PM

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

9:44:47 PM

11.6 Councilmember Stenquist moved, by ordinance, to approve Ordinance #1075, which amends the zoning and subdivision ordinances to bring them into compliance with the Utah State Code. The motion was seconded by Councilmember Colbert.

9:45:06 PM

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

12.0 Public Hearing: Resolution #13-53, 2013-2014 Budget Amendments.

9:45:32 PM

12.1 Bob Wylie, Finance Director, explained the budget amendments included the following:

- Public Works – Water Department
  - Taking money from seasonal wages and moving it into the full-time wages
  - This is all with the Water Fund
- Police Department
  - Draper City received a Federal COPS Grant Award for $250,000
  - This funds two school resource officers
  - Total cost for six month period $91,350

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12.2 Chief Roberts noted the Police Department applied for a Federal Funding Grant for school resource officers and was awarded $250,000 to fund two positions for three years. The funding is only applicable to salary and benefits. The City is recruiting right now to fill those positions, and they anticipate filling those in January. This budget amendment funds those positions for the remaining six months of the fiscal year. He reminded the City Council that one of the obligations of this grant is that the City has to continue funding it for the fourth year.

9:47:34 PM

12.3 Mr. Dobbins explained the School District will pay $30,000 for the high school resource officer and $15,000 for the middle school. As the grant money tapers off, they will supplement it with the General Fund and the School District's funding.

9:48:43 PM

12.4 Mr. Wylie continued with the amendments:

- Public Works – Parks
  - Completing the Suncrest/Traverse Ridge Intersection Improvement Project
  - Cost $13,963.07
  - This is moving funds from Park Operational over to the Capital Improvement Funds
- Public Works – Water
  - Freeway Pump Station – Design Phase
  - Cost $200,000
  - This will allow for future development in Zones 2 and 3

9:50:05 PM

12.5 Councilmember Colbert asked whether they are borrowing from impact fees because this is all due to future growth. Mr. Dobbins stated this is all coming out of the Water Fund. They will look to reimburse this cost with impact fees.

9:51:11 PM

12.6 Mr. Wylie reviewed the next budget amendments as follows:

- Police Department
  - CCJJ JAG Block Grant from the State of Utah
  - $8,311 - for specialized law enforcement equipment
    - Tasers
  - Not a matching grant
- Emergency Management Performance Grant
  - $11,000
  - This offsets part of the salary of Garth Smith and Maridene Hancock as they work with emergency management and preparedness.
- Public Works – Storm Water
  - South Mountain Golf Course drainage
  - $245,000

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- These expenses are related to the construction contract, staking, materials/compaction testing and contingency with SL County (12-58 & 12-181) for golf course erosion mitigation. This project was originally budgeted in FY13 for $150,000. Original bids were opened in May 2013 with low bid of $286,930. The project was re-bid in fall of 2013 with the low bid being $195,990. The original budgeted amount of $150,000 was moved back into Storm Water Fund balance at the end of FY13.

- Police Department Expansion
  - Original budgeted amount $3,380,513
    - General Fund - $2,306,236
    - Municipal Building Authority - $165,009
    - Police Impact Fee - $909,268
  - Additional funding of $214,000 is being requested to fund the most recent estimate from Think Construction Management.

9:53:59 PM

12.7 Mr. Fox displayed elevations for the proposed Police Department expansion. The building will be just over 21,000 square feet and will have 3-stories. The $3.3 million will basically get the City the shell of the building. The additional money will pay to furnish the building and finish the first 2 floors. The third floor will remain unfinished and will allow for future growth. There will be some unfinished areas on the second floor as well. Staff has worked very hard to get this within a pretty tight budget. This building will eventually house the Emergency Operations Center. It is a Category 4 structure.

9:56:58 PM

12.8 Councilmember Stenquist stated it appears that the ADA ramp is being removed. Mr. Fox replied it is being relocated. This will also take out the first row of parking. They will need to add parking along the west boundary.

9:57:45 PM

12.9 Councilmember Summerhays asked when staff is proposing to start this project. Mr. Fox said they need to get moving on this fairly quickly in order to utilize the impact fee funds. They want to get it out to bid in January and start construction early next year. They have already lost some impact fee funds from previous years.

9:58:37 PM

12.10 Mr. Wylie noted he does have a correction on the spread sheet in the packet. On the sheet it says General Fund; however, the funds are coming from the CIP Fund.

9:59:39 PM

12.11 Mayor Smith opened the public hearing.

9:59:49 PM

12.12 Sean Benjamin, 316 West 1365 South, noted the Fiscal Year 2013-14 City Budget projects a decrease in the General Fund over the next four to five years. In his experience

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with construction management, they are seeing commodity costs going up significantly. The building costs are increasing, and he sees that continuing over the next few years. He said the City needs to keep that in mind. As they look at future costs, they need to make sure there is enough funding to cover the expenses. For example, when the funding from the COPS grant goes away, the City is on the hook for that additional money. This is a great thing to be on the hook for; however, the City needs to be careful.

10:02:27 PM

12.13 Mr. Dobbins stated most of these amendments are just transferring from one part of the budget to another. However, some are actual budget increases. Mr. Dobbins advised what Mr. Benjamin said is very important. Staff has been very careful not to take on obligations that they do not have the ability to maintain. That will result in the City having to make some very difficult decisions during the next budget cycle. They have already talked about parks and the maintenance costs.

10:04:01 PM

12.14 Mayor Smith suggested the City Council have a lengthy retreat in reference to the budget at the first of the year.

10:04:45 PM

12.15 Mayor Smith closed the public hearing.

10:04:54 PM

12.16 Councilmember Rappleye moved to suspend the rules. Councilmember Walker seconded the motion.

10:05:04 PM

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

10:05:14 PM

12.18 Councilmember Rappleye moved, by resolution, to approve Resolution 13-53 pertaining to the 2013-2014 budget amendments. Councilmember Walker seconded the motion.

10:05:28 PM

12.19 Councilmember Rappleye commented that the Council has talked about this at length, so they have known this was coming. This is one part of the process. He expressed appreciation to Mr. Wylie for his explanation of the amendments.

10:05:57 PM

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

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10:06:11 PM

Councilmember Summerhays moved to extend the meeting past the 10:00 p.m. deadline. Councilmember Rappleye seconded the motion.

10:06:25 PM

A vote was taken with Councilmembers Colbert, Rappleye, Stenquist, and Summerhays voting in favor. Councilmember Walker voted no. The motion carried with a majority vote of 4 to 1.

13.0 Action Item: Agreement #13-232, Approving a Professional Services Agreement with Hansen, Allen, & Luce for the Freeway Pump Station Expansion Project Design.

10:07:15 PM

13.1 Mr. Dobbins explained this is for the $200,000 design of the pump station the Council just approved as part of the budget amendments. This had to be approved after the budget amendment because the funding had to be in place first.

10:07:37 PM

13.2 Councilmember Rappleye moved to approve Agreement #13-232, approving a professional services agreement with Hansen, Allen, & Luce for the Freeway Pump Station Expansion Project Design. Councilmember Summerhays seconded the motion.

10:08:00 PM

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

14.0 Action Item: Agreement #13-157, Approving an Agreement with Lyndon Jones Construction for the South Mountain Golf Course Hole 12 Storm Drain.

10:08:33 PM

14.1 Troy Wolverton, City Engineer, explained the drainage in this location is piped and goes into a detention basin. The County contacted the City back in 2011 and expressed concern with the erosion that is taking place in this channel. As a result, the City has entered into an agreement for cost sharing where the Council will reimburse the City $60,000 to replace some drains coming off the fairway.

10:10:08 PM

14.2 Councilmember Stenquist moved to approve Agreement #13-157, which approves an agreement with Lyndon Jones Construction for the South Mountain Golf Course Hole 12 Storm Drain. Councilmember Rappleye seconded the motion.

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10:10:34 PM

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

15.0 Action Item: Agreement #13-97, Approving a Lease Agreement with Wadsworth Acquisitions LLC for Sun Crest Market Lease.

10:10:56 PM

15.1 Mr. Fox said they received a letter of intent from Wadsworth Acquisitions back in September. They want to operate a restaurant and retail out of the Sun Crest Market building. The terms of the lease are $6,000 per year for 4 years. Wadsworths have a desire to improve some additional areas east of the market for potential parking. They have agreed with most of the terms in the agreement; however, they still need to talk about the privilege tax. He asked whether the Council is okay to proceed with the lease if staff is able to work out the terms in a way that the City is kept whole.

10:12:28 PM

15.2 Councilmember Colbert asked whether the City can appeal the assessed value of the building. He does not believe the assessed value is accurate. The building has sat vacant for many years, and the City has been unable to lease it. Mr. Fox said the assessed value is $320,000. The taxes are based on the commercial tax rate.

Councilmember Summerhays said he does not think the City is different than any other entity. They would have to go through the appeals process in June.

Mr. Fox stated if it is being used as a commercial business, they need to pay the privilege tax.

10:15:02 PM

15.3 Councilmember Summerhays stated they will have to start heating the building now, and the costs are going to start going up if they do not do something. He expressed his opinion that the City should do something with the building as soon as possible so the liability goes to the Wadsworths.

10:15:36 PM

15.4 Mr. Dobbins stated if the City Council approves this agreement, staff will negotiate the terms of the lease so the City is not paying anything out. They have to make sure they understand all of the costs they are responsible for and make sure the costs are passed on to the Wadsworths. Staff has done tours and personally contacted companies they would want to see in that facility, but they have struggled to find anyone. The challenge is that if they do not get someone in there, the City's cost will go up with no money coming in.

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10:16:17 PM

15.5 Councilmember Colbert said they need to look at the taxpayers' interest. He lives up there, and the residents want it to be a market. However, if it does not pencil out, the City should make it residential and sell it.

10:16:40 PM

15.6 Mr. Fox said one option they have is to just sell it. They are excited to have Wadsworth come in with this lease agreement. There is an option for them to purchase the building if this works out. Mr. Fox said the lease does say Wadsworths will do the snow removal, and they will pay for the utilities so it does help cover many costs. Staff just needs to get a good breakdown of the costs involved so they can make sure they break even.

10:18:02 PM

15.7 Councilmember Rappleye asked whether they are planning any tenant improvements up there. Mr. Fox said they will have to do some improvements.

Mr. Dobbins noted they have talked about doing a themed restaurant.

10:18:35 PM

15.8 Councilmember Summerhays moved to approve Agreement #13-97, which approves a lease agreement with Wadsworth Acquisitions LLC for the Sun Crest Market Lease with the condition that the City would break even with this arrangement. Councilmember Rappleye seconded the motion.

10:19:27 PM

15.9 Councilmember Stenquist expressed concern that if other taxing entities have to be involved with the privilege tax, it might not be the best mechanism for negotiation.

10:19:47 PM

15.10 Councilmember Walker said he wants this to be a wash at the very minimum. Mr. Dobbins stated staff will report back to the Council, and if it does not look like it will be a wash, they will not proceed.

10:20:10 PM

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

16.0 Action Item: Ordinance #1065, Amending Section 2-6-060 of the Draper Municipal Code, Surety Bonds for Elected Officials, City Treasurer, City Recorder, and Employees.

10:20:51 PM

16.1 Garth Smith, Human Resource Director, noted the City is required to hold a bond for specific employees. As they looked into it, they found that there is a criminal blanket bond that covers all of the employees and elected officials. State Code requires a $1

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million bond on the City Treasurer, which the City does have. Staff has made adjustments to the City Code to make this clearer. Draper is a third class city. Once they become a second or first class city, the elected officials have to have individual bonds. He checked with the company that provides the bonds, and they confirmed that the criminal blanket will cover everything that is needed. If the elected officials want a higher amount on specific positions, they can do that by resolution or ordinance.

10:22:37 PM

16.2 Councilmember Stenquist asked for an example of what the bond might cover. Mr. Smith said it would cover things like embezzlement or any other criminal action.

10:23:26 PM

16.3 Councilmember Rappleye moved to approve Ordinance #1065, which amends Section 2-6-060 of the Draper Municipal Code pertaining to Surety Bonds for elected officials, City Treasurer, City Recorder, and other employees. Councilmember Colbert seconded the motion.

10:23:46 PM

16.4 Councilmember Rappleye said he read through this very carefully. He thanked Mr. Smith for his staff report. He noted it will be a while before Draper becomes a second class city.

10:24:12 PM

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

17.0 Action Item: Speed Limits – Mike Weir Drive, Deer Ridge Drive, Eagle Crest Drive, and Maple Park Court.

10:24:40 PM

17.1 Mr. Wolverton indicated staff typically receives a lot of complaints for speeding during the summer. They try to compile the ones they receive the most complaints on and study them to see what action should be taken. He presented the recommendations as follows:

- Mike Weir Drive
  - Speed study
    - The area currently has (2) 30 miles per hour speed limit signs.
      - Due to the low number of driveways accessing Mike Weir Drive, staff felt the speed limit could be raised.
    - Staff recommends increasing the speed to 35 miles per hour and adding more signage on the roadway.
- Maple Park Court
  - Ridgewood Subdivision has 35 lots
    - The majority of the people on this street live there.
  - Speed study
    - Staff determined the 85th percentile speed is 28 and 26 miles per hour in the north and southbound directions.

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- The speed of 27 miles per hour is common in residential neighborhoods.
- Staff did recommend some advisory speeds be posted for some of the curves in the neighborhood.
- The HOA president used this analysis to send to the neighbors. She told them if they wanted additional signage they should let the City know. The neighbors unanimously voted that they did not want additional speed signs on the roadway and committed that they would handle the issues amongst themselves.

- They do not want any additional action taken.

- Deer Ridge Drive
  - Speed Study
    - Speed limit is 25 miles per hour and is posted in 4 different locations.
      - The 85th percentile speed is 38 miles per hour.
      - Staff determined that 30 miles per hour might be a more appropriate speed for the area.
      - An additional staff recommendation would be to install 2 additional signs that would include the driver speed. These are called driver feedback signs. The signs are $3,500 each, and the City does not have the budget to install the signs this year. Staff will add this to the budget request next year.
- Eagle Crest Drive
  - There was an incident on this street where a boy on a bicycle ran into the side of a vehicle. This caused a great deal of concern for a lot of the neighbors.
  - Traffic calming analysis
    - Staff determined a stop sign was not warranted at this location.
    - The speed limit is posted at 20 miles per hour.
      - The 85th percentile speed is 29 miles per hour.
      - The majority of the vehicles are running higher than the posted speed limit on the roadway.
      - Staff is not recommending that the speed be changed.
      - The City has received several requests for speed bumps.
        - They do not get a huge response from speed bumps unless the average speed is over 35 miles per hour. The speed bumps only bring the speeds down 5 miles per hour.
        - Eagle Crest is not a road they would recommend for speed bumps.
      - (2) Driver feedback signs are recommended in this location, as well as pavement markings.
      - Enforcement of this area is also recommended.

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- Slow children at play signs have been requested; however, they are not recommended. They give a false sense of security.
- Stop signs are not used for speed enforcement.

10:40:24 PM

17.2 Councilmember Stenquist moved to approve the recommended changes for Mike Weir Drive, Deer Ridge Drive, Eagle Crest Drive, and Maple Park Court as presented. Councilmember Summerhays seconded the motion.

10:40:38 PM

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

18.0 Council/Manager Reports

10:40:50 PM

18.1 Councilmember Summerhays advised there are "no parking" signs on 13200 South and Relation Street that are not being observed. He asked that another sign be placed by the two homes, because it is hard to see the signs.

10:42:10 PM

18.2 Councilmember Walker indicated that after they held the last town hall meeting, he started thinking about how the City interfaces with the youth. He wants to make sure there are policies and procedures in place to protect the youth and the adults. He asked whether the City has a Code of Conduct, and if not, he wanted staff to explore the development of one. The City should have a clear written policy that both the youth and adults are trained on. If a youth ever has an uncomfortable feeling, they should have someone they can report to immediately without any worry of retribution. The Boy Scouts of America does it, and a lot of the churches do it as well. The youth programs are fantastic, and he is glad they do them. However, that town hall meeting made him think about the issues. He wants the youth and the adults to be vetted.

10:45:34 PM

18.3 Councilmember Stenquist stated he has questions about the I-15 expansion at the point of the mountain. He is particularly concerned with the traffic congestion at the 14600 South. There are new businesses opening up around the point of the mountain, and there are new office buildings being built by the Wadsworths. Bluffdale is also expanding. If the prison is to move as planned, they will need a major interchange at that location.

Glad Robbins, Public Works Director, noted they are planning to build it so it can be expanded into a single-point urban interchange (SPUI). There are some betterments the Utah Department of Transportation (UDOT) would like the City to participate in.

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Councilmember Stenquist said they need to think ahead and recommend a major interchange like 12300 South. One of his concerns is how close the frontage roads are to the intersections. Mr. Robbins indicated moving the frontage road is one of the betterments the UDOT is looking at. This will be brought to the Council on December 3, 2013.

10:48:05 PM

18.4 Councilmember Rappleye stated there has been an increase in the amount of solicitors in the median on 12300 South. He has seen it over a dozen times in the last month. The City needs to come up with some way to solve that. There is also a problem with "snipe signs." These appear primarily on the weekends. The people are timing it so they get the exposure.

Keith Morey, Community Development Director, noted staff is aware of this. Sometimes Kasie Hall will come in on the weekends to help take care of the problem. They will continue to watch it.

10:49:38 PM

18.5 Councilmember Colbert said he understands the crack sealer is broken. He asked how long it will take to get fixed and whether the City has looked at other options. The City is losing valuable opportunities and there are serious issues with the streets in the community.

Mr. Dobbins stated they do not have a repair estimate yet, but staff is working on it.

10:50:09 PM

18.6 Mr. Dobbins then advised he had a meeting last week met with some of the residents on 13200 South. The neighbors presented a recommendation on what they believe the neighborhood wants. Staff is in the process of looking at what the cross section is and what the layout would do. Staff will bring that layout to the Council with the issues associated involved with the recommended cross section at the December 3, 2013, City Council meeting.

10:51:21 PM

18.7 Mayor Smith stated he has received several phone calls in reference to a dead deer on the south side of 13200 South 1100 East. He asked who contacts the Division of Wildlife Resources. Mr. Dobbins indicated staff will pass the information along.

19.0 Adjournment

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

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Return to Agenda

CONSENT

ITEM #B

REQUEST FOR COUNCIL ACTION

To:	**Mayor & City Council**
From:	**Joe Bryant**
Date:	**November 21, 2013**
Subject:	**Architectural Services for the New Police Department Addition Agreement # 13-183 Addendum #1**
Applicant Presentation:	
Staff Presentation:	**Joe Bryant**

RECOMMENDATION:
Recommendation to approve Addendum #1 to Architectural Services for the Design Build of the New Police Department Addition to City Hall. Guaranteed Maximum Price shall be $3,593,980. Architect will be responsible for Architectural Engineering, Design, Construction Bidding, and Project Construction Management Services needed to deliver the finished building addition to the City.

BACKGROUND AND FINDINGS:
Compliant to Draper City Municipal Code Section 3-3-070 (c) (iii) (a) (b) the City executed an agreement for Consulting, Engineering and Design Services on June 26, 2013. This Amendment defines the maximum price for the construction of a 21,441 sq/ft three story additions of which 12,452 sq/ft will be finished office and ancillary space and will include $145,584.00 in Furniture, Fixtures and Equipment. Council approved $214,000.00 additional funding in Resolution #13-53 dated 11/19/13 needed to fund this project.

PREVIOUS LEGISLATIVE ACTION: N/A

FISCAL IMPACT: Finance Review: BW
41-49-2445 -$ 909,268.00, 41-49-2433 $165,009.00, and 41-49-2441 $ 2,520,236.00

SUPPORTING DOCUMENTS:
- Agreement # 13-183 Amendment #1

Draper City Agreement # 13-183 Programming, Design and Construction Administration and Management of City Hall Police Department Addition.

AN AGREEMENT FOR PROFESSIONAL CONSULTING, ENGINEERING and DESIGN SERVICES BETWEEN DRAPER CITY AND THINK ARCHITECTURE
ADDENDUM #1

This Addendum #1, to the Agreement for Professional Consulting, Engineering and Design Services between Draper City ("City) and Think Architecture, Inc., (Architect), dated June 26, 2013 ("Agreement") is hereby entered in to this 20th day of November, 2013.

It is the City's desire to engage the Architect to perform all Construction services as outlined under Paragraph 2, of the Agreement, and to amend the Agreement as follows:

1. Paragraph 3, Compensation and Payment, shall be amended to include the total Not to Exceed Guaranteed Maximum Price of Three Million Five Hundred and Ninety Three Thousand Nine Hundred and Eighty Dollars ($3, 593,980.00) for the Design Build Architecture, Engineering, Construction Administration and Management Services of a Twenty One Thousand Four Hundred and Forty One (21,441) square foot category four (4) structure Police Department Addition. This will include Twelve Thousand Four Hundred and Fifty Two (12,452) square feet of finished office and ancillary space and One Hundred and Forty Five Thousand Five Hundred and Eighty Four Dollars ($145,584.00) of Furniture, Fixtures and Equipment (FF&E). It is expressly understood that the scope of work does not include any additional parking stalls at the facilty.

2. Paragraph 4, Extra Services, shall be amended to include the following language:
   a. Architect shall provide the following construction management services, as part of the Extra Services contemplated under this Agreement:

      1) Preconstruction pricing following the schematic design phase to keep the City informed of the cost and value of the Project as it progresses;

      2) Design Build Construction with guaranteed maximum pricing;

      3) Assist in value engineering ideas and cost savings as needed throughout the Project;

      4) Management of competitive bid process by analyzing and qualifying all sub-bids, and determining the lowest responsible and responsive bid in each Division of construction;

      5) Provide a full-time, on-site construction manager to ensure that the Project is constructed according to plans and specifications, and to ensure that all sub-bid-contract prices are accurate and firm;

      6) Hold regular meetings with the City to ensure that the project is progressing on schedule, and to work through potential issues.

All other provisions of the Agreement shall remain in full force and effect.

Dated this 20th day of November 2013.

In concurrence and witness whereof, this Agreement has been executed by the parties effective on the date and year first above written.

DRAPER CITY

_____

Darrell H. Smith, Mayor or designee

ATTEST:

_____

Rachelle Conner, City Recorder

Think Architecture, Inc.

James F. Allred, CEO

CONSULTANT ACKNOWLEDGMENT

STATE OF UTAH)
:ss.
COUNTY OF SALT LAKE)

On the 21st day of November, 2013, personally appeared before me James F. Allred who being by me duly sworn did say that ~~is~~ he is the CEO of Think Architecture, Inc., a Utah corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors; and they acknowledged to me that said corporation executed the same.

Notary Public
Residing at:
Salt Lake City, Utah

My Commission Expires:
July 1, 2013

JULEE A MORI
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 583171
COMM. EXP. 07-01-2014

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CONSENT ITEM #C

RESOLUTION NO. 13-57

A RESOLUTION REAPPOINTING LAURA BAKKER TO THE DRAPER CITY TREE COMMISSION

WHEREAS, the Draper City Tree Commission is short members and the seats needs to be filled; and

WHEREAS, Laura Bakker has agreed to accept a reappointment to the commission for four more years; and

WHEREAS, the Mayor desires to reappoint and the Council hereby consents to the reappointment of Laura Bakker to the Tree Commission;

NOW, THEREFORE, BE IT RESOLVED by the Draper City Council that Laura Bakker is hereby reappointed to serve on the Draper City Tree Commission for a period of four (4) years.

Section 2. **Severability.** If any section, part, or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts, and provisions of this Resolution shall be severable.

Section 3. **Effective Date.** This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS THE 3RD DAY OF DECEMBER, 2013.

ATTEST: **DRAPER CITY**

Rachelle Conner, City Recorder **Mayor Darrell Smith**

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ITEM #5

REQUEST FOR COUNCIL ACTION

To:	**Mayor & City Council**
From:	**Russell Fox**
Date:	**December 3, 2013**
Subject:	**Purchase Agreement #13-261 with John and Cara Briggs, 1620 E Cherry Creek Lane**
Applicant Presentation:	**John and Cara Briggs**
Staff Presentation:	**Russell Fox, Assistant City manager**

RECOMMENDATION:

That the City Council consider entering into Purchase Agreement #13-261 with John and Cara Briggs for a small piece of property between their property and adjacent to the Porter Rockwell Trail at approximately 1620 E Cherry Creek Lane.

BACKGROUND AND FINDINGS:

John and Cara Briggs have approached the City Council to have approximately 870 square feet of the 1,742 square feet piece of property between their property and the Porter Rockwell Trail to have it declared as surplus and authorize the sale of the property. The property in question is a small sliver that is not needed for the trail. The Briggs' property is approximately 5 feet below the trail pavement. They desire to build a fence on the portion the city sells to screen their property from users of the trail. The alignment proposed would be similar to the property owner's to the south.

PREVIOUS LEGISLATIVE ACTION:

- Initial offer of $500 from the Briggs
- Property was declared as surplus at the November 19, 2013 City Council Meeting

FISCAL IMPACT: Finance Review: _____

The initial offer from the Briggs was $500 for the entire property. They are now offering $1,200 for the 870 square feet portion. This calculates to $1.38/sq.ft.

SUPPORTING DOCUMENTS:

- **Purchase Agreement 13-261**
- **Map**

Proposed Surplus Property

0 60 120 240
Feet

DRAPER CITY

N
W E
S

REAL ESTATE PURCHASE AGREEMENT

This Real Estate Purchase Agreement (the "Agreement") is made and entered into as of the _____ day of December 2013 by and among **DRAPER CITY**, a Utah municipal corporation, 1020 E. Pioneer Road, Draper, UT 84020 ("City" or "Seller"), and **John & Cara Briggs** ("Buyer"), 1618 E. Cherry Creek Lane, Draper, UT 84020.

RECITALS

WHEREAS, Buyer presented an offer to the City Council in August requesting to purchase property owned by Draper City for $500.00; and

WHEREAS, the property measures approximately 1,745 sq. ft. and is located east of Buyer's lot and abutting Buyer's backyard; and

WHEREAS, Buyer has not encroached onto the City's property but desire to purchase the property to improve the land and construct a vinyl fence for privacy of their backyard from users of the trail located in close proximity to the property; and

WHEREAS, City replied to Buyer's request with a counter offer of $6.00 a square foot with the sale price calculated at $10,470 (1,745 sq. ft X $6.00 per sq. ft.); and

WHEREAS, Buyer is now countering the City's response as detailed by **Exhibit A** by requesting only a portion of the initial requested property ("Property") measuring approximately 870 sq. ft and offering a purchase price of $1,200.00; and

WHEREAS, the City held a public hearing on the proposed sale of the Property and has declared it as surplus and authorized its sale; and

WHEREAS, the City finds under the terms of this Agreement the City will be receiving fair value for such property by accepting the offer of $1,200.00;

NOW, THEREFORE, in consideration of the mutual covenants and the agreements set forth below, as well as the mutual benefits to be derived from this Agreement, the parties hereto agree as follows:

TERMS

1. **Sale and Purchase.** The City hereby declares the Property as surplus, and agrees to sell, transfer and convey to the Buyer, and Buyer agrees to purchase, acquire, and receive from the City, the Property described in **Exhibit B**, all subject to and upon the terms and conditions of this Agreement. Buyer accepts the Property in "as-is" condition.

2. **Purchase Price**. The Total Purchase Price to be paid by the Buyer for the acquisition of the Property shall be **$1,200.00** and shall be paid in one lump sum upon execution of this agreement.

3. **Access for Maintenance of Trail.** Buyer is aware that the Seller will perform periodic maintenance to the trail. Buyer shall hold City harmless for any normal wear and tear caused to the Buyer's proposed fence as a result of the City's maintenance of the trail and surrounding areas including but not limited to landscaping and repaving of asphalt trail.

4. **Quitclaim Deed**. Upon payment in full of the Purchase Price, a quitclaim deed containing the legal description in Exhibit B will be issued by Draper City to Buyer for the Property.

5. **Water**. No water rights or shares are included in this Agreement.

6. **Non-transferability**. This Agreement is non-transferable.

7. **Recording Fees**. Buyer is responsible for all recording fees.

8. **Taxes**. Buyer shall be responsible for any and all taxes levied against the Property after the date of this Agreement.

9. **Occupancy; Risk of Loss**. Occupancy of the Property is hereby granted to Buyer immediately upon payment of the purchase price in full and recordation of the deed. Any and all risk of loss to the Property and responsibility for the Property shall be upon the Buyer.

10. **Notices**. All communications, consents, and other notices provided for in this Agreement shall be in writing and shall be effective on the date hand delivered, sent by facsimile, mailed by certified mail, return receipt requested, postage prepaid, or delivered by nationally recognized overnight courier, and addressed as follows:

(a) If to the Seller, to:

Draper City
1020 E. Pioneer Road
Draper, Utah 84020
Attention: City Manager

with a copy to:

Draper City
1020 E. Pioneer Road
Draper, Utah 84020
Attention: City Attorney

or to such other address as the Seller may designate to the Buyer, in writing.

(b) If to the Buyer, to:

John & Cara Briggs
1618 E. Cherry Creek Lane
Draper, UT 84020

or to such other address as the Buyer may designate to the Seller, in writing.

11. **Miscellaneous.** In addition to the foregoing, the parties agree as follows:

(a) This Agreement constitutes the entire agreement between the parties pertaining to the subject matter contained in it and supersedes all prior and contemporaneous agreements, representations and understandings of the parties with respect thereto. No supplement, modification, waiver or amendment of this Agreement shall be binding unless executed in writing by all parties. No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver.

(b) The recitals stated above and the exhibits attached to this Agreement shall be and hereby are incorporated in and an integral part of this Agreement by this reference.

(c) This Agreement shall be binding upon, and shall inure to the benefit of the parties to it and their respective successors and assigns; provided that neither party may voluntarily assign this Agreement, or any part thereof, without the consent of the other party; provided further that, at any time on or before the final payment of the Purchase Price, the Buyer shall be entitled to assign its rights and obligations hereunder to a subsequent purchaser, notice of which shall be provided to the City, in which event the Buyer shall have no further rights or obligations to the Seller by reason of this Agreement or otherwise, and this Agreement shall continue in full force and effect between the Seller and the Buyer's assignee.

(d) In the event any provision of this Agreement shall be held invalid and unenforceable, such provision shall be severable from, and such invalidity and unenforceability shall not be construed to have any effect on, the remaining provisions of this Agreement.

(e) This Agreement shall be governed by, and construed in accordance with, the laws of the State of Utah.

(f) This Agreement may be executed simultaneously by facsimile and in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument.

(g) In any litigation or other proceeding relating to the breach of any representation or covenant of the Seller or the Buyer, as the case may be, in this Agreement, the prevailing party shall be entitled to recover its out-of-pocket costs and reasonable attorneys' fees, including those incurred at trial or on appeal.

(h) Time is of the essence in connection with each and every term and provision of this Agreement.

(i) Each party to this Agreement irrevocably waives any and all rights it may have to demand that any action, proceeding or counterclaim arising out of or in any way related to this Agreement or the relationships of the parties hereto be tried by jury. This waiver extends to any and all rights to demand a trial by jury arising under common law or any applicable statute, law, rule or regulation. Further, each party hereto acknowledges that it is knowingly and voluntarily waiving its right to demand trial by jury.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

BUYER:

_____
John Briggs

BUYER:

_____
Cara Briggs

SELLER:

ATTEST:

DRAPER CITY
a Utah municipal corporation

_____
City Recorder

By: _____
Darrell H. Smith, Mayor

EXHIBIT B

LEGAL DESCRIPTION OF REAL PROPERTY

Certain real property located in Draper City, Salt Lake County, Utah more particularly described as:

A **PORTION** of Parcel# 28-33-326-036, 1620 E. Pioneer Rd., and listed on the Hoggan Lane Subdivision Plat Map as recorded in Salt Lake County Recorder's office and being further described as follows:

Beginning at the Northeast corner of lot 6 Hoggan Lane Subdivision and running thence South 18°22'38" West 238.47 feet to a point on the South line of said lot 6; Thence North 88°53'11" West 5.33 feet along said lot line; Thence North 18°30'16" East 238.56 feet to a point on the North line of said lot 6'; Thence South 89°47'26" East 4.80 feet along said lot line to the point of beginning.

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ITEM #6

Amendment No. 3 to
Purchase Contract

Property Number: 500-0843
Property Address: SWC of Manti Dr & Parowan Dr
Property City / State: Draper, Utah

Property Tax Parcel No. see legal

PURCHASER	SELLER
CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole	Draper City Attention: David Dobbins Assistant City Manager

The Purchase Contract dated August 03, 2012, as amended, is hereby amended as follows:

1. Section 1.(q) iv. second to last sentence shall be amended to read "The finish grade at the property line may be adjusted up to thirty feet in depth to accommodate the installation of the drainage swale, retaining wall, and fence."

2. Section 1.(q) v. second sentence shall be amended to read "Such adjustments to the finish grade shall be limited to thirty feet in depth and are for the purposes of constructing a drainage swale and providing a consistent, uniform slope for the fence line."

3. In exchange for the Seller allowing Purchaser to regrade the property at up to thirty foot depths, CPB will install its excess fill material at the park area east of the tennis courts, creating a flat, usable grass recreation area as depicted on the attached exhibit. CPB will also install sod and an irrigation system at this area that will be maintained in perpetuity by the city.

4. Purchase Contract Section 1.(e) Escrow Agent, and 1.(f) Title Company shall be changed to:
Metro National Title Company
Contact: Rodney A. Newman, President
345 East Broadway
Salt Lake City, Utah 84111
rod@metrotitle.com
Office (801) 363-6633
Direct (801) 236-3823
Fax (801) 236-3850

Section 1.(c) Earnest Money: shall be changed to "deposited with Metro National Title Company."

5. The terms and conditions of this Amendment shall supersede any conflicting terms and conditions in the Purchase Contract, as amended. Any non-conflicting terms and conditions of the Purchase Contract remain unchanged and in full force.

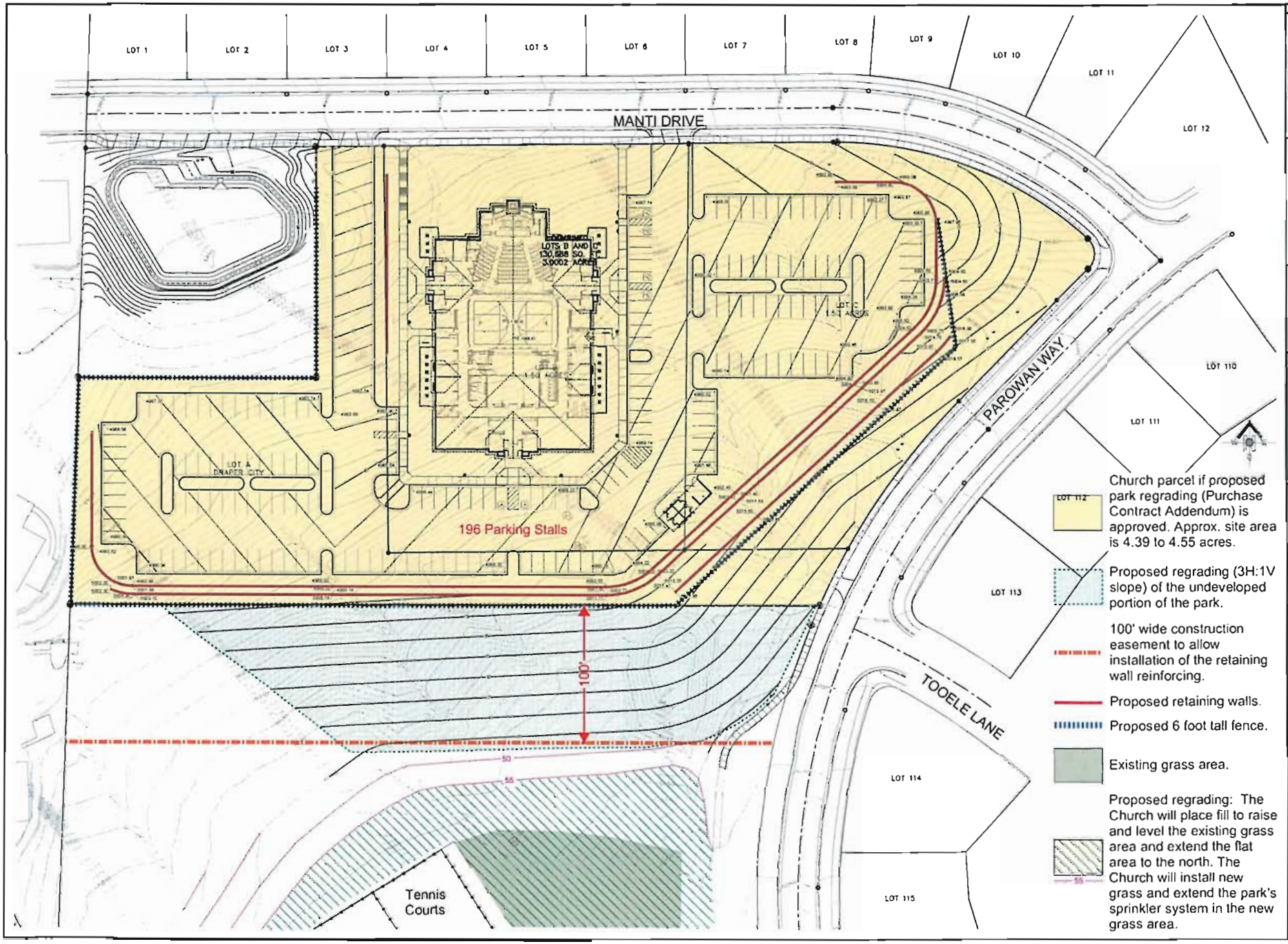
PURCHASER:

By: _____ _____

Its: Authorized Agent Date:

SELLER:

_____	_____	_____	_____
Seller's Signature	Date:	Seller's Signature	Date:
_____		_____	
Name (Print)		Name (Print)	
_____	_____	_____	_____
Seller's Signature	Date:	Seller's Signature	Date:
_____		_____	
Name (Print)		Name (Print)	



THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Proposed Meetinghouse Site for Draper UT Mountain Point Stake

ARCHITECTURAL SITE PLAN

C102

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ITEM #7

RESOLUTION No. 13-59

A RESOLUTION AMENDING A PREVIOUSLY ADOPTED AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR THE SALT LAKE VALLEY EMERGENCY COMMUNICATIONS CENTER (VECC).

WHEREAS, An amended and restated interlocal agreement has previously been approved and adopted between certain member agencies for the Salt Lake Valley Emergency Communications Center which is known as VECC; and

WHEREAS, a correction to the amended and restated interlocal agreement has been requested by the Board of Trustees of VECC; and

WHEREAS, it is necessary and convenient to amend the text of the previously adopted Amended and Restated Interlocal Agreement for VECC members.

NOW THEREFORE BE IT RESOLVED as follows;

1. Paragraph 9(d) of the previously adopted Amended and Restated Interlocal Agreement is hereby amended to add the language indicated below in red so that final paragraph of the agreement will read as follows:

> (d) Decisions, Quorum. A Quorum shall be required for the transaction of all business of the Board of Trustees, and shall consist of a majority of the total number of Member representatives, and that majority must represent a majority of the weighted voting rights represented on the Board of Trustees. Most decisions shall require a vote of a majority of the total weighted votes present. Any vote to approve a budget increase over the last approved budget by more than 2% or any vote to approve an expenditure of money in excess of $500,000 shall require a supermajority vote of 2/3 of all the Member representatives and 2/3 of all the weighted votes. Supermajority voting may also be required if expressly elsewhere so provided by this Agreement, applicable law, the Bylaws, or the rules or policies of the Board of Trustees; provided that a bylaw, policy or rule providing for supermajority voting on a matter must be approved by the same supermajority vote.

2. This resolution shall take effect upon passing.

SIGNED AND DATED this 3rd day of December, 2013.

_____
Mayor Darrell Smith

ATTEST:

_____
Rachelle Conner, City Recorder

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ITEM #8

ORDINANCE NO. 1079

AN ORDINANCE ESTABLISHING A TEMPORARY LAND USE REGULATION PURSUANT TO UTAH CODE ANN. 10-9a-504, REGARDING DRAPER CITY MUNICIPAL CODE CHAPTER 9-11 AND TABLE 9-11-1, TEMPORARILY PROHIBITING THE ESTABLISHMENT OF EQUIPMENT RENTAL OR SALE BUSINESSES IN COMMUNITY COMMERCIAL (CC) ZONING DISTRICTS

WHEREAS, Utah Code Ann. §10-9a-504 allows municipal legislative bodies, without prior consideration of or recommendation from the planning commission, to enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if the legislative body makes a finding of compelling, countervailing public interest; and

WHEREAS, such a temporary land use regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval per UCA 10-9a-504(1)(b); and

WHEREAS, Draper City Municipal Code Chapter 9-11 establishes standards for vehicle and equipment rental or sales in community commercial (CC) zoning districts; and

WHEREAS, the council desires to separate vehicle rental and sales from equipment rental and sales in CC zoning districts and to possibly prohibit equipment rental and sales in that zoning district; and

WHEREAS, inconsistencies appear in Table 9-11-1 regarding the vehicle and equipment rental or sales and the definitions pertaining thereto, and the city council has directed staff to clarify such provisions, particularly as they apply to the CC zoning district; and

WHEREAS, this council finds a compelling, countervailing public interest in placing a temporary land use regulation to prohibit the establishment of equipment rental or sale businesses in CC zoning districts until such time as appropriate public hearings are held and amended provisions are presented to the planning commission and the city council for review;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Temporary Land Use Regulation. Based upon the premises, this council hereby finds a compelling, countervailing public interest in prohibiting the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval under Chapter 9-11 of the Draper City Municipal Code for equipment rental or sales in CC zoning districts. There is an immediate threat of a proliferation of equipment sales and rental businesses in CC zoning districts and the related negative effects on the quality of life in Draper. Therefore, all future applications for the establishment of equipment rental or sales businesses under Chapter 9-11 and Table 9-11-1 in CC zoning districts shall be held in abeyance pending the council's consideration and possible re-writing of applicable code sections and definitions. The council finds this ordinance

is necessary to protect the health, safety, and welfare of its residents. Pursuant to Utah Code Ann. §10-9a-504, this ordinance shall be in effect for a period not to exceed six months from the effective date hereof.

Section 2. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS _____ DAY OF DECEMBER 2013.

ATTEST:

By:_____
City Recorder

DRAPER CITY

By:_____
Mayor

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ITEM #9

REQUEST FOR COUNCIL ACTION

To:	**Mayor & City Council**
From:	**Russell Fox**
Date:	**December 3, 2013**
Subject:	**Approve Resolution No. 13-30 amending the Consolidated Fee Schedule regarding False Alarm Fees**
Applicant Presentation:	**n/a**
Staff Presentation:	**Russell Fox, Assistant City manager**

RECOMMENDATION:

Staff recommends the City Council approve resolution No. 13-60 amending the Consolidated Fee Schedule regarding False Alarm Fees.

BACKGROUND AND FINDINGS:

Based upon recent inquiries about the fees charged regarding false alarms, staff has looked into amending the Consolidated Fee Schedule for alarm fees. Currently, the fee schedule allows for two false alarm responses with no charge within a calendar year. The Consolidated Fee Schedule provides that a third false alarm is charged "$55.00 per responding unit", the fourth false alarm is charged "$80.00 per responding unit" and anything in excess of four false alarms is charged "105.00 per responding unit." The concern that has been raised is the maximum charge of the number of units. For example, if six units respond on a fourth false alarm, the business would be charged $480.00.

In an effort to clarify the amount an alarm user would be charged, staff is proposing to add the language from Section 7-12-100 of the DCMC which places a maximum number of units that can be charged regardless of the number of units that respond to the Consolidated Fee Schedule. Section 7-12-100 of the DCMC states that Residential units (one or two-family) and small businesses are charged a maximum of two units. Large commercial businesses, apartment complexes and financial institutions are charged a maximum of four units.

PREVIOUS LEGISLATIVE ACTION:

March 19, 2013 Ordinance 1050 Amending Section 7-12-050

September 8, 2008 Adopting Ordinance 850 regarding Alarm Fees

September 8, 2008 Adopting Resolution 08-41 Amending the Consolidated Fee Schedule

FISCAL IMPACT: Finance Review: _____

None. The fees will remain the same.

SUPPORTING DOCUMENTS:

- **Resolution 13-60**

RESOLUTION NO. 13-60

A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE RELATING TO ALARM SERVICES.

WHEREAS, Draper City currently charges fees for false alarms in order to reduce the burden associated with the use of City resources and administrative costs incurred by responding to false alarms; and

WHEREAS, in order to promote a fair and efficient application of the false alarm fees it is necessary to clearly define the period in which fees are assessed; and

WHEREAS, in order to cover the increasing costs related to the resources and administrative costs incurred by responding to false alarms it is necessary to increase the fee assessed on false alarms; and

WHEREAS, the City Council hereby finds this action in the best interest of the public's health, safety and general welfare of the residents of Draper City, as well as promote the fiscal integrity of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH AS FOLLOWS:

Section 1. Approval. The City Council hereby amends the Draper City Consolidated Fee Schedule as shown in Exhibit "A" attached hereto and incorporated herein by reference.

Section 2. Severability. If any section, part, or provision of this Resolution is held invalid, or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts, and provisions of this Resolution shall be severable.

Section 3. **Effective Date**. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 3rd DAY OF DECEMBER, 2013.

DRAPER CITY

ATTEST:

City Recorder **Mayor**

Exhibit A

CONSOLIDATED FEE SCHEDULE

3. **ALARM SERVICES**
(Ord No. 344) (Revised per Ord. No. 850)

A) Alarm User Permit ---------- No Charge

False alarm fees are assessed after two false alarms occur in a calendar year. This applies to residents, small businesses, and large commercial and financial institutions. ***(Res 04-38) (Amended per Res 08-41)***

B) False Alarm Fees. ***(Res 04-38) (Amended per Res 08-41)***
- (i) Responding to two false alarms ---------- No Charge
- (ii) Third false alarm ---------- $55.00 per responding unit
- (iii) Fourth false alarm ---------- $80.00 per responding unit
- (iv) In excess of four alarms ---------- $105.00 per responding unit

The maximum false alarm fees that may be charged as per Section 7-12-100 of the DCMC are as follows:

- (i) Residential (one or two family homes), two units
- (ii) Small business, two units
- (iii) Large commercial business, apartment complexes and financial institutions, four units

C) Late Fees - fees are due on the date the notice is issued by the City: ***(Res. 02-35) (Amended per Res 06-54) (Amended per Res 08-41)***
- (i) Fees not paid within sixty (60) days have a penalty of 50% on the total unpaid balance including any unpaid late fees.
- (ii) Fees plus penalties not paid within ninety (90) days will be sent for collection for all penalties, costs and attorney's fees.

D) Interest Fees – are assessed on any unpaid obligations due Draper City with an outstanding balance in excess of 30 days from the date of the invoice at a rate of 18% annually or 1.5% per month. ***(Res 08-41)***

or incident to the operation of such systems. In the event the City finds it necessary to order the system disconnected, the City shall inure no liability for such action.

Section 07-12-100 False Alarms.

(a) Any alarm user which has two or more false alarms within a twelve-month period shall be subject to revocation of the user permit and assessment of a civil penalty. Revocation of a user permit shall be in accordance with the license revocation provisions specified in Title 6 of this Code, as amended.

(b) Any alarm user which has four or more false alarms within a six-month period, and who fails to take any corrective action regarding the continued occurrence of false alarms shall, in addition to any civil penalties imposed under this Chapter, be guilty of a misdemeanor.

(c) A service fee is hereby imposed for false alarms on a physical duress or intrusion alarm system to which peace officers, including the fire department, respond. The fee is assessed to the user of the alarm system. The amount of the fee shall be as set forth in the Consolidated Fee Schedule.

(d) The maximum service fee that may be charged under this Section based on the typical response by alarm user type is as follows:

(1) Residential (one or two family homes), two units

(2) Small business, two units

(3) Large commercial business, apartment complexes and financial institution, four units.

(e) All service fees assessed under this Chapter are due and payable on the date written notice of any fee due is issued by the Finance Department. Penalties for delinquent fees shall be as set forth in the Consolidated Fee Schedule. If any service fee is not paid within 120 days of the due date together with all applicable penalties, the City may use such lawful means as are available to collect such fee, including all penalties, costs and attorney's fees.

Section 07-12-110 Interagency Communications. A central station or other alarm dispatch center must provide the Police/Fire dispatch a toll-free telephone number for the conducting of business and contacting the central station dispatchers at the time of filing the alarm report.

Section 07-12-120 Deliberate False Alarms. No person shall cause to be transmitted any notice of an intrusion, physical duress or fire alarm trip, knowing the same to be false or without basis in fact. Central stations shall not request law enforcement officers or the fire department to respond to alarm scenes when monitoring equipment indicates an alarm system malfunction signal.

Section 07-12-130 Business License Revocation. Failure to timely pay any service fees imposed in this Chapter may result in the coordinator initiating action to revoke the business license of the alarm business.