

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MARCH 29, 2016, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH**

PRESENT: Mayor Troy Walker, and Councilmembers Bill Rappleye, Jeff Stenquist, Alan Summerhays, Marsha Vawdrey, and Michele Weeks

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Hazel Dunsmore, Human Resource Director; Russ Fox, Assistant City Manager; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Bryan Roberts, Police Chief; and Bob Wylie, Finance Director

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**Dinner**

**Study Meeting**

**1.0 Discussion: Engineering Study of the Andy Ballard Arena**

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1.1 Rhett Ogden, Parks and Recreation Director, advised the City Council allocated \$200,000 for upgrades to the Andy Ballard Arena. The City hired Sunrise Engineering to do a study of the arena. This is an opportunity for staff to update the Council on the study results. The hope is to have the Council decide what work they would like done at the arena and have it completed by Draper Days.

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1.2 Brad Jensen, Engineer, indicated the consultants were asked to look at the parking and seating for the arena. As they got into the study, it was determined that the seating was a higher priority than the parking at this point. Phase One is proposed to include the following:

- Mobilization - \$4,000
- Bleacher Purchase - \$104,239
- Remove and Replace Curb and Gutter - \$8,500
- Wood Chip Covering - \$4,375
- Asphalt Patch - \$1,950
- Footing and Foundation - \$22,500
- Bleacher Install - \$10,000
- Survey - \$2,000
- Design - \$11,000
- Administration - \$4,000
- TOTAL - \$198,449

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1.3 Councilmember Stenquist advised it might be better to build bleachers with the capability to allow vendors to set up beneath the bleachers. He understood it would increase the

cost. Mr. Jensen noted staff can look at that. Right now the proposal for bleachers is just over \$100,000. They are trying to keep within the \$200,000. The cost for the current study Sunrise Engineering is doing is \$20,000.

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- 1.4 Councilmember Vawdrey asked how the visibility will be from up above. Mr. Jensen replied they can order the bleachers with the first two rows being raised. There is a six-week lead time for the bleachers, so they need to get that out to bid as soon as possible.

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- 1.5 Mr. Jensen reviewed a tentative plan for Phase Two. He indicated this has not been refined, and it is different than what Councilmember Vawdrey has seen in the past. They are looking at onsite parking for equestrian trailers and are trying to identify at least 75 stalls for equestrian parking to accommodate the rodeo. The Arena Board would like to accommodate parking for 150 equestrian trailers. Those might have to be placed off site at the Cycle Park, which would require expanded parking there. The expanded parking would take out the older trails at the Cycle Park which do not get used as much.

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- 1.6 Councilmember Weeks stated there is a paved trail off of Highland Drive. She asked whether that is still in existence. Mr. Jensen explained it is.

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- 1.7 Councilmember Stenquist requested clarification that this would be for horse trailer parking for the rodeo. Mr. Jensen replied it is. The other events should not need as much parking as the rodeo does.

Councilmember Stenquist noted that having the trailer parking up against the homes would be a concern.

Mr. Dobbins stated that would require grading out that site.

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- 1.8 Councilmember Summerhays noted the main problem people have with the Arena and the Cycle Park is the noise from the speakers. He suggested they have a person come in to adjust the speakers to make sure they are not directed at the homes.

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- 1.9 Councilmember Weeks stated she has one concern. On the back of the arena, right now it is all dirt. Mr. Jensen noted that is where they currently park.

Councilmember Weeks indicated with dirt it seems like after a while with the heavy vehicles the grading gets pretty bad. She questioned whether they are planning to keep the dirt or doing something to correct that. Mr. Jensen stated they can look at doing the recycled asphalt like they have at Galena.

Councilmember Summerhays cautioned that horses do not like the recycled asphalt.

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1.10 Mr. Jensen continued saying Phase Two will also look at additional seating. The goal is to try to get 4,000 seats. Phase One is what they could do today with the current funds allocated. Phase Two does not have a cost estimate; however, it could exceed \$500,000 to \$1 million. They wanted to make sure the City Council was okay moving forward with Phase One. If they want to try to get it done by Draper Days, they need a green light today.

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1.11 Mayor Walker asked how many more seats this would provide. Mr. Jensen responded it would add 1,000 seats. There are 1,700 existing seats with the portable bleachers.

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1.12 Councilmember Stenquist noted \$200,000 will add 1,000 seats. He asked how long the return on investment would be based on rodeo revenue. Councilmember Vawdrey clarified that the rodeo does not give the City any money.

Mr. Dobbins stated this would increase the Draper Foundation's revenue.

Mr. Ogden indicated the Arena Board is also looking at bringing in some events, and that would bring in revenue as well.

Councilmember Vawdrey said they are doing the Bull Riders Only this year.

Councilmember Stenquist noted right now the only event that would use the seating is the rodeo. There is one event a year. He talked about the Cycle Park trail and said they need to think about how much they want to do because the fly over would need to be relocated.

Councilmember Rappleye asked how much parking it would add. Mr. Jensen stated for vehicles it would add sixty to eighty. For trailers it would add about twenty-five. That information is still being refined.

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1.13 Mr. Dobbins noted there are two options. The first is to take the \$200,000 the City Council has already given, and add the additional seating. They will need \$200,000 just for the actual construction, and they have already spent \$20,000 for the study. Mr. Jensen clarified that they put a \$20,000 contingency on this Phase, so as long as they do not have to use that, they have enough.

Mayor Walker noted the aluminum bleachers are very expensive. Summit Academy paid \$30,000 just to have them delivered, and then they had to put them together.

Mr. Dobbins noted staff will put it out for RFP and start the process if the Council wants to take what they have already budgeted to do this. He has told Mr. Ogden and Mr.

Jensen that they need to have milestones in place to ensure that the project is not half done when Draper Days starts. If they do not hit a particular deadline, they will hold off until after Draper Days. Mr. Dobbins then noted the City Council can also allocate more money to go ahead and do Phase Two, either by itself, or in addition to this. He questioned how much funding they need to finalize the design for Phase Two. Mr. Jensen indicated it would depend on which option they went with. The design would probably be another \$15,000.

Councilmember Rappleye said he thinks they should just get Phase One finished. Councilmember Vawdrey, Councilmember Weeks, Councilmember Summerhays, and Councilmember Stenquist agreed.

Mr. Dobbins noted they could ask for revenue sharing from the Draper Community Foundation to help cover the costs.

Councilmember Stenquist stated it is a concern with how much money they are pouring into the Arena that they get something out of it.

Councilmember Summerhays said they are going to get parking that can be used for the Cycle Park too. Councilmember Stenquist responded that they have plenty of parking at the Cycle Park.

Councilmember Stenquist clarified that they are taking parking out by doing this. They are talking about building bleachers. If they were talking about building a park, that is one thing, but with the bleachers, they should see a revenue return on it because this will allow more people to attend.

Councilmember Summerhays noted this is improving Draper all the way around and not just bicycles and horses. They are taking one section at a time with their funds and trying to do the best they can with the money they have.

Councilmember Stenquist stated he is okay doing this because they do need more seating for the rodeo. It is a lot of money to put in that they will not necessarily get a return on. However, they have to decide at what point it is no longer worth pouring more money into.

Mayor Walker expressed that it does open up all of the other event possibilities with more seating. The people will come and watch the Bull Riders Only. There is also the possibility of the demolition derby.

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1.14 Mr. Ogden noted the first design they received from Sunrise focused more on the parking; however, they added a third day to the rodeo. He noted the parking right now is terrible, and they are now proposing to add another 1,000 seats, and they are losing a few parking stalls. He wanted to make sure the Council understands this, because they could get a lot of complaints.

Mayor Walker indicated they might want to expand the parking at the Cycle Park right now.

Councilmember Stenquist indicated there is asphalt that has been laid down, so that is more usable than it has been in the past. They can get a few things in that area.

Mayor Walker noted it should not cost a lot to expand the parking lot by laying down more gravel.

Mr. Ogden showed Lehi City's rodeo arena that has 6,000 seats. Their dirt parking lot is smaller than the dirt parking lot Draper has. They have converted an area near the arena for parking, but it is also small. They have the rodeo during their City celebration, and it only lasts a few days. The residents are used to it, and it is not worth it to them to have a huge parking lot for four days worth of massive parking.

The Council discussed areas that could be used for parking.

Mr. Ogden expressed his opinion that they do not have to add a huge parking lot; however, if they add all of those seats and do not add parking, there are consequences that could come their way.

Councilmember Stenquist said he parks at the churches over by Steeplechase when he attends the rodeo.

Mayor Walker asked whether the City Council is interested in getting a cost estimate to expand the small parking lot at the Cycle Park. Councilmember Summerhays and Councilmember Vawdrey agreed to look at it. Councilmember Stenquist expressed the need to see the plan for the flyover to see if there is a way to fit it in and make it work.

Councilmember Weeks said they should make sure everyone is okay with plan one so staff can proceed, because it sounds like they are on a tight schedule. For the additional parking in Phase Two, staff can come back to the Council at another time to ask about it. They could at least keep going on Phase One until they get the plan set on the parking.

Councilmember Vawdrey noted there is \$75,000 for events and the Bull Riders is not going to cost that much. They do have some funding with that.

Councilmember Summerhays asked staff to let the Council know if the RFP does not go well. Mr. Jensen noted they will probably go ahead and order the bleachers in the next two weeks. The ordering will commit the funds for the bleachers. It is just a matter of whether they will hold off on installing them until after Draper Days.

## **2.0 Council / Manager Reports**

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2.1 Keith Morey, Community Development Director, stated a couple of weeks ago the Council said they wanted to talk about street widths and had some concerns with some of the private streets. He wanted to bring this back to the Council's attention so they can understand what it would mean and to make sure they are all onboard. If they are, staff will go through and work with the Engineering Department and will rewrite the Code and bring something back. That will take a little more time, so he wants to make sure he has the Council's direction to pursue it. Right now private rights-of-way may serve up to twenty single-family homes and the number of multi-family homes is determined by the Fire Code. They determined at what point it cannot be private anymore and has to be public. Zoning Ordinance Requirements:

- Up to five single-family lots
  - twenty-foot wide roadway

Mr. Morey explained the intent of the Code at that point was for some of the infill lots, where they do not have a lot of room, and there is not going to be a lot of traffic. The roads can be narrower because they will not have to have a lot of parking, and people are not going to have to drive a lot.

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2.2 David Dobbins, City Manager, indicated in reference to the twenty-foot roadway it has sixteen feet of asphalt road with a gutter on the side. There is no sidewalk. Mr. Morey noted the Fire Department considers the curb, due to how it is designed, as a drivable surface.

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2.3 Councilmember Stenquist questioned whether the thickness of the road is to City standards. Mr. Morey stated it is.

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2.4 Russ Fox, Assistant City Manager, stated on the twenty foot wide right-of-ways, parking is not permitted. No one is allowed to park on the road, because it has to be an unobstructed twenty foot wide right-of-way for fire access. On the twenty-six foot wide roadways, parking is allowed on one-side of the street.

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2.5 Mr. Morey continued with his presentation:

- Up to ten single-family lots
  - Twenty-six foot roadway
- Up to twenty single-family lots
  - Thirty-six foot roadway

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2.6 Councilmember Summerhays asked whether it is thirty or thirty-six feet. Mr. Morey clarified that it is twenty-five feet of roadway, thirty feet of drivable surface, and a six-foot sidewalk, so it is a total of thirty-six feet. The sidewalk is on one side.

Councilmember Summerhays asked what they would do if the street already exists and they are adding two to four more homes. His lane is thirty feet, it has no curb and gutter, but it handles the water fine. Mr. Morey indicated he would have to bring it into compliance with the City ordinance. The number of homes being built would determine whether or not the width of the road is okay or not. It is still going to have to have some kind of a rolled curb to finish the street. It will also have to be up to the City standards. Public works will require somewhere for the storm drain to go. They do not want to create problems.

Councilmember Summerhays questioned if it is different if it is private. Mr. Morey stated those are the requirements for private.

Mr. Fox noted this Code was done in 2010. They used to only allow four lots on a private lane. There was a lot of negotiation that happened on these different standards. The City does allow for an existing development of six or more lots that was completed before 2010, they can increase the number of lots on the road by twenty-five percent without having to make modifications.

Mr. Dobbins clarified that part of the issue is that they have odd pieces of property in the Fort Street and 1300 East area. They have flag lots, and two and three-acre lots. Part of the reason the prior Council approved these is because if there are only four lots and they eat up a lot of that in a road, they could lose a full lot. Property owners were complaining about having to build a wider road. The trade off was the narrower road.

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2.7 Mr. Morey continued with his presentation:

- Multi-family alley ways
  - Twelve foot from center roadway to the garage door
  - Total width: twenty-four feet from garage door to garage door

Mr. Morey displayed the Master Transportation Plan – Public Roads Only. It requires a sixty-foot wide roadway in the valley and a fifty-six foot roadway in the mountains. He then displayed a photo showing the difference between a sixty-foot roadway and a twenty- foot roadway.

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2.8 Mr. Dobbins indicated throughout the city they have a variety of roads. They can drive through some subdivisions and see sidewalk on one side of the road, sidewalk on both, or no sidewalk.

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2.9 Councilmember Summerhays referred to the photo showing the jeep and said that did not bother him.

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2.10 Councilmember Vawdrey asked whether that photo is like Councilmember Stenquist's driveway. Councilmember Stenquist responded that it is, but his might not be quite that big. He reiterated that there are public roads in his neighborhood.

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2.11 Mr. Morey said he wanted the City Council to have some visual comparisons of the difference that they could potentially be talking about. He said he is not sure he has a preference; however, every square foot of asphalt the Council increases is just one more square foot that has to be maintained, replaced, snow plowed, etc. He stated the Sections that would be affected if the Council wants to proceed with the changes would be 9-27-150(b) and 9-32-030(c)(5)(a).

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2.12 Councilmember Summerhays said he is interested in changing the driveway lengths.

Mr. Fox clarified that in multi-family zones they require a minimum of twenty-foot driveways.

Councilmember Stenquist noted his driveway is shorter than that. When he parks his wife's minivan in the driveway, the wheels are in the gutter. He clarified that not all of the driveways in his neighborhood are that short, but it is pretty standard.

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2.13 Mr. Dobbins noted they do not have to go with just the sixty foot roadway. They could have other options but remove the twenty foot roadway if the Council feels that is too narrow. They just need to decide what the minimum road width is and decide where that would apply in terms of number of lots.

Councilmember Weeks said she does not think all of the roads need to be sixty feet but her concern is that there are a lot of young families, like she has a young family, that buy townhouses. The kids are running to and from the park. She referred to the photo of the jeep in the driveway and said the driveway is too small to fit the vehicle and the kids are running out into the street to get to the park.

Councilmember Stenquist explained that the picture displayed was an alleyway and not a real street.

Councilmember Weeks said as she drove around recently she found some streets that had small parking like that.

Councilmember Stenquist agreed that there should be a minimum standard for driveways, because that is what drives the parking problems in this neighborhood. People do not have driveways to park their cars in so they park on the streets.

Councilmember Weeks questioned whether the streets are too narrow to really park on. Councilmember Stenquist clarified that the streets are standard size but they are small streets.

Mr. Fox noted even on the private streets and shallow lanes, they still have setbacks. The minimum setbacks for single-family lots are thirty to forty feet depending on the size of the lot. The setback is the driveway depth. The multi-family minimum depth is at least twenty feet and may be twenty-five.

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2.14 Mr. Morey said some of the examples that he and Councilmember Weeks looked at are projects that were approved in 2001 to 2005, which was prior to the City adopting the current street standards. He does not believe that in going forward they will see the really bad problems that were done previously.

Councilmember Summerhays noted this should correct itself with the newer rules. Mr. Morey indicated they are not going to go back and retroactively fix the problems that are already there, but they will not see any more of them developed. The standard that is being used today is more sophisticated than what the City had in 2001 when some of these problems were created.

Councilmember Stenquist questioned what is driving this discussion. Mr. Morey noted the Council brought it up and said they wanted to talk about it.

Councilmember Weeks said from her experience in driving around she wondered if they were old problems or new problems. There were some situations with the private lanes that she drives on to drop her kids off, and two cars cannot pass each other. They cannot do a turn in the roundabout, and there is no room in the driveways to park. There are about five to seven areas in town that she saw as a problem. Also, as she was over by Ikea, some of the newer developments did not allow parking outside of the homes, and they had to move the cars between 9:00 p.m. and 7:00 a.m. because the roads were too narrow and those were new homes.

Mr. Morey stated that area was approved in 2001 and 2002. He thinks the problem was created because then tenants of the apartments to the south of the development were parking on the street. The City put up no parking signs to prohibit them from parking there. The City can take the signs down and stop enforcing it, but that just means the people in the apartments will start parking on the street again.

Councilmember Summerhays asked whether they should increase the parking for the apartments in that area so they do not want to park on the street. Mr. Morey stated he is not sure when that project was approved.

Mr. Fox stated they just redid the parking chapter back in 2012-13. They followed all of the traffic standards for parking for multi-family developments. They require two parking

spaces per unit. It used to be based on the number of bedrooms, but it is now standardized. They now require a visitor parking stall for every four units.

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2.15 Mr. Morey asked the City Council whether they wanted to think about it or give the staff direction on what to bring back for consideration.

Councilmember Summerhays said he would like to think about it.

Councilmember Weeks asked when Councilmember Stenquist's driveway was built. He replied it was 1996.

Councilmember Rappleye stated going back to Councilmember Weeks's comment, he questioned whether that particular development should have only been allowed to park on one side of the street or no side at all. Councilmember Weeks noted they cannot park on any side. They have a small driveway with a family of four, the boyfriend comes to visit and parks on the street or grass.

Councilmember Rappleye asked whether they can enforce parking on private property. Mr. Dobbins indicated they have not done that.

Councilmember Weeks said her issue is that she does not want it to continue in the future.

Mayor Walker advised it sounds like this has been fixed.

Mr. Morey asked the Council to let staff know if they want to move something forward with this.

Mr. Morey then noted staff has discovered a conflict the City ordinance has with State law on simple things such as lot line adjustments and similar items. Currently, the ordinance stated it has to go through the Planning Commission and City Council's processes. The State law intent was that some of the simpler adjustments could be made and approved by the Zoning Administrator, which is Mr. Morey. Staff feels they are creating an extra burden for people that the State did not intend. He asked whether the City Council is okay with changing the ordinance to put it in compliance with State Code. No one has sued the City yet, but they easily could.

Councilmember Summerhays indicated that is a good catch.

Mr. Morey advised Councilmember Summerhays has found a tenant for the vacant lot on the south side of where his facility is located. The tenant has different design standards that do not meet the Code. One of the differences is exterior neon. At some point, the City Code excluded the ability to use exterior neon. There have been cases around the city where that has been allowed, because if the neon is hooded, that is not considered exterior. The tenant that is looking at Councilmember Summerhays' property thinks that it would destroy the purpose and does not want to do that. One possible solution is to

amend the Commercial Special District (CSD) text just for Draper Peaks, so that would be allowed within that project. Mr. Morey stated he does not have a problem with that because it is not citywide, and he does not believe everyone will want to do it throughout the city. That project is mostly built out, so he does not believe he will have a lot of other businesses come in to ask for neon. However, before he spends staff time to put together a text amendment to allow for this, he wants to make sure the Council is okay with it.

Councilmember Rappleye noted there is a new product out there that looks like neon but it is actually LED. He asked whether that counts. Mr. Fox explained it is still considered exposed. It falls into the same category.

Mr. Morey advised this tenant is currently building a facility in South Jordan right now. They already have a building design and a product. They want to duplicate it in Draper and do not want to have to make a lot of adjustments to their design.

Mr. Dobbins asked the Council if they are okay with staff initiating the process and bringing it back to them for a vote. Councilmember Rappleye and Councilmember Summerhays stated they are okay with it.

Councilmember Stenquist noted there was a time the City would not allow an open sign in neon. He wants to make sure they maintain a certain aesthetic in town.

Mr. Dobbins noted to see the difference, they could look at the In and Out Burger in Riverton as opposed to the one in Draper.

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2.16 Mr. Fox said the Youth Council Board met two weeks ago, and they have proposed a \$25.00 fee for the Youth Council applications for this upcoming year. They have had several students apply for the Youth Council and then never show up. The Board feels the students might be more invested if they have to pay a fee. This is a non-refundable fee, so another reason to do this is to put this toward a scholarship fund. In order to charge that fee, they would have to change the consolidated fee schedule.

Mike Barker, City Attorney, noted they have to be covering an administrative cost in order to charge a fee.

Councilmember Weeks asked whether they could use that \$25.00 fee to sponsor one of their events, such as the Legislative Day at the capitol. Mr. Barker said it could be used for that.

Mr. Fox noted the City currently funds the Youth Council at \$15,000. He reiterated that the Board would like to do this to have the members be more vested in the program. They have some students that use this as a resume builder but never actually attend. They would also like to use the fee for a scholarship fund.

Councilmember Weeks said she is okay with that, and she understands what the point is. She thinks the City ought to give 5 scholarships for people who cannot pay the \$25.00 fee. She questioned what would happen if there were kids out there who want to be involved but they are stone broke.

Councilmember Summerhays replied Mr. Fox said they would not turn students away.

Mr. Dobbins recommended they either charge or they do not, because someone will have to make the decision on the eligibility to have it waived. He understands the need; however, he does not know how they will administer it legally.

Councilmember Rappleye asked whether they could have a scholarship application. Mr. Dobbins stated staff will look at that, but he gets nervous about this.

Councilmember Rappleye noted they could put criteria in. He knows Juan Diego does that for their school. Mr. Dobbins agreed and said they are a private entity. Draper is public. Staff will look at it and see if they can do this on solid legal ground.

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2.17 Mr. Dobbins displayed a map showing a ten-foot strip that was required to be dedicated to the City for pedestrian access to the open space. Two of the properties involved have already encroached into City property, and neither has paid or is in the process of paying the City for that. Staff has looked at it and cannot see a need to keep the property. There is another property owner who would like to buy it and incorporate it into his lot and then buy some property on the back side as well from the City. Staff will be bringing this to the Council for consideration. He asked whether any of the Councilmembers are adamantly opposed to this.

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2.18 Mayor Walker advised that on the appointments to the Planning Commission, there were four people who applied. He interviewed all four of them. The two he chose, John Van Hoff and Taylor Keys, were selected primarily based on the interview. They seemed to have good life experiences, etc. If the Council has any problems with them, he did interview all of the others. These are alternate positions.

## **Business Meeting**

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**1.0 Call to Order: Mayor Troy K. Walker**

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**2.0 Thought/Prayer and Pledge of Allegiance**

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2.1 Rhett Ogden offered the prayer.

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2.2 Russ Fox led the Pledge of Allegiance.

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2.3 Mayor Walker indicated Mr. Fox has served for a long time in the United States Air Force, Utah Air National Guard. He has been deployed once to Afghanistan, and he is going to be deployed again shortly to Afghanistan. He thanked Mr. Fox for his service.

Mayor Walker then noted if anyone is interested in offering a prayer or thought, they can give the City a call prior to a meeting. They could also lead the Pledge of Allegiance.

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**3.0 Public Comments**

To be considerate of everyone attending the meeting, public comments will be restricted to items not listed on this or a future agenda and limited to three minutes per person. 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.

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3.1 Matt Erickson, resident, advised that at the last meeting there were comments about the homelessness at the park and library. He stated he has not seen that, and he is there quite often. He then reviewed some budget statistics from the County and noted the County takes about twenty percent of the income tax or property tax and they have a budget of approximately \$400 million. He indicated he thinks the County focuses on the Legislative and Executive needs, and they do not really mention the Judicial. There needs to be checks and balances, not separate but equal. He expressed his opinion that government does not do separate but equal very well. Mr. Erickson then hoped, with the change of seasons, that the Council would use a nasal wash to keep their nasal passageways clear.

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**4.0 Consent Items**

- a. **Approval of March 15, 2016, City Council Meeting Minutes**
- b. **Approval of Resolution #16-19, Appointing John Van Hoff and Taylor Keys as Alternate Planning Commission Members**
- c. **Approval of Agreement #16-54, Interlocal Cooperation Agreement for Salt Lake County to quit claim a parcel of land to Draper City for the 300 East Street Widening Project. Staff: Glade Robbins**

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4.1 **Councilmember Weeks moved to pull items A and B from the consent calendar. Councilmember Stenquist seconded the motion.**

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

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**4.3 Councilmember Vawdrey moved to approve Consent Item C. Councilmember Summerhays seconded the motion.**

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

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4.5 Councilmember Weeks indicated she would like to discuss Item B first. She said she is new to the Council, so she is learning how individuals are appointed to the Planning Commission. When she did some research, she saw that John Van Hoff is an engineer, and Taylor Keys is into the real estate market. She said she thinks it is great to have John Van Hoff on the Planning Commission as it is always great to have an engineer background. She stated Taylor Keys may be a wonderful individual, but she wanted to state that there would now be three individuals that are involved in real estate. She is not quite sure how they are selected, but she commented that it would be three individuals that would be in the real estate market that would be doing the Planning Commission. She thought was a little heavy in real estate. She said she is not disapproving, but she is just kind of stating her point of view.

Councilmember Rappleye stated he does not know Mr. Keys or Mr. Van Hoff, but they are alternates which does not worry him as much because alternates do not get up there very often. It may not be as big of a concern as if all three were full-time commissioners.

Councilmember Vawdrey explained that the Planning Commission will somewhat vet their own members, and if these alternates have a chance to serve and speak, the Planning Commission will be able to figure out if they are a good fit or not. She said she is confident in that process.

Mayor Walker clarified for the record that one of his statutory duties is to appoint individuals to the City Commissions, and the Planning Commission being one, with the advice and consent of the Council. There were four individuals, and he interviewed all four of them. They were all four outstanding people, and he was grateful for all of them having an interest in serving. However, there were only two positions available, so he had to use his judgment, and based upon the interviews, he made a selection of these two. He expressed his hope that the other two will reapply at another time as well. Mayor Walker stated his judgment after interviewing both of these gentlemen was that they had outstanding life experience, good professional experience, and they were very interested in serving. They were the two he selected during his selection process, which is his statutory duty in that regard.

Mayor Walker asked Mr. Keys to stand up and be recognized. Mr. Van Hoff was not in attendance at the meeting.

[7:14:39 PM](#)

**4.6 Councilmember Stenquist moved to approve Item B, Resolution #16-19. Councilmember Vawdrey seconded the motion.**

Councilmember Stenquist indicated the Mayor had a chance to interview the various candidates, and he felt that these two were the most qualified. Councilmember Stenquist expressed appreciation for their willingness to serve.

[7:15:14 PM](#)

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

[7:15:29 PM](#)

4.8 Councilmember Weeks said as she is starting to read the minutes more and get on top of things, she referenced page 28 at 11:06 p.m. from the last meeting. She said she has a couple of questions on how she viewed what was said and what was not said under her testimony about asking for public hearings or open public forum on individuals that are on the agenda. She said she is curious and is just putting it out there. She asked if she viewed the conversation a little different than what is on the agenda, can she in the future go back and review the tapes or when she approves it then it is just approved and there is no other checking in the past.

Rachelle Conner, City Recorder, indicated once the minutes have been approved, they are approved. However, with this set of minutes, if Councilmember Weeks wanted to double check anything, the City Council can hold off approving them until the next meeting and she can listen to the tape.

Councilmember Stenquist stated as he understands it, the minutes that the City Council approves are just the summary, and the recording itself are the official minutes. Mrs. Conner clarified that the written minutes are the permanent record. What they approve in the Council meeting is the final permanent document.

Councilmember Stenquist stated the recording is still available. Mrs. Conner indicated that it is available, but they do not have to be kept forever; however, the written minutes are kept forever.

Councilmember Vawdrey asked whether they could submit changes if they feel the need. Mrs. Conner stated absolutely. They can make the requested changes prior to the Council meetings as long as it is what actually happened in the meeting.

Mayor Walker indicated it is the Recorders job to listen to the recording and transcribe the minutes to the most accurate position.

[7:17:48 PM](#)

**4.9 Councilmember Weeks moved to hold on so she can listen to that one section she was concerned about and to put them on the agenda for the next meeting to approve it. Councilmember Vawdrey seconded the motion**

[7:18:18 PM](#)

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

[7:18:36 PM](#)

**5.0 Public Hearing: Ordinance #1193, Repealing Prohibition on Employment of Elected Officials' Relatives**

[7:19:16 PM](#)

5.1 David Dobbins, City Manager, indicated the City Council on March 1, 2016, asked to reconsider or to look at this ordinance. Right now, the ordinance defines what a relative is, and it states that no relative of a City officer, which is defined as an elected or appointed City official (the Mayor the Council and appointed staff such as himself, the City Recorder, the City Attorney, as well as others) can have a relative or relative of their spouse be employed by the City. The proposed language, that is for Council discussion to determine what they think is appropriate, is that this section shall not apply to elected officials or their relatives except for positions appointed by the Mayor or City Council. Mr. Dobbins said this would allow a relative of the Mayor or City Council to be employed by the City except for an appointed position that they would appoint or have a role in the appointment. That means the Council could not appoint a relative to be the City Manager or City Attorney. There is still that restriction. There has been discussion as to whether or not this shall apply to any employee position within the city or part time or seasonal. This is the way it was written, and it is up to the Council to review and discuss how they want to move forward with this.

[7:21:21 PM](#)

5.2 Mayor Walker explained the way this came on the agenda was because Councilmember Weeks brought this up and Councilmember Summerhays seconded it. There needs to be at least two Councilmembers or the Mayor to put something on the agenda for discussion. That is how it got on the agenda for tonight. The current law prohibits this at the current time. He asked the City Council how they wanted to proceed and whether they wanted to hold the public hearing first or if they wanted to have a discussion about the issue first.

[7:22:02 PM](#)

5.3 Councilmember Stenquist noted that there was an article in the *Salt Lake Tribune* today that addressed this, and it kind of implied that he was in support of this. He stated he was on the City Council when they put this ordinance in place originally. When he got on the Council, there was no prohibition of any sort like this. The Council put this ordinance in place at that time, and he said he thinks it was for good reason. He said he is not in support of making any change to it at this time.

[7:22:42 PM](#)

5.4 Councilmember Weeks indicated the only reason she made a motion in order to get this on the agenda was Councilmember Summerhays asked her to support him in this on opening up the discussion. She agreed to open up the discussion on this. She thought if it was important enough for him to ask her then it was important enough for them to have a relationship or a talk about it. Since then, he had changed his mind about whether he supported it or did not support it and did not support the way it was written. Her first intent of introducing or opening up this legislation was for part-time employees or seasonal, which is \$12.50 per hour. She understands that Mr. Ogden was having some trouble getting individuals to do this part-time seasonal work. When it was written, it did not ever come in front of her to see if that was her true intent in changing this ordinance. On Monday she asked to have this ordinance removed because she was not in favor of the way it was written. She could not compromise with something that she and Councilmember Summerhays could agree on with this ordinance. She stated she is not in favor of the way it is written as of now, and it was not her intent for it to be written this way.

[7:24:16 PM](#)

5.5 Councilmember Summerhays advised he remembered clearly that in 2007 this was done, and he had hastily spoken too soon. He was thinking of Mr. Ogden who has been trying to get part-time help. He cannot see how this will work, and he will vote no on this. He cannot see how they can try to limit it to lawn mower crew or something like that. He said he cannot support this in any way at all. He did this thinking he was trying to help, but he remembered why this was adopted in 2007. There was a big discussion about it then. He said he is getting a little old and forgetful, and he cannot support this with the language it has now.

[7:26:21 PM](#)

5.6 Councilmember Vawdrey indicated there is no good reason to even consider this. It would open a door that they just do not need to open. They have a great ordinance and there is no need to change it. Even talking about seasonal employment, this would put the staff in a really tough position, and their ability to hire, fire, and discipline would really affect that. The Council is elected, and they need to realize that some things they have to give up, and this is one of those things. She does not support making such a change.

[7:26:54 PM](#)

5.7 Councilmember Rappleye noted he supports talking about it because it is always worth a discussion. In the review of it after this was brought up, and after speaking with Councilmember Summerhays about his original reason for wanting to do it, the real back story is the fact that the City was having a hard time getting employees. That is just a fact. What is hard about it is that they cannot package up a job and leave it in that spot. It is not fair to that employee because they have to look at the other side too in terms of favoritism and other things that may be in play. The fact is the employee gets hired and the City cannot say they cannot get promoted or go anywhere else or they cannot do this or that. That really locks them down, and the City would be discriminating against those people. It really does not work all the way around. It is a tough thing. The City has signs up

advertising for the seasonal jobs. He suggested the residents get the word out to ask the young people to apply. It can be a dangerous job. Mowing lawns may sound mundane; however, plenty of people are hurt every year doing it. The fact is the City does need applicants to come and do it. It is always worthy of a discussion to talk about solutions for things, but changing this creates more problems than it solves. He said he would not be in favor of changing it.

[7:28:37 PM](#)

**5.8 Mayor Walker opened the public hearing.**

[7:28:43 PM](#)

5.9 Mary Squire, resident, noted her comments have changed slightly based on the surprising non support of this. She is not really sure where the wording came from if everyone is backpedaling so much from it. She stated it is important to recognize, and the reason there was an article about this in the *Salt Lake Tribune*, is because the wording of this only benefits this group of people right here and their families. She indicated that is just the worst stereotypical corrupt politician that people see in their minds is what can they do to benefit themselves or the people they know or love or like. She suggested before these things are proposed, they can think a little more about so the City does not have to suffer the embarrassment with articles like that. If they read any of the comments, they adequately reflect people's position on that. Ms. Squires noted she is a City Prosecutor in South Salt Lake, and one of the things their judge does is to order anyone who asks for community service in lieu of a fine to work in the Parks and Recreation Department in South Salt Lake. She has also prosecuted in Taylorsville, and the judges there offer a higher rate of credit if people will do their community service in Taylorsville. There is a type of creative solution the City can look at. She also had someone sitting next to her say that maybe advertising in Draper is not the best thing to do for a \$12.50 job. She stated she is sure the outreach is a little further than that; however, they could perhaps spread the word a little further and wider than Draper.

[7:31:20 PM](#)

5.10 Todd Arbon, resident, commented that he is here representing a lot of kids in this area. He runs a fairly large athletic league with a lot of students participating. In looking at the web site statics, there are probably about 8,000 to 9,000 youth in the community, and he deals with about 400 of them. He indicated the youth struggle to find some place to work. He said there is a communication problem. He could fill the roster immediately with lacrosse players, football players, basketball players, and baseball players. To have the Mayor's son driving the mower around only opens a can of worms for contention. That is why most cities have this ordinance. He suggested the City communicate through the City newsletter by listing the available jobs there and also reach out to the high school students. Mary Bailey, the previous principal, was very amiable for things like this. They have to do fundraising projects year round to find a way for these kids to earn money to play sports. The reason he does what he does is to keep them busy and to keep leadership in front of them. That is frankly not the Council's job. If they need employees for part-time summer jobs, he can provide hundreds of students to fill those jobs. It really would

not send a good message to hire the Councils kids. They chose this position, and the residents elected them, but they did not elect their kids to work for the City also.

[7:33:46 PM](#)

**5.11 Mayor Walker closed the public hearing.**

[7:33:53 PM](#)

5.12 Councilmember Weeks stated she would like to make a motion with a comment. Mayor Walker indicated there is a comment he would like to make prior to the motion and asked whether any of the Councilmembers wanted to make a comment.

[7:34:04 PM](#)

5.13 Councilmember Rappleye thanked the residents for their comments. Both of the comments were very much appreciated. He stated he knows the City does have a court program right now, but he does not know how broad it is. He said he has never seen them doing park work. Those are both solutions to help solve this issue the City is facing.

[7:34:34 PM](#)

5.14 Councilmember Summerhays indicated Buzz Coyle is the Community Service Coordinator, and he works with the Court and those given the community service hours. They pick up weeds and clean up areas. When he has applications for his company, he has taken them to the high school, and it is still tough to get them filled because of football, baseball, and lacrosse. The kids nowadays just do not want to work. It is the toughest business right now. He has sixty employees, and it is tough to keep the kids.

[7:36:00 PM](#)

5.15 Councilmember Weeks wanted to make it clear that when she proposed this ordinance change, she was not consulted on the wordage in the ordinance change. When she read it, it really alarmed her, and she asked Monday morning, before the media called, to have it removed from the agenda tonight, and she was denied that.

[7:36:30 PM](#)

5.16 Mayor Walker advised the reason it stayed on the agenda is because they had noticed this as a public hearing. It was an ordinance change, a change in the law, and the public had been made aware of the opportunity to come speak on it. It did not seem right to pull it off the agenda and have the public denied the opportunity to discuss it. He commented that there is not a scenario that he can conceive of or a way to draft this ordinance that makes it right to have elected officials using their public office to benefit themselves or their family. He does not support this ordinance. As a practicing attorney, he has represented cities and other Councilmembers as they have gotten in trouble with these types of things. Draper has the highest ethical standard among other cities with the current ordinance right now. It is the highest standard because they do not allow it at all. There is no drafting of this ordinance, there is no wording that can be done that would make it right. A \$16.00 or \$12.00 an hour job does not make any difference. They are still jobs, and they are still employed by the City. City Councilmembers have all the power in the City. They would become the defacto supervisor of their own children because there

would not be a staff member who would want to supervise or discipline any relative of a Councilmember. It is bad policy, and in his legal opinion, there is no way they can craft an ordinance that would benefit public officials or their families in employment. That is not what he got elected to do. His kids do not need any employment in the city, and he is not seeking it. Mayor Walker noted the reason the ordinance was drafted the way it was drafted is because they cannot draft an ordinance with a specific job description for elected officials' children. The way the ordinance was drafted was to eliminate the prohibition. With the prohibition in place, the City stands at the highest ethical standard. There are other Cities that do not have this ordinance. Draper has it, and they put it in place for good reason. He expressed this is good public policy. Frankly, this is why people do not like politicians, because they see this kind of thing and they cannot figure out what the politicians are all about. It behooves the Councilmembers and elected officials to maintain the highest degree of integrity and focus always on that perception. When they become an elected official, they walk into a fish bowl. He is held to a higher standard. He is looked at, and he accepts that. His kids and family members are held to a higher standard as well. That is part of the process. The elected officials are here to serve the residents and they are here to make decisions to benefit the residents. He noted it is good policy to keep the current ordinance in place, and hopefully they will not have this discussion again.

[7:39:15 PM](#)

5.17 Councilmember Weeks said the only reason that she introduced this again was because a City Councilmember came to her and asked her to open it up for discussion. She said she was thirty days into office, and maybe she was a little naïve, and she promised the public that she would not be naïve on an issue like this again. When she looked at the definition she would agree; however, when a City Councilmember comes to her and asks her to open things up for discussion, she is for discussion. Maybe this is not an issue that should be discussed, and she agreed with that. Like she said, thirty days in she was a little naïve, and she promised the public she will not be naïve again.

[7:40:00 PM](#)

**5.18 Councilmember Stenquist moved to deny Ordinance #1193. Councilmember Weeks seconded the motion.**

[7:40:13 PM](#)

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

[7:40:27 PM](#)

**6.0 Public Comments: Ordinance #1197, Adopting Regulations to Protect the Watershed Area**

[7:40:37 PM](#)

6.1 Mayor Walker indicated they had a full public discussion at the prior meeting; however, the item was before the City Council in the form of a resolution. It was not in the form of an ordinance that they could adopt into law. In light of the fact that it was brought back

with some clarifications on the map, and this is an ordinance that will become the law in Draper City if it is passed tonight or in the future by the City Council, he felt it was appropriate to open it up to another public hearing.

[7:41:17 PM](#)

**6.2 Mayor Walker opened the meeting for public comments.**

[7:41:28 PM](#)

6.3 Celeste Bain, resident, thanked the Mayor and Council for letting her address them. She indicated she is not a person who gets riled up about a lot of things, but she is quite passionate about water. She has had the opportunity to live abroad and travel abroad, and during that time she has had many experiences with water that has not been properly taken care of and has experienced the cause and effect it has on those who have to have that water. One such incident led to an infant death that she had to be a part of and witness. At that point she took up the cause for the last twenty-eight years of making sure that there is clean water in areas of South America. Ms. Bain did not imagine that she would bring that kind of passion and fight to Draper City for her own children. She said she is here to ask and to adamantly support making sure the watershed is protected. It is a health right that she has and that her children and neighbors have. She noted it is not a point of freedom of letting animals go different places. There are plenty of places in Draper where animals can feel free to enjoy time with their owners, but a watershed area is not a place that is appropriate for such behavior because of the effects it has on the residents who have to partake of that water. Ms. Bain expressed concern that Councilmembers would see this as an issue of maybe pandering to certain groups or using it as a moment of self promotion when it is a health issue. As her representatives here, the Council is here to make sure that her safety is taken care of, and that is number one. She asked the Council to consider that this evening.

[7:44:11 PM](#)

6.4 Mary Squire, resident, stated the fact that they are even talking about this issue tonight is a perfect example of what Ms. Bain just addressed. The privilege they have and take for granted, at least some people, everyday of clean water. This is an industrialized nation, and the water is purified for the residents to be clean. They do not have to give it a second thought when they turn on the tap and take a drink of that water. However, when the topic of water came up at the last meeting, they apparently have people who would rather talk about dog rights and the dog lifestyle than recognize that the City is being incredibly irresponsible with the natural resource. She said that is disgusting, and she was disgusted by the notes from that meeting. She then shared some information about dog feces that she researched. A dog's fecal matter produces more bacteria in one day than a person, a horse, and a cow combined. She asked those present to think about how much cow and horse feces they see in one pile. The Center for Disease Control (CDC) has warned that one single dog dropping can contain 3 million fecal bacteria along with parasites and viruses that can be passed to adults, children, and other pets. Dog waste will dissolve in water, it will mix into the dirt, or it will be washed away by the stream, but the hazardous bacteria are not gone. Bacteria, parasites, and other harmful organisms generally cannot be seen by the naked eye, and they are hardy and long lived. Some of those parasites,

bacteria, and viruses include--Cryptosporidium, Salmonella, Rabies, Giardia, E Coli, Parvovirus, Hookworms, MRSA (a staff that can be resistant to antibiotics), Roundworms, Distemper, Tapeworms, and Canine Hepatitis. Some of the E Coli strains that have been found in dog feces are antibiotic resistant. From her understanding, that is what they most to worry about in this water. A lot of the parasites become more infectious as the dog poop ages. It may take types of parasite eggs a while to ripen. Roundworm can take up to three weeks, and then may remain infectious for years in contaminated soil and water. The City heard at the last meeting that it will take years to clean up the water in Corner Canyon. She said they should start now and not wait. She does not want to wait to see if the "peak" happens again this summer. She does not want to try educating people more. People do not need to be told to pick up their dog poop. She does not even have a dog, and she knows people have to pick up their dog poop. She said the Council should take action now, and ban the dogs from the watershed.

[7:47:46 PM](#)

6.5 Paul Harrison, resident, stated he is a physician. He has treated adults and now specializes in dermatology. He said a review of medical literature really shows how prevalent the trouble is in community water contamination. He supports the resolution and can back up what WaterPro has found in terms of there being bacterial contamination. An estimate by a respected journal (Reviews of Environmental Contamination Toxicology from 2008 from the Public Health Department at University of Arizona) estimates that 10.7 million infections occur every year in the United States from contaminated water sources and 5.4 million illnesses occur from this. This is a common occurrence in the emergency rooms and primary care doctor offices. This is a real public health issue, and it is difficult to contain. Everything they can do to decrease the number of bacteria that they have would be advantageous.

[7:49:19 PM](#)

6.6 Andrew Adams, resident, indicated he moved here about ten years ago and lived in Sandy before that. There are a lot of fun things they can do in these mountains. He is not going to quote any scientific stats because he has a degree in the arts. He thanked the City Council for bringing up this issue. He expressed his support of this ordinance and expressed his hope that it is strong enough. He recalled as a kid, that they were doing tests at the base of Little Cottonwood Canyon to see how they could keep the canyons safe, and the end result was to not allow dogs there at all. He has two dogs, and he loves them. When he moved to Draper, he found there were great things for them to do. They liked to play paintball in the hills, but according to environmentalists that is not safe and it is not allowed. They have given up on that activity, and at the same time, he would much rather ride a dirt bike or motorized vehicle up and down the trails instead of a pedal bike, but he is also waiving that right just for the common good and public safety. He thanked his fellow dog lifestyle folks in advance for also giving up a little bit in order to maintain healthy water and to make sure their health does not deteriorate. Water is expensive everywhere, and he hopes WaterPro can get a handle on this. He expressed his hope that this is strong enough, and he would be in full support of further measures to make this happen.

[7:51:55 PM](#)

6.7 Steve Decho, resident, said he is a chemical engineer and has lived here for twenty years. He was here when the City first purchased and investigated the use of Corner Canyon as magnificent open space and watershed for the residents for generations to come. He noted the residents get to pay for that privilege with their property taxes. At the time, there was some consideration about whether or not dogs should be allowed because this is a watershed and no other watersheds would really allow this. At the time, they relied on the civic nature, common sense, and fifth grade reading comprehension and ability of dog owners to be able to read the signs, understand what ordinances were, and to act responsibly. Fast forward a few short years and WaterPro is saying the water source is now contaminated with canine fecal matter, and it has gone beyond the point that they can treat it effectively not being a sewage treatment plant. This experiment was given a fair, honest, and long trial, and unfortunately it has failed. He stated it was not very long ago when candidates for the City Council here were trying to make a campaign caused celebrity out of Geneva Rock plying the residents with statistics that no one could prove and medical maladies that no one could believe that Geneva Rock dust was poisoning the air and killing the children. How ironic it is to know that some of these same people seem to be now behind convincing the residents that it is the dog owners' rights to allow their pets to befoul the drinking supply. He guessed that if someone can afford a suite in the Skybox Section, then maybe they can consider Corner Canyon as their backyard and their own personal doggy run, or if they live up in the Skybox they can drink and bathe in Perrier while the rest of the residents rely on WaterPro for their drinking water. He said to paraphrase Marie Antoinette, their attitude seem to be "Let them drink crap". He stated he can see where this is going. Nobody in their right mind wants to breathe in all the dust from Geneva Rock, and neither do the residents want to be drinking in all of the bacteria from the runoff from the canyon. He expressed it is time to close down the "Corner Canyon Dog Park", restore the water quality, and protect the residents.

[7:54:56 PM](#)

6.8 Debbie Rosemann, resident, stated she was in Rexburg last weekend, and her friend told her he was visiting in Draper a couple of weeks ago. He was on the trails and said he could not believe all the dog feces that was up there as well as the bags of dog feces that was up there. Obviously there is a huge problem. He used to live here, and he said he did not remember seeing that big of a problem. Ms. Rosemann expressed concern that this became a public hearing when it was an action item. It says Draper City has a legal obligation to protect the water, and that is where it lies. She said she does not know why it became a public hearing. She heard there were comments that people were concerned that there were not enough bags. She asked how much the City pays for those bags every year. She said she does not think it is the City's responsibility; rather it is the dog owner's responsibility to take their own bags and take the bags out of there. As residents they need to be more responsible in taking care of their dogs no matter where it is in the city.

[7:56:02 PM](#)

6.9 Carolyn Phippen, resident, stated this has been well covered by the others, including her sister, and she will not give a rundown of things contained in dog feces. All she wants to say is since when did it become the rest of the residents' responsibility to provide

somebody with their lifestyle. She had two large dogs, so she bought an acre in Holladay. It was not cheap, but she did it because her dogs off leash should be on her property. It is nobody else's responsibility. She stated she is irritated with other people and their dog crap all over Draper.

[7:56:49 PM](#)

6.10 Anne Hansen, resident, advised she is a dog owner, but she is also a State of Utah water operator at the highest level for a neighboring water system. She has worked in water quality for over twelve years, and she wished she had as many residents who were concerned with water quality as the people that turned out tonight. From a water operator standpoint, she expressed her support of the ordinance and asked the Council not to treat this as a political issue as was mentioned, and to take seriously the obligation and the responsibility they have to support the water operators and those who run the water systems, to make sure that they are providing safe and quality water. It is something they fight for every single day, and it is one of the highest regulated things that the City and water systems have to deal with. She stated it is hard for them to keep track of all of the federal mandates, state mandates, and local mandates, and it is something that the water operators take a lot of pride in. They can provide safe clean drinking water, and the majority of the people never think about it when they turn on the tap. She expressed appreciation for the approach the City is taking and that they have given others the opportunity to speak and share their support so hopefully the Council feels comfortable in making the right decision.

[7:58:33 PM](#)

6.11 Ryan Money, resident, noted Draper City just put in a dog park at 300 East and the roundabout, and he is assuming that was not cheap. He expressed like Mr. Adams stated earlier, maybe this does not go far enough. He wants to support the City Council. They live in a desert, and water is a commodity that is very expensive and hard to come by some years. He said he supports the City Council in being even stronger on this issue. He said he moved to Draper because it is such a wonderful place to be and to live. It is such a beautiful city. If the one caveat is that the drinking water has dog poop in it, then he is probably not a Draper resident. He said he is grateful for what the Council does and the passion they put into their jobs and for protecting the residents. He wanted to be on the record to say the Council has their support. The residents are behind this, and they want clean water. They care about their children's rights and about their right's more than they care about dog rights.

[8:00:46 PM](#)

6.12 David Gardner, WaterPro and resident, said it is great to see the support from people wanting clean water. Sometimes as operators they question whether anyone really cares, but tonight he feels almost emotional that there are so many people supporting this issue. This water is twenty-four times dirtier than any other canyon, and they have such pristine water. There are eight canyons that bring water in, and this is the only one that is dirty. He stated they need to clean it up and do it with the residents here to take care of their own problems.

Mayor Walker asked Mr. Gardner to address the current status of the water and the ability to drink it to help the public feel better about the current situation. Mr. Gardner explained that right now the water is twenty-four times dirtier than the other canyons, and at times it is sometimes twice the level they like to treat because of the E Coli and Coliform bacteria. They have to dilute the water so that it is still safe to drink, and the treatment plant is state of the art, and he knows that they are still producing good water. There are times they do take it and let it go because if they have other good water, he questioned why they would use the worst water. He stated they need to take care of the resources they are privileged to have in Draper.

[8:02:42 PM](#)

6.13 Councilmember Stenquist noted there were a couple of people who commented that this might not go far enough. He expressed appreciation for the work WaterPro has done in conjunction with the Parks, Trails, and Recreation Committee, and staff members to come up with this plan. He really likes the way this plan has been laid out. Right now they have restrictions on certain trails up in Corner Canyon where dogs are not supposed to go currently. It is really confusing where those boundaries are and where the signage needs to be. With this plan, they are making it very clear that the Bonneville Shoreline Trail is going to provide that boundary line. He expressed his opinion that this will be a lot easier for residents to understand what the rules are. He asked Mr. Gardner to speak to why he thinks this plan is adequate and why that line will still provide the City the ability to clean up the water while still allowing dogs in some areas.

Mr. Gardner explained they drew the map and it goes to the ridge lines. Anywhere there is a trail that would drain into Corner Canyon is now prohibited for dogs. This new map will protect those areas that are critical for this. As people have said maybe more should be done, he was thinking maybe they should have some sort of campaign to clean up the existing problem. It will take years, and like the doctor or Ms. Squires said, it can work its way into the soils and cause problems. It would be great to clean this area up. Even the dog owners mentioned how much fecal matter there was in this area.

Councilmember Stenquist requested clarification that still allowing dogs on the Bonneville Shoreline Trail and below is still below the intake area so they feel like that should be adequate. Mr. Gardner stated yes they think it will be adequate.

[8:05:21 PM](#)

6.14 Councilmember Weeks noted since the meeting a couple of weeks ago, she sees that there is a different map than what was originally drawn. She said she knows a lot of people were coming out last time because they had questions about whether they could still walk their dogs in SunCrest or on Ann's Trail. A lot of people came out to see what specific areas they were still allowed to walk their dog and not walk their dog. It was not clear to them. Here, as she looks at the map, she questioned what has basically changed. She asked if Ann's trail has changed or is that still an off-dog area.

Mr. Ogden displayed the map. He noted the trail is still the same as the last meeting. They go from the Potato Head Trail to where it intersects with the Bonneville Shoreline Trail

and all the way north. Above it would be a protected area and on the trail and below it would be allowed.

Councilmember Weeks asked basically what was changed from last week's map to this map.

Mr. Gardner stated they refined the crest of the mountains to make sure it was covered.

Mr. Ogden said they zeroed in more on the actual watersheds, which is what this map shows. Instead of just saying anywhere above Bonneville Shoreline Trail is off limits, they said anywhere above Bonneville Shoreline Trail in the watershed is off limits. That is still pretty much every trail in Draper. It would allow possibly one extra trail that would be able to be used that is not in the watershed that is protected by WaterPro. For the most part, nothing really changed.

[8:07:13 PM](#)

6.15 Councilmember Vawdrey asked whether it was Cherry Creek Trail on the new map. Mr. Ogden stated it was the one extra trail.

Councilmember Vawdrey expressed concern with allowing that in for enforcement. That would be a problem. Councilmember Rappleye agreed.

[8:07:35 PM](#)

6.16 Councilmember Summerhays agreed with Councilmember Vawdrey. He said it is very confusing to look at it. If they just make it straight right across there. He stated he does not know how much water they get out of there. Mr. Gardner replied they do not get any water out of Cherry Creek.

Councilmember Summerhays asked whether they still have a waterline going to the prison. Mr. Garner indicated there is a 6-inch waterline that goes from Little Willow to the prison.

Councilmember Summerhays advised that has been there for seventy years. Mr. Gardner clarified that is has been there since about 1950 but it is not used for drinking water. It is used in the nursery by the State Forestry. It was used for drinking until 1988.

Councilmember Summerhays stated when he was a kid they had thousands of sheep and goats on the mountain, and they did not have any problems with the water back then.

Mr. Gardner indicated there were some concerns with that, which is why Draper Irrigation and the other three irrigation companies purchased that property. It was to keep those animals out of the watershed and not to over graze it and cause erosion. Back in 1918 in the other canyons, the Forest Service allowed some of the water companies to buy key property at the mouth of the canyon so they could block any access into there. Sherm Fitzgerald used to say they would push the animals up Big Willow, and then open the gate in fall and let them come back home on their own. Things have really changed. It

used to be that up to 1,000 people each year died of water-borne diseases in Salt Lake before they started chlorinating the water. It has only been in the last 100 years that they have the water so everyone can drink the water and feel safe.

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6.17 Councilmember Rappleye said it is important to protect the secondary watershed as well to make it less confusing. He asked whether Cherry Creek was secondary as well. Mr. Gardner indicated it is not. It does not run all year. Ken Hisitake filed rights on Cherry Creek, but he is the only one that Mr. Gardner knows of. Councilmember Rappleye said there were a lot of comments made tonight that maybe this does not go far enough. This is one incident of that. It is a weak point if they allow animals to come up that particular drainage even though he has heard that the trails do not follow along the water. It still creates the access, and it is confusing. Councilmember Vawdrey said that, and he thinks that is true as well. Having the line there to make it clear that above the trail line is off limits and below is okay. Another comment that was made, which he thinks is really a practical comment, is the City needs to have a campaign and really clean it up now. Everyone will need to pitch in and help police it. Just because they change the line does not mean the people will comply instantly. It is a change of mindset that everyone has to be accountable and responsible for the stewardship of this water and the water quality. Being a WaterPro customer, the comments made by Ms. Squires makes him glad he has a filter on his water at home. Councilmember Rappleye said he thinks they do have to take this very seriously and make sure that they are taking the adequate protections on this.

[8:12:17 PM](#)

6.18 Mayor Walker asked the animal control officers to stand up and be recognized. Mayor Walker indicated the Animal Control Officers are tasked with enforcing the dog laws in the canyon amongst other things in the canyon. He stated he wanted the residents to know they are up there, and they are writing citations. If the Council passes this ordinance, they will enforce the watershed as well. In an effort to really take this seriously, the Council has put one more animal control officer on this project to increase safety and the enforcement of the canyon. He stated they may not have enough enforcement. He stated Councilmember Rappleye is right because just drawing the line does not mean the people will comply. He stated the Parks and Trails Committee can assist and steer some Scout projects to tasking the clean up. He said they may have to look at even more enforcement depending on how this goes or does not go. Mayor Walker indicated Ms. Squires had said they cannot tell Judge Bertch what to do, and for those who know the judge, he is not super friendly in reducing the fines. If someone gets a fine, they can expect to pay it. As far as the map is concerned, he asked whether there were further discussion or comments from the Councilmembers.

[8:14:07 PM](#)

6.19 Councilmember Weeks said she did want people to be able to comment on this issue. With the 50,000 residents, there are probably about 20,000 dogs. She thought it was important for people to be able to comment. She thinks the people who were here two weeks ago, especially the dog owners, learned how it was a real problem and it needed to be addressed. She said she thinks they understood that they need to keep their dogs out of

the watershed area. She said she has no problem with learning and having people comment and voice their opinion about whether they feel it is right or wrong and learning the situations. She agrees that they need to protect the water but she thinks it is okay for people to voice their opinions just like the residents got to voice their opinions tonight, which was very informative. She encourages local government to allow the residents to voice their opinions. She thanked everyone for their comments.

[8:15:16 PM](#)

6.20 Mayor Walker said with respect to the dogs, he thinks Draper was the only watershed in the country that would allow them in it to begin with. It was a fair chance to try and police it. He is a dog owner and a dog lover, and he has a great big dog. When he takes his dog in the canyon, he wears a backpack, and he carries his water in and his feces out. Mayor Walker advised, like the other Councilmembers said, the residents need to start policing this area as well. They need to remind people that this is important to them and they need to adhere to protecting the watershed.

[8:16:11 PM](#)

6.21 Mr. Barker noted if the Council is inclined to adopt the ordinance, the modified language is in Exhibit A, and they need to adopt a map. He asked whoever makes the motion to specify the map they want adopted. Map A would be the original map and Map B would be the modified map.

[8:17:13 PM](#)

6.22 Councilmember Weeks questioned with the Map B that was presented tonight, how confident are they that this map would that protect the water source. She asked whether it needs to be direct across or if it will protect the water source with that map. Mr. Gardner said this map will protect the water source, but for clarity and simplicity the other map is probably better. There is a trail that goes up Cherry Canyon, and it will be difficult to police that they do not go beyond the boundary. It does fork and go two directions into the watershed.

Councilmember Weeks asked for clarification that this is Map B and the other is Map A. Mr. Gardner stated this is correct.

[8:18:14 PM](#)

**6.23 Mayor Walker closed the public hearing.**

[8:18:32 PM](#)

6.24 Mayor Walker requested Mr. Ogden put the two maps on the screen for clarification. Mr. Ogden indicated Map A is the meeting that was proposed at the last meeting, and it is the map recommended by staff and by the Parks, Trails, and Recreation Committee. It gives a clear line that above the Bonneville Shoreline Trail would be prohibited, and on the trail and below would be allowed with dogs. It does not give exceptions; it gives a clear designated line.

Mayor Walker said to Councilmember Weeks point, there are still a substantial amount of places the dog owners can take their dogs and still use the canyon in a more unique way than probably any other canyon in that regard. There are no other canyons, except for Millcreek, where people can even take their dogs. Even with this map, there are substantial amounts of places that dogs can enjoy the trail with a leash and a bag. The City provides those or they can bring their own.

[8:19:44 PM](#)

**6.25 Councilmember Weeks moved to adopt Ordinance #1197 with Map A to make it clear. Councilmember Rappleve seconded the motion.**

Mayor Walker clarified that this motion includes Map A which precludes dogs from being in the watershed which is on the map above the shoreline trail and includes Cherry Canyon as part of the protected area.

[8:20:26 PM](#)

**6.26 Councilmember Stenquist moved to amend the motion.**

Councilmember Stenquist said the way the ordinance was written has the effective date as thirty days. He would like to make this effective upon passage, so it will be effective immediately.

Mayor Walker asked whether Councilmember Weeks would like that include in her original motion.

Mr. Barker explained the ordinance actually says that it becomes effective upon publication or posting, which is as short of time that they can do it according to State law.

Councilmember Weeks commented that they need to educate the people of the change.

Councilmember Stenquist apologized if he read that wrong. He thought it said thirty days. So the ordinance is effective as soon as practicable. Mr. Barker stated yes, as soon as the ordinance is posted.

**Councilmember Stenquist withdrew his motion.**

[8:21:17 PM](#)

**6.27** Councilmember Stenquist expressed appreciation to everyone coming out to speak on this issue. In his view, this really was not an issue of debate. When it comes down to health and safety, the Council has a responsibility, and in this case, a legal responsibility to fulfill this. This process was good to get the comment and to get the education out there. He thinks the public is much more aware, not only of the change the City is making, but the reasons behind it. As the reasons behind it became more apparent, and the City probably could have done a better job of educating ahead of time, he thinks that now the people understand the issue very well. As they have seen tonight, the people are very supportive. He said he really appreciates everyone's attention to this and understanding

the real issue. Councilmember Stenquist then emphasized that even though dogs are allowed in areas outside of the watershed, he thinks it is really important that dog owners be responsible everywhere. He knows that they have received comments about having more trash cans, and he is sure they could maybe put some more trash cans up, but at the end of the day, dog owners need to be more responsible for their dogs. It is not necessarily the City's responsibility to educate people to be responsible for their dogs. They should know how to do that. He said he thinks this issue has raised a lot of awareness, and he expressed his hope that the message is getting out there.

[8:23:00 PM](#)

6.28 Councilmember Rappleye thanked Mr. Gardner and WaterPro. It is important to recognize the fact that the City did have a contract with them on the purchase of this property to protect that watershed. By all rights, WaterPro could have said the City was in violation or breach of that contract. However, they are willing to come to the City and say they have to stop this now and take care of it as opposed to just going legal on the City. He wanted to recognize the fact that WaterPro was so willing to come and work with the community, allow the process to go forward, and educate the residents. He said that he appreciates that as a customer of WaterPro, because it is important to him to have clean water.

[8:23:54 PM](#)

6.29 Councilmember Vawdrey agreed with Councilmember Stenquist and Councilmember Rappleye. She stated this is a serious water quality issue, and they would be irresponsible to not act immediately. They are contractually and morally obligated to do that. Waiting and seeing is not an option. It is important to act now.

[8:24:18 PM](#)

6.30 Councilmember Summerhays seconded everything that has been said and thanked Mr. Gardner.

[8:24:30 PM](#)

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

[8:24:57 PM](#)

**7.0 Action Item: Resolution #16-21, Amending the Memorandum of Understanding between Draper City and the Living Planet Aquarium to waive Planning and Zoning Application fees**

[8:25:18 PM](#)

7.1 Mr. Fox indicated the City entered into a Memorandum of Understanding (MOU) with the Living Planet Aquarium back in December of 2011. They amended that agreement in 2012. The MOU covered things such as the ground lease and the bond. The City included in the MOU the waiving of building plan check and building permit fees, and deferred their impact fees. The Living Planet Aquarium is looking at expanding on the site directly to the south of them. That includes a Zoning Map amendment and amending the text.

They will also be coming in with a site plan. This request is to amend the agreement to waive Planning and Zoning application fees. This does not change anything else with the MOU.

[8:26:47 PM](#)

7.2 Councilmember Summerhays asked what the total amount would be. Mr. Fox replied it would be \$2,000 for the text amendment, the Zone Map amendment would be \$2,000, and the site plan amendment would be another \$2,000.

Councilmember Summerhays asked whether they have asked for the building fees. Mr. Fox explained the MOU waives those fees already. He does not know the size the buildings are or what those fees would be.

Councilmember Summerhays said it is kind of a moot point when the City has given them a municipal bond and are helping support the bond. It is hard to say no.

[8:28:09 PM](#)

7.3 Mayor Walker commented that when the City entered into the Aquarium venture, it was certainly outside of their comfort zone. It has proven to be an iconic institution to have in town. People from out of town have told him that they found Draper by finding the Living Planet Aquarium. They have been wildly successful and have paid their bills as agreed. Their future is super bright.

[8:28:45 PM](#)

7.4 Councilmember Stenquist said he is going to express a different opinion than Councilmember Summerhays. Councilmember Stenquist stated he loves the aquarium. It was one of the best things the City has done. It is something he will look back on from his time on the Council as something he can be proud that he was a part of helping them out and facilitating them being there. However, what they are talking about here is to continue to donate the staff time. They are up and running, they are financially healthy, and they can afford to pay this. He does not necessarily think the Draper taxpayers should subsidize them any further. He said he does not think this is a big burden for them to pay, and he thinks that the staff has to spend time doing these plans, and he does not see any reason why the Aquarium should not pay for that. He loves them, but he thinks they can pay for it.

[8:30:02 PM](#)

**7.5 Councilmember Stenquist moved to deny Resolution #16-21. Councilmember Summerhays seconded the motion.**

[8:30:24 PM](#)

**7.6 A roll call vote was taken with Councilmembers Stenquist, Summerhays, and Vawdrey voting in favor. Councilmember Rappleye and Councilmember Weeks voted no. The motion carried with a majority vote of 3 to 2.**

[8:30:59 PM](#)

**8.0 Council/Manager Reports**

[8:31:16 PM](#)

8.1 Councilmember Weeks indicated that at the last meeting she expressed interest in looking at Draper Park and creating a master plan on how to go about giving Draper Park a facelift. She would like to present that again as an idea. The park was established in approximately 1953, and different areas of the park have been developed. When she was speaking to some of the staff they were in favor of creating a master plan of the park, and they could work off that master plan in order to give the park a facelift. She said she does not know if anybody would be in favor of that.

Mayor Walker questioned whether Councilmember Weeks is asking for someone to put this on the agenda or did she want to talk about it. Councilmember Weeks said they can talk about it or they can check with Mr. Dobbins to see how much it would cost to create some kind of master plan for the park and mull out some numbers to see if it is a reasonable request or not.

Councilmember Stenquist said he would be interested to hear from City staff what improvements they would like to see, such as running more electrical lines and water lines and things that might help support Draper Days. He would like to see the staff come up with some sort of plan of upgrades or anything they would like to see rather than spend money for someone outside to create a plan. Councilmember Weeks said she is happy with that.

Councilmember Rappleye said he would be supportive of that.

Councilmember Weeks stated she would support that also.

\*\* *Mayor Walker left the meeting at 8:33 p.m.*

[8:34:00 PM](#)

**9.0 Adjournment**

[8:34:00 PM](#)

**9.1 Councilmember Rappleye moved to adjourn the meeting. Councilmember Weeks seconded the motion.**

[8:34:10 PM](#)

**9.2 A vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**

9.3 The meeting adjourned at 8:34 p.m.