

Approved 4.12.2016

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MARCH 15, 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; Rhett Ogden, Parks and Recreation Director; Glade Robbins, Public Works Director; Bryan Roberts, Police Chief; and Bob Wylie, Finance Director

Dinner

Study Meeting

[5:59:45 PM](#)

** Jeff Hartley, lobbyist, briefed the City Council on the recent legislative session.

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1.0 Discussion: Fiscal Year 2017 Budget Revenue

1.1 Bob Wylie, Finance Director, briefed the City Council on the estimated budget revenues for 2016. The total projected revenue is \$32,860,917. The breakdown is as follows:

- General Fund Revenue by Source
 - Sales Tax - \$10,500,000
 - Property Tax - \$7,267,065
 - Energy Use Tax - \$3,727,900
 - Licenses and Permits - \$3,135,690
 - Charges for Services - \$2,301,565
 - Intergovernmental (Class C and Grants) - \$2,044,000
 - Franchise Taxes - \$1,642,754
 - Interest and Misc. Revenue - \$1,224,633
 - Fines and Forfeitures - \$586,950
- Water Fund - \$4,539,000
- Storm Water - \$2,620,000
- Solid Waste - \$2,343,000
- Community Development Renewal Agency (CDRA)
 - Crescent Area - \$1,867,260
 - East Bangerter - \$1,015,730
 - Frontrunner - \$906,230
 - Gateway - \$254,960
 - Sand Hills - \$939,210
 - West Freeway - \$1,122,460

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2.0 Ethics and Open Meetings Training

2.1 Mike Barker, City Attorney, reviewed the ethics and open meetings laws for the City Council and staff.

3.0 Council / Manager Reports

3.1 These will be done at the end of the business meeting.

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 Cade Mauss, Scout Troop #1107, offered the prayer.

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2.2 Andy Schlachter, Scout Troop #1107, led the Pledge of Allegiance.

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3.0 Recognition: Sophia Goodwin for Earning the Prudential Spirit of Community Award and the Presidential Community Service Award

3.1 Mayor Walker recognized Sophia Goodwin for receiving the Spirit of Community Award and the Presidential Community Service Award from President Obama.

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3.2 Sophia thanked the City Council for this recognition. She indicated this project started last year when she was working on her Girl Scout Silver Award with her sister Victoria. They were researching project ideas with a passion for education and learning. They found that in a Title One school, sixty percent of the students will fail to graduate high school. One of the many causes of this was the lack of motivation and supplies. Sophia stated she and Victoria decided to take action. They made supply refill bags for local preschool classes. They received donations from Harmons, church members, family, and friends. Sophia said they found great satisfaction in doing this and have put steps in place to make sure this project continues for future years.

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4.0 Presentation: Draper Police Department Annual Report

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- 4.1 Chief Bryan Roberts presented the 2015 Police Department Annual Report for the Council. He highlighted the accomplishments and events of the Police Department during 2015 and shared statistical information. He commended his staff for the great job they do for the City. The motto of the Police Department is “Excellence is Our Standard”. They responded to 23,500 calls for service in 2015, which is very similar to 2014, and the officers filed approximately 12,500 police reports.

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5.0 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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- 5.1 Casey Tubbs, resident, stated he loves racquetball, but Draper does not have any public courts. He said he knows there is a possibility of a Draper Recreation Center and wanted to address the need for racquetball courts.

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6.0 Consent Items

- a. **Approval of City Council Retreat Minutes**, February 26-27, 2016
- b. **Approval of City Council Meeting Minutes**, March 1, 2016
- c. **Approval of Resolution #16-18**, Appointing Mel Pollard Jr. as a Regular Member of the Parks, Trails, and Recreation Committee

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- 6.1 **Councilmember Rappleye moved to approve the consent items. Councilmember Summerhays seconded the motion.**

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- 6.2 **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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- 7.0 **Action Item: Resolution #16-16, Naming a New Trail After Draper Resident Ralph Wadsworth**

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- 7.1 Rhett Ogden, Parks and Recreation Director, indicated Ralph Wadsworth has been a great asset to the City of Draper and has been instrumental in getting many of the trails in Draper. He was also a key player in the financing and construction of the Bear Canyon Bridge.

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7.2 Tod Wadsworth, Ralph's son, noted he has lived in Draper for fifty years. His parents moved him and his brothers here to live in a great place and to teach them work ethic. Mr. Wadsworth indicated he loves living here, and appreciates the City recognizing his father with this honor.

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7.3 Councilmember Summerhays moved to approve Resolution #16-16. Councilmember Vawdrey seconded the motion.

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7.4 Councilmember Rappleye advised this is just a small token the City is doing for this family who has done so much for the community.

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7.5 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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8.0 Public Comment: Resolution #16-15, Adopting New Dog Restrictions in Corner Canyon

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8.1 Mr. Ogden noted the City is proposing to improve the quality of the culinary drinking water in Draper. He noted there are two watershed areas in the City. The City purchased property eleven years ago from WaterPro that is part of the watershed area. Part of the purchase agreement included a caveat that the City would do what they could to protect the watershed area. None of the watershed areas in the valley currently allow dogs in that area. WaterPro has been very accommodating to work with, and they have allowed dogs in the area, but there have been concerns over the years. The dog waste is a continued problem. There is signage in the area prohibiting dogs off leash in the area, and they have done public outreach. There have been citizen volunteer groups trying to enforce the leash law as well as others, but it continues to be a problem. WaterPro and City staff have come up with a plan to help protect the water quality. Dog feces are the main cause of the water quality problem. The City and WaterPro are proposing to restrict the area above the Bonneville Shoreline trail from dogs. In exchange, they will allow dogs in the Bear Canyon area on the Bonneville Shoreline trail and below. The City has a myriad of trails in the area, and it is confusing for people. They feel that having a designated line would be easier for the residents to remember. Draper City does not hate dogs. They are just trying to protect the watershed area and the quality of the drinking water for the residents. WaterPro has warned the City for years that this is a problem, and these restrictions will help clean up the water. The City is also opening their new dog park next month, so there are other options for dogs. The City hired a new animal control officer to help enforce the law. There are many trails still open to dogs, including but not limited to South Point, Ann's Trail, Maples Hollow, Oak Hollow, Spring Hollow, Red Rock, etc.

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8.2 Councilmember Stenquist stated there is a current ordinance that requires all dogs to be on leash. Mr. Ogden indicated that is correct, and this ordinance does not change that.

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8.3 Councilmember Weeks stated she has a dog. She is a responsible dog owner, and she makes sure she cleans up after her dog. She has searched for information in regards to the efforts the City has made to educate the residents about this issue, and she was unable to locate anything. Mr. Ogden explained the City has put up a lot of signage all throughout the canyon, they have published multiple pamphlets about the Corner Canyon area that were distributed throughout the entire city and are available at City Hall, and WaterPro has attended multiple City meetings asking for help with this situation. There have also been several articles included in the City newsletter that is mailed to every residence in the city.

Councilmember Weeks asked whether the numbers have changed over the years and whether there is anything to compare them to. Mr. Ogden indicated Mr. Gardner has that information and will provide it to the City Council.

Councilmember Weeks asked whether they have had off leash trails in the past. Mr. Ogden advised they tried having Upper Corner Canyon Road off leash for a period of time, but it was a problem.

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8.4 Councilmember Summerhays noted this has been an issue since before he was even on the Council. Water Pro has cameras in the canyon, and it is the same violators all of the time.

Councilmember Weeks noted she understands the leash law, but there are some residents who will speak here tonight that have large dogs that say it is difficult to keep them on leash. She asked whether this issue mainly deals with people picking up after their dogs.

Councilmember Summerhays replied the problem is that they have to keep the dogs off the water shed area. The City signed a contract with WaterPro years ago saying that they would take care of this.

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8.5 David Gardner, WaterPro, noted they sold the property to Draper 11 years ago. They signed a conservation easement with the City and County at that time in order to protect the watershed area. They were getting offers to purchase the property up until they signed with the City for about four times the amount they sold the property for to Draper. WaterPro wanted to keep the area as open space and knew Draper would help protect the watershed area. WaterPro takes water from eight canyons to the treatment plant. They test the water monthly, and this canyon is 22 times worse than the most comparable canyon in terms of contamination. An acceptable amount of contamination is 50 parts per million (PPM). Mr. Gardner stated Draper was at 1,000 ppm three years ago, and today they are

testing at 1,200 ppm. Mr. Gardner indicated that 1,200 ppm is the highest they can measure, so the number could actually be even higher than that. This proposed action will only close a small portion of the canyon. There are thousands of acres, and this action will only close about 800 acres. The treatment plant is not designed to treat this quality of water. They are land locked where the treatment plant is in Sandy. Water Pro feels this is a contractual agreement between them and the City, and they have done everything they can to make this work.

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8.6 Councilmember Stenquist said he wants to better understand the quality of the water. This area is 22 times higher with these bacteria than other cities. He asked how this affects the drinking water. Mr. Gardner explained the treatment plant is designed to be 99.5 percent effective. When the numbers are raised, the odds get higher and higher that the bacteria will contaminate the water. The water is worse in July and August. WaterPro has to pollute their other water sources in order to treat the Corner Canyon water.

Councilmember Stenquist noted there are a lot of animals in the canyon such as deer, elk, moose, horses, dogs, etc. He asked what it is about dogs that make them the problem. Mr. Gardner explained dog waste is similar to human waste, and they are getting more dogs up there than expected. If they are not able to get the numbers under control, there is a chance that the canyon would be closed to everyone and everything.

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8.7 Councilmember Weeks noted she is all for clean water and she understands that the counts are a concern. In the past five or six years, the City has done a lot of building of trails in the area. She asked whether the construction or heavy equipment could have caused some of the bacteria up there.

Mr. Gardner replied that the equipment will not cause the bacteria. It is the actual human or animal waste. The trails staff does a wonderful job building the trails so the runoff does not come into the creek.

Councilmember Weeks stated the area has a lot of deer. She questioned how many dogs would have to be up there in order to have the counts up this high.

Mr. Gardner stated he has no idea. When they set up the cameras, they will catch 50 to 100 dogs off leash each day. They only set the cameras up in the critical water areas. There should not be any dogs in those areas ever.

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8.8 Mayor Walker asked the anticipated length of time it would take to get the bacteria count down. Mr. Gardner indicated it would be four to five years.

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8.9 Councilmember Summerhays questioned whether human urination would contribute to the numbers. Mr. Gardner stated he is not aware of that. It is mainly fecal matter that causes the problems.

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8.10 Mayor Walker opened the meeting for public comment.

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8.11 Kim Agnew, resident, indicated she rides horses up in the Corner Canyon a lot, and she has noted that many people do not walk out of the canyon with their bagged dog waste. They leave it on the trail. That is a big concern for her, and she could count hundreds of bags that have been left in that area.

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8.12 Laura Wheatley, resident, thanked the Council for opening this up for public comment. She said that she lives in SunCrest above the Bonneville Shoreline trail. One of the reasons she moved to Draper was because of the trail system. She has direct access to the trails from her front door, and it is a daily occurrence to take her dogs out. Her neighborhood is very close knit, and most of them met and became friends because they would see each other on the trail. To take away that life style for the responsible dog owners is a shame. One of the concerns stated in the agenda was water quality, and she admits that the numbers are jarring. She questioned when the comparative studies were conducted, what specifically identifies the problem being from dogs. There are many different types of animals in the area. She asked whether it could be the construction being done at Corner Canyon. She stated she is on the trails every day, and there is a sign at the Peak View trailhead, but there are no signs at the Suncrest trailheads pertaining to dogs on leash.

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8.13 Greg Hoffman, resident, noted he is a physician and there are no bacteria in urine unless the person has an infection. He does not want to hurt his patients, but he would like to see more data from when there were higher snow totals before a decision like this is made. He wondered whether they could adjust the rules to keep the dogs out of those areas during July and August. He also asked whether there is a similar situation that shows that taking dogs out of similar canyons has resulted in benefits WaterPro would like to see.

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8.14 Jared Ellsworth, resident, noted he is a dog lover. He said he is surprised that they are even having this conversation, but he respects the process. He noted that Draper being the only community that allows dogs in the watershed area is not something to be proud of. There is obviously a concern there, and having fecal bacteria counts which are twenty-four times those found in other canyons is very concerning. It should be noted that the 1,200 ppm is a maximum detection limit. He gave an example of what happens when a child defecates in a swimming pool. If there are contaminants in the water stream in such concentrations that they exceed treatment capabilities, that is concerning to him. Bacteria

are a biological organism that does not come from equipment or soil erosion. The bacterial strain found in dog feces and human feces are different than those found in natural wildlife. Mr. Ellsworth stated he is an avid user of the Corner Canyon trail system. He runs and has been bitten twice on the trails. It is clear to him that the current ordinances are not effective. He applauds those who do follow the ordinances and enjoy the trails, but regardless of the outcome, he pled with those residents to follow the laws. However, with this specific water quality issue, he is in full support of the proposed ban.

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8.15 Jill McWillis, resident, said she has lived in SunCrest for eight years. She has had two golden retrievers and is an avid hiker. She has never heard that WaterPro has threatened to ban dogs. There has obviously been a communication failure. One of the best things about SunCrest is the freedom she has had to hike with her dog. Of her twenty-one closest neighbors, fifteen of them have dogs. She stated that hiking with a dog on leash, especially a big dog, is a miserable experience. They pull on the leash and get tangled in the bushes. To say that a trail is on leash only is the same as banning people with big dogs. Owners and their dogs need long distance trails that actually get them somewhere and not just a dog park or the designated off leash looping trail being proposed in the Master Plan. They do appreciate the City building these, but they do not fulfill the need for long trails. They restrict the residents use and enjoyment of the mountain. They need variety and would not want to do the same trail every time. As a woman, she does not like to hike alone and feels more comfortable hiking with her dog. The needs of dog owners have never been met because the City has not designated any specific off leash dog trails, so the rules have largely been ignored. Off leash is what dog owners really want. Millcreek understands that and has made it work for everyone. The one designated area that is proposed in the Master Plan will not be done for some time, so she questioned what the residents will do until then if the Council proceeds with the ban this evening. A dog park is not a substitute for a beautiful mountain hiking trail. Her goal is not to be around other dogs that share disease and may be aggressive. The goal is long distant exercise with beautiful views where they will only pass others briefly, if at all. She agreed that many dog owners are being irresponsible and not cleaning up after their dogs, and it makes her angry every time she sees it. More communication and planned clean up events would help. If the residents had known they might lose this resource, they would have done so already. She understands that people complain about off leash dogs, but she can complain with equal irritation about the mountain bikers. She has stopped using most of Corner Canyon because of the bicyclists, and they feel it is only fair to reclaim some use. WaterPro is pointing to dogs as the cause of the problem, but she is not convinced. She has seen the huge amounts of wildlife in that area, and she has read all about the types of bacteria before speaking today. If WaterPro is really concerned about water quality, she wondered why new SunCrest neighborhoods are being built. The yards will drain into the watershed with the dog feces, pesticides, and construction oils. She stated her dog jumped into a pond filled with black oil from the preliminary construction there recently. She said the best solution for WaterPro and the residents is to close a lot of the trails in Corner Canyon to dogs. She does not have a problem with that and respects the need to have clean water. However, they also need to designate specific trails for off leash dogs.

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8.16 Dan Wheatley, resident, advised he is opposed to the ban on dogs. He understands the water quality issue. The numbers presented can appear alarming, but his main question is why go straight to banning the watershed. He expressed his opinion that there are other solutions. Millcreek has a compromise. Boulder Colorado has a program where tags are purchased for dogs that show the dog owners that have taken courses in responsible dog ownership. He wondered why they went from allowing dogs to completely banning them. If the goal is to really reduce the waste, he wondered why they cannot just reduce the amount of time the dogs are in that area. The presentation showed an area on the map that was restricted. He lives near Ann's trail, and it showed as being restricted on the first map, but not being restricted on the second map, which is confusing. He said his family lives in SunCrest and there are very few signs in that area that address dogs. There are no trashcans in some areas, and at another trailhead there was a dispenser that has not had bags for months. He said it is the dog owners' responsibility, but if the City is truly trying to make a program for that, those are steps the City needs to take. He concluded that he is opposed to this because he feels there are better solutions. He asked the City Council to consider other options before diving into a full restriction.

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8.17 Hayden Tubbs, Boy Scout, stated he is a big mountain biker. There are no trash cans in the area for people to throw away the dog's waste bags. He has seen a lot of the waste bags being left on the trail. He would like to pick them up, but he has no bag to pick them up with, and there are no trash cans to throw them away.

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8.18 Cail Alles, Boy Scout, said he is a mountain biker, and he has a dog. He said the trailhead by his home has a doggie bag dispenser; however, it was empty the last time he was up there. He commented that there is a trashcan nearby where he enters.

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8.19 Andy Schlacter, Boy Scouts, said he walks his dog on the trails, and he can understand why there are a lot of people that leave the bags up there. It is not pleasant to carry a bag of waste while walking. He agreed that there should be more trash cans on the trail. If he had not come to this meeting, he would not have known that the Bonneville Shoreline was being restricted. He asked the City to do a better job getting the word out to the residents.

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8.20 Lisa Levanger, resident, said she recently moved to Draper because it is so dog friendly. They like to do a lot of hiking and have spent a lot of time in Millcreek. She expressed concern that this issue is jumping from education to banning everyone. There is a middle ground that people should look at. She has never seen anyone in the area doing enforcement. She said she takes her own bags, and they are a specific color so she knows which ones are hers to take out with her. She said the City needs to take the time to enforce the rules prior to prohibiting people from using the canyon. It is not fair to restrict the responsible dog owners because of those that cannot follow the rules.

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8.21 Nate Crowther, resident, said there is a lot of misinformation that has taken place here tonight. He explained the City needs clean water and some of the trails have already been closed to dogs, such as Ghost Falls. Canyon Hollow was put in and paid for by WaterPro to take dogs away from the water. The difference between the maps and Ann's trail is that the upper part of Ann's trail will be closed from Potato hill to the Peak View trailhead. The other part of Ann's on the other side of the tunnel will not be closed to dogs. The SunCrest trails are open to dogs even though they are above the Bonneville Shoreline trail. There are enough trails to accommodate the needs of everyone in the room. He stated it has been good for him to hear what the residents' needs and wants are.

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8.22 Sara Frye, resident, stated she does not have a dog, but she likes having dogs on the trail. There is not wildlife coming down if there are dogs present. She asked the City Council to not take away freedoms from people.

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8.23 Teresa Gray, Salt Lake County Health Department, stated she would like to take this opportunity to address some of the questions that were raised by the residents. This particular stream is used for drinking water.

Mayor Walker asked Ms. Gray to hold off on her presentation until all of the public comments have been heard in case more questions arise.

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8.24 Ken Murdock, resident and Parks, Trails, and Recreation Committee, said he has served on this committee for seventeen years now. He cannot remember a time when they were not discussing how to better enforce the leash laws. He has a dog, and he loves running with him in the canyon. He does not want to lose that privilege, but it is basically hopeless. The people up there do not listen. He understands that big dogs are hard to control on a leash, but, a big dog adds a great deal to the feces problem. They do not always stay right next to the owner. Sometimes they go off in the bushes, and the owners do not even know that they have gone. This is also a safety issue with the dogs. He has actually t-boned a dog with his mountain bike. The dog ended up dying, and it was terrible. Draper City is close to having seventy miles of trails, and this restriction is on a very small portion. He expressed his hope that the committee has done their research, and they have tried to get the word out through the Draper newspaper and the newsletters. There are even free leashes at every single trailhead. They have trashcans, but they have to be placed in areas where people can empty them. Mr. Murdock expressed his opinion that this needs to be done, and it is a good resolution that has been well thought out.

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8.25 Mayor Walker closed the meeting for public comment.

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8.26 Teresa Gray said this has been an issue that was brought to them by WaterPro over the past few years. This stream is classified as a drinking water source. She wanted to make that distinction because Millcreek has been brought up a few times. Millcreek does not have the same classification nor does it lead into a drinking water source. There was a question about whether this situation has occurred somewhere else. In 2011, there were many similar conversations taking place around Parley's Nature Preserve. The levels of bacteria had come to a point where they were required to take action due to Environmental Protection Agency (EPA) requirements and restrictions. It was much worse than what they have with the Draper water source. She applauded Draper's efforts to try to come up with a solution to address those issues. The Health Department is in support of any Best Management practices that can be put in place to protect the water course. It is the requirement of WaterPro to do that with their water sources.

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8.27 Councilmember Stenquist asked for clarification that in 2011 the EPA required restrictions of the number of people who could go in Parleys Canyon. Ms. Gray indicated they looked at the effect of the water source and said that something had to be done to protect it. They came up with a total maximum daily load of what those levels are. With this particular type of stream system, they are looking at the maximum limit of 668. They can do further studies to be able to get different levels.

Councilmember Stenquist asked whether another agency, such as the Salt Lake County Health Department or EPA, can step in with restrictions if the City and WaterPro do not take care of the problem. Ms. Gray indicated there have been instances where that has taken place on other streams within the county. The levels in those areas were higher, and there was more proof of human contact. She said she does not want to be perceived as a threat at this point at all. She just wanted to make sure that steps are being made in this area so that is not even a point of conversation in the future.

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8.28 Councilmember Weeks noted they are trying to educate the Draper residents that the feces need to be picked up. She asked whether the City can continue to take steps in order to lower the bacteria levels without complete restrictions to the area. Ms. Gray indicated they need to look at the effect the restrictions will have on the area. There are already cans in place and dog bags in place that are not being used. There is lots of education and outreach that can be done; however, this is a continual problem the County Council has dealt with since 2011.

Councilmember Weeks asked whether they are going in the right direction as long as they continue taking steps. Ms. Gray indicated yes as long as they do not see an increase. She has seen data back from 2013 that have had a lot of spikes and trends. Most of those come when the area is heavily used or when there is high runoff.

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8.29 Councilmember Rappleye asked whether there is any way to define where the bacteria are coming from. Ms. Gray indicated the sampling is being done by WaterPro. In other locations where there are issues, it is usually a storm drain issue. The bacteria they are testing for in this area are tied directly to the intestinal tracts of warm blooded animals. There is no way this is due to the construction in the area because there are no septic tanks in this area that would give the human component. They are usually looking for some type of specific DNA testing. That test is expensive and has not been done at this point. She expressed her opinion that the money that would be spent to determine whether it is from a deer or a dog would be better spent on preventative measures.

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8.30 Mr. Ogden stated staff has presented everything they had planned. This is a proposal that is intended to help the water quality in Draper. Staff feels they have had a good partnership with WaterPro. They are professionals and experts in their field, and they understand the need to do this, and staff is trying to follow their recommendation. He reiterated that Draper is not closing all of the trails to dogs. It is just the areas that affect the watershed. The trails in SunCrest are still open to dogs. All of the south trails are still open, including Ann's trail. One of the purposes in proposing this is to allow staff to do a lot of public outreach. They will now have a clear line of where the restrictions are, and it is very easy to understand. He displayed on the map where the watershed area restrictions would be.

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8.31 Mr. Gardner stated the City has put forth effort to enforce the rules, but it is not easy to do. This proposal will make a clear boundary that is easily understood. Dogs do not belong in the watershed. They tried it as an experiment and found that it was a mistake. There is an agreement between WaterPro and the City that they would keep the water exemplary. They have great water everywhere but in this location.

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8.32 Councilmember Rappleye asked what normally happens in other communities where this is a problem. Mr. Gardner indicated this is usually not allowed, so it is not a problem. Back east they fence the area off to keep the dogs out, and there are heavy fines for violations. In many areas it is prohibited to have humans in the watershed areas.

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8.33 Mike Barker, City Attorney, indicated that in 2005 the City was granted a conservation easement, which is held by Salt Lake County. One of the things the City promised to do was to not use the property in any way that would be detrimental to the water quality. That is a pretty broad statement, but the City obligated itself to take certain actions to preserve water quality in the watershed area. The County itself has enforcement powers under the agreement to bring action to enforce the conservation easement if they felt it was necessary in order to preserve the water quality. Draper City doing nothing is not a good option from a legal perspective. Mr. Barker then advised the action before the Council tonight is for approval of a resolution. He asked that this item be continued to

another meeting to allow this to be approved by ordinance so the rules can actually be enforced.

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8.34 Councilmember Weeks thanked Mr. Gardner for coming out and offering to open up other trails into Sandy. She also thanked Ms. Gray for coming out and giving the Council more information. She expressed appreciation to the residents for coming out and said they had wonderful ideas. She said she put \$10 on Facebook and received almost 4,000 hits on her post regarding this issue. She said it shows there was a lack of communication about the urgency of this issue. She said a lot of residents in Draper have dogs, and the leash law has been ignored. Her sister lives in Baltimore, and there are miles of open forest that she can run her dog off leash. They do not really have that in Draper, but these are issues that need to be addressed. She said she does believe that something should be done to protect the City's water; however, she is not sure to what extent. She expressed her opinion that there are steps that can be taken to educate the residents on this issue.

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8.35 Councilmember Summerhays asked whether Mr. Barker wants to wait on this item in order to draft a different ordinance rather than adopting this one here. Mr. Barker explained that what is before the City Council is a resolution. From a procedural aspect, it would be better to have the Council adopt an ordinance for enforcement purposes.

Councilmember Summerhays noted WaterPro could ban dogs from Corner Canyon altogether. Mr. Barker clarified that the County has the authority to file legal action against the City.

[9:00:09 PM](#)

8.36 Councilmember Weeks indicated the City just hired a part-time employee to enforce the leash laws in the canyon. She said the City should wait to see if this helps with the water area.

Councilmember Stenquist indicated that is true; however, she needs to have an ordinance to enforce. Right now the only regulation they have is off leash dogs, but they may not have the effect of reducing the bacteria counts in the water.

[9:01:33 PM](#)

8.37 Councilmember Stenquist moved to continue this item to the next business meeting and direct staff to bring back an ordinance to allow for enforcement of the area. Councilmember Summerhays seconded the motion.

[9:03:06 PM](#)

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

[9:03:26 PM](#)

9.0 Public Hearing: Ashford of Draper Zone Change

[9:04:04 PM](#)

9.1 Mayor Walker noted the applicant asked staff to pull this item off the agenda this evening and continue the item to a later date. However, since there are many residents who came to speak on this issue tonight, the Council will go ahead and have the public hearing.

[9:04:40 PM](#)

9.2 Mayor Walker opened the public hearing.

[9:04:53 PM](#)

9.3 Kim Agnew, resident, noted she is frustrated with the thought of commercial coming into her neighborhood. It is residential and it needs to stay residential with half-acre lots. The change in zoning category would introduce an entirely new land use for the area on 1300 East just like it has on 700 East. She asked the City Council to please preserve this area for the residents who live on 1300 East. She said she would not mind having an assisted living center, but this change brings in a different zoning. There are other areas in Draper that would be better suited for this use. She said she does not want a dental office or an orthodontic office on 1300 East, and she appreciates the City Council listening to the residents so far. She indicated part of Draper has to stay old.

[9:06:36 PM](#)

9.4 Margaret Bird, resident, thanked the City Council for the opportunity to speak on this issue. She stated she spoke to the City Council a number of months ago when they denied the Ashford Assisted Living across from Walden Lane on 1300 East. The neighbors feel very strongly about this issue, but many of them do not realize this is being heard this evening. She expressed her opinion that the room would be full if they knew about it. She asked why the City has a General Plan and a Draper City Municipal Code if they are not going to follow it. This property is not located near general commercial areas. The IC zone is not identified in the General Plan as preferred zoning. She said she is getting tired as a resident constantly coming to the Council meetings over the same commercial issues on 1300 East. The traffic is very difficult on 1300 East, especially during school traffic. It would be impossible to get an emergency vehicle into this facility during school hours. She is concerned about commercial creep on 1300 East, and she is particularly concerned about the uses allowed in the IC zone. She stated a lot of these problems could be solved if Draper City reconstituted local neighborhood community councils. She was a part of this in Holladay City, and it worked beautifully because the items came to the community councils first.

[9:09:59 PM](#)

9.5 Claire Ashby, resident, noted she recently hurt her shoulder while trying to get across 1300 East on her bike. The traffic on 1300 East is a real problem. She stated she does not want to add a commercial component to the area when traffic is already a problem.

[9:11:05 PM](#)

9.6 Eric Erickson, resident, said he opposes the zone change, The IC use is commercial, and he is concerned with introducing commercial into this neighborhood. It would just open the door for other uses. There are other more appropriate places in Draper for this use. He agreed with the previous comments about the General Plan. The schools are close but they are not commercial.

[9:13:02 PM](#)

9.7 Aaron DeRose, resident, stated he is opposed to this project and does not think commercial should be introduced into this residential area. There are areas that allow this use that are a better fit than a residential area. This will set a precedent, and he agrees with the comments made about commercial creep and the heavy traffic. He added that the 1300 East corridor has a lot of students from the schools in the area.

[9:14:53 PM](#)

9.8 Katie Smith, resident, said she has met with the applicant about this development. While the idea of an institutional care facility does seem adequate for the area, it does open up the other properties nearby for a commercial use, which could continue on 1300 East. Mr. Nield, applicant, did put in an addendum to the agreement that the zone would revert to residential if he were unable to build the assisted living center. She stated by denying this use, it might keep other applicants from asking for a commercial use on this corridor. She is also concerned about the increase in traffic if this were to be approved.

[9:16:54 PM](#)

9.9 Michael Johnson, resident, stated he agrees with the other comments that have been made tonight. Draper used to be farm land. There is a feel here that not a lot of places have anymore. The residents are not against development, but they are trying to strike a balance. He moved to this area in order to have a larger lot with animal uses in a safe area. There are many places where commercial uses can be realized and can happen successfully. He advocated that the areas that are still Draper should be left that way. It could easily disappear. There is no reason to not protect those areas.

[9:19:33 PM](#)

9.10 Melisa Rees, resident, echoed what has already been said by the other neighbors. She said she moved here to provide a safe place to raise her children. However, Draper is changing. There is a Trax station near the park where she used to take her children to play, but they do not do that anymore. They used to go to the library a lot, but they do not go there anymore because of the transients that hang out there. The traffic has become almost unbearable on 1300 East. She expressed her opinion that the planning has not been good for a family with young children.

[9:21:28 PM](#)

9.11 Mr. Dobbins indicated the applicant has now asked for the opportunity to make a presentation to the City Council this evening.

[9:21:50 PM](#)

9.12 Summer Pugh, resident, noted she is a little confused about why this item is back on for consideration. She reiterated what the other residents have said this evening. They need to be concerned about the character of this area. It is low density and has the schools. The City Council has to weigh this type of commercial with what could potentially come to the area. This is not consistent with the General Plan. She stated they should consider bringing the community councils back so the residents have a good advance notice of what is coming in. It is a great way to become more involved in the city.

[9:24:06 PM](#)

9.13 Colleen DeRose, resident, said she did a little research on the Ashford Assisted Living Center in Highland. This is a great facility that has great reviews. It is locally owned and operated, and she does not want the applicant to feel he is not getting a warm welcome in Draper. There is a place for this use in Draper, but it is not on 1300 East in a residential area. She stated she does not know why he keeps trying to find a residential neighborhood for this facility, but he will keep getting a fight no matter where he tries to go in residential. There are areas already zoned for this type of facility, and she welcomes it to go into one of those areas. She said she grew up in the home next to where she is living now.

[9:25:28 PM](#)

9.14 Norm Krantz, resident, advised he is opposed to this request. He is concerned of what could happen if this is rezoned but not built. He is suspicious that this was taken off the agenda for consideration and now it is back on.

[9:27:18 PM](#)

9.15 Peggy Jensen, resident, stated she has a drug rehabilitation center next to her home, and the traffic is horrendous at all times during the day. This facility will make the situation even worse.

[9:28:17 PM](#)

9.16 John Bechard, resident, stated his neighbor is Floyd Childs, and he is eighty-two years old. Floyd cannot make it here tonight because it is difficult for him to get around; however, he is excited about the prospect of having this type of facility because he would like to live and stay in Draper. It is in his neighborhood, so his family would not have to travel to see him, and he would be able to stay in the same ward. Mr. Bechard expressed his opinion that this use should not be pushed to an industrial area.

[9:31:25 PM](#)

9.17 Kari Howell, resident, noted she was not planning to speak this evening; however, this is an important issue to families. Her husband grew up here, and she loves living here. Slowly Draper is losing a bit of its charm. Little by little things are changing that make her not feel quite so safe. The residents are trying to keep a place for families. Getting emergency vehicles into this facility during school hours would be dangerous. There are areas that this use could go into but it should not be near her home.

[9:34:06 PM](#)

9.18 Chris Edmunds, resident, indicated he lives right behind the proposed development. He supports responsible development, but he does not think this use should go into this area in Draper. There are other places he would love to see this facility go into. The neighbors do not want to see emergency lights or an increase in traffic so near to his home.

[9:35:34 PM](#)

9.19 Mayor Walker closed the public hearing.

[9:35:49 PM](#)

9.20 Dan Boles, City Planner, noted this is an application for a rezone. The property is comprised of three parcels that total just less than three acres. The land use suggests low to medium density that does not support the IC zone. The zoning on the property is RA1. There are some uses allowed in the IC zone that would appear to be out of place in this area. The Planning Commission looked at the proposal and had a split vote of 2 to 2.

[9:40:04 PM](#)

9.21 Greg Nield, applicant, apologized for the confusion with this item tonight. He stated he had called Mr. Boles earlier to see if he could postpone this item for two weeks due to a conflict he had. However, he was able to attend the meeting, so he assumed they were still on for consideration. He indicated he is fine if the Council wants to table this discussion, and he would be willing to pay for another notice. He does plan to have a meeting with the neighbors next week at the Library to discuss this application. He then noted that he has been in the health care industry for ten years now. There is a need for this type of facility, and the average age of their client is eighty-five. This age population is projected to more than triple, so there is a huge need for assisted living. Aging in place is a term the Council will hear a lot. People like to be where it is familiar to them. This type of facility should not go near heavy commercial. They have Draper residents go to their facilities in Sandy and Highland because Draper does not have anything like this in their city. Assisted living is the final home for many of the clients. It seems that the majority of the neighbors are not opposed to assisted living going in on this street; they are just worried about what else could go in this zone. He would love to talk with the neighbors about a development agreement and work with staff to create a product that everyone would be happy with.

[9:46:11 PM](#)

9.22 Councilmember Stenquist advised it sounds like the applicant is meeting with the neighbors next week. He suggested they continue this item to another meeting to allow them to work this out.

[9:47:09 PM](#)

9.23 Councilmember Weeks moved to deny the Ashford of Draper zone change. Councilmember Rappleye seconded the motion.

[9:47:45 PM](#)

9.24 Councilmember Weeks stated she does not think 1300 East can handle more traffic. She expressed her opinion that changing the zoning would cause more of a problem.

[9:48:09 PM](#)

9.25 Councilmember Rappleye noted this area already has a lot of pressure on it. They have been down this road before. People can ask for whatever they want on their property, but he does not believe this is a good area for this use. There is a similar facility of Fort Street. This does look like a quality facility; however, 1300 East may not be the best place for it.

[9:49:07 PM](#)

9.26 Councilmember Summerhays stated he does not think 1300 East is the best place for this zone. He would have liked to have known what the comments would be after the developer met with the residents.

[9:49:40 PM](#)

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

[9:50:34 PM](#)

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

[9:50:48 PM](#)

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

[9:49:58 PM](#)

**** *The Council took a break at 9:50 p.m.***

[10:01:57 PM](#)

**** *The meeting resumed at 10:02 p.m.***

[10:02:03 PM](#)

10.0 Public Hearing: DPMU-CSD Draper West Text Amendment

[10:02:32 PM](#)

10.1 Jennifer Jastremsky, City Planner, displayed an aerial map of the property. The property is located at 13490 South and Vista Station. The applicant is interested in changing the text and adding new concept plans to the Code. They would like to change the retail building minimal setbacks from 10 feet to 5 feet. The setback for residential is proposed to change from 20 feet to 10 feet. The building height is proposed to change from 4 stories to 5 stories. The additional height will allow for more diversity in this zoning district. The applicant is also requesting to increase the density from 25 to 40 dwelling unit range to a maximum of 56 dwelling units. The acreage available would allow for a

total of 241 dwelling units per acre. The Planning Commission and staff recommend approval.

[10:06:53 PM](#)

10.2 Councilmember Stenquist said the main reason for this request is to shift it from primarily commercial to primarily residential. Ms. Jastremsky stated the applicant can better explain the reason for the change. Staff is in support of the change, and they do not think the change in the amount of retail will make that much difference in that area. The zone is already planned for additional retail along the intersection.

[10:08:44 PM](#)

10.3 Councilmember Weeks said she is concerned about the fifty-six units per acre. That is a lot of traffic and dwellings per acre.

Ms. Jastremsky indicated with a development of this size, chances are that the engineering department would require a traffic study. She reminded the Council that the Utah Department of Transportation (UDOT) will be changing the intersection shortly. That will increase capacity, and that will be completed this year.

[10:09:50 PM](#)

10.4 Councilmember Summerhays stated they are pushing the envelope too much with this request. They want to purchase the property and put in a large retention pond, which makes sense; however, he cannot wrap his head around these changes.

[10:11:05 PM](#)

10.5 Mr. Fox reminded the Council that this area is serviced by frontrunner. There is a proposal for a Trax station here, and if that happens, this station will be less than one quarter mile of these units. This is all a part of the Transit Oriented Development (TOD) concept.

Councilmember Summerhays noted that makes sense to him.

[10:12:30 PM](#)

10.6 Councilmember Vawdrey said the City is making a lot of concessions with this. She does like that they did the housing on the outside and the parking in the center. She is concerned with so many concessions being given.

[10:13:01 PM](#)

10.7 Councilmember Weeks expressed concern with the amount of open space and asked whether this meets the required amount. Ms. Jastremsky indicated she believes it does. The Code allows them to count the interior amenities as well. That coupled with the landscaping would allow them to meet the required open space. Their design is a more Urban Design, which is not typically seen in Draper. The idea is that there is less open space and more park use and more interior amenities.

Councilmember Weeks questioned how many parking spaces they have allotted for. Ms. Jastremsky replied she is not sure on this plan. They had some different concepts drawn up, but it has not been reviewed to determine that it meets every code requirement. That is something that would happen when they apply for a site plan.

[10:15:15 PM](#)

10.8 Councilmember Summerhays indicated the Council and staff visited Texas and other areas to look at this type of development. They wanted to see how this worked.

[10:16:08 PM](#)

10.9 Mayor Walker asked where this fits in the TOD zone. Ms. Jastremsky explained this project is located directly next to that zone by the UDOT property.

[10:17:19 PM](#)

10.10 Mayor Walker opened the public hearing.

[10:17:42 PM](#)

10.11 Adam Lankford, applicant, stated the Wasatch Group has a great relationship with the City. They recently picked up more land, so they have more flexibility with Phase 2. This will be a showcase piece with this whole project.

[10:20:52 PM](#)

10.12 Councilmember Rappleye asked what type of units these will be and what the rent price point will be. Mr. Lankford indicated the return will be \$1.25 per square foot.

Councilmember Rappleye stated this is exactly what they envisioned for this area. This development will help preserve areas such as 1300 East. This area is planned to be the heavy urban corridor due to its proximity to I-15, FrontRunner, rail, etc.

[10:22:33 PM](#)

10.13 Mayor Walker closed the public hearing.

[10:22:41 PM](#)

10.14 Councilmember Rappleye stated this concept plan looks very similar to the Richardson, Texas development they saw. It was a little denser than this proposal. This is exciting, and it will provide a place to live for the people working in the offices there.

[10:22:37 PM](#)

10.15 Councilmember Rappleye moved to approve text amendment. Councilmember Summerhays seconded the motion.

[10:24:19 PM](#)

10.16 Councilmember Stenquist read through the text of what is being proposed. They are actually only making four changes to the text. He noted he does not have a problem with the density or the height. His main concern is how this development fits in with the entire development and whether there will be enough retail overall.

Mr. Lankford indicated they have been speaking with UDOT, and UDOT has over fifty acres on either side of 600 West. That is the area for the regional commercial due to it being easy on and easy off.

Councilmember Stenquist stated he does not want to see this developed the way the area near Thanksgiving Point was developed. It is too tight and the traffic flow does not work.

[10:28:25 PM](#)

10.17 Councilmember Weeks said she understands they want more residential than retail; however, this pushes the envelope too much for her. She was not on the Council when they were making the decisions to make this area more urban, so it will take her a while to get up to speed on that kind of feel for Draper.

Councilmember Summerhays advised the Council spent a lot of time studying and looking at these types of developments prior to approving the TOD zone.

[10:29:50 PM](#)

10.18 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. Councilmember Weeks voted no. The motion carried with a majority vote of 4 to 1.

[10:30:06 PM](#)

11.0 Public Hearing: Resolution #16-17, Re-opening and Amending the Current Fiscal Year 2016 Budget

[10:30:22 PM](#)

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

- **FY16- 32 Variable Message Boards**
 - The Streets Division is requesting an amendment to purchase four new variable message boards. Currently the City does not have any of these message boards. Each message board costs \$15,338.
 - Funding for this item will come from the General Fund – Fund Balance.
 - Amount of requested budget amendment is \$61,352.
- **FY16-33 CERT Trailers**
 - Emergency Operations has the need to complete the inventory for the CERT Trailers. The items requested are 15 backboards @ \$126 each and 18 CERT Kit Pro's @ \$50.00 each.
 - Funding for this item will come from the General Fund – Fund Balance.
 - Amount of requested budget amendment is \$2,790.
- **FY16-34 Speed Trailers**
 - The Police Department is requesting an amendment to purchase two (2) speed trailers that can be used to provide awareness on residential streets. The city currently has three speed trailers and all three are not currently working. Each trailer costs \$6,994 each.
 - Funding for this item will come from the General Fund – Fund Balance.
 - Amount of requested budget amendment is \$13,988.

- **FY16-35 Public Safety**
 - There is a need to have additional cable pulled from the City Hall to the new Public Safety Building. Comcast will be doing the work. The quote from Comcast is \$3,800.
 - Funding for this requested budget amendment will come from Police Impact Fees.
 - Amount of requested budget amendment is \$3,800.
- **FY16-36 Police**
 - Communities that Care program was awarded a \$500 stipend through the US Dept. of Health and Human Services Substance Abuse and Mental Health Administration to facilitate a underage prevention event.
 - Funding for this requested budget amendment will come from a Federal Stipend.
 - Amount of requested budget amendment is \$500.
- **FY16-37 Mtn. Accord Agreement**
 - Draper City entered into an Interlocal Agreement for Program and Funding for the Mountain Accord Phase II project. This amendment is for the Fiscal Year 2016 payment.
 - Funding for this item will come from the General Fund – Fund Balance.
 - Amount of requested budget amendment is \$60,000.
- **FY16-38 Street Maintenance**
 - In the FY15 budget, the City Council approved a road maintenance program. The program was completed in the current fiscal year (FY16). The budgeted amount was not carried forward to the current year budget. This request will appropriate the funding for this project.
 - Funding for this item will come from the B&C Fund – Fund Balance.
 - Amount of requested budget amendment is \$2,467,500.
- **FY16-39 B&C Pavement Maintenance**
 - With last year’s very large surface treatment project, this year’s needs will focus on reconstruction. The asphalt on 300 East, from the roundabout at 13400 South to the roundabout at Carlquist, will need to be replaced. For a better cost, this will be included with the 300 East Phase 1 Widening Project. The asphalt on Draper Parkway, from 900 East to 1300 East will also be replaced. On Manila Drive, from Manti to Traverse Ridge, a project to add storm drain and eliminate an inaccessible detention basin has been approved. In conjunction with the storm drain project, we will replace the failing asphalt.
 - Funding for this item will come from the B&C Fund.
 - Amount of requested budget amendment is \$1,600,000.
- **FY16-40 UDOT I-15 Project**
 - The City entered into a Betterment Agreement with UDOT. The project will widen Minuteman Drive approximately five feet, from the County Line to 14600 South and Highland Drive from Minuteman to up under the UTA overpass.
 - Funding for this item will come out of the Transportation Impact Fee \$108,000 and General Fund \$282,000.
 - Amount requested budget amendment is \$390,000.

- **FY16- 41 Suncrest PRVs**
 - \$270,000 from the Water Fund was budgeted for the project on February 23, 2015. Bids were received in the fall of 2015 and came in around \$330,000. The distribution system deficiency was identified in the 2008 Drinking Water Master Plan. Two new pressure reducing valves will be installed to provide fire flow redundancy from Zone 4 to Zone 3 and improve fire flow at hydrants.
 - Funding for this item will come from the Water Fund – Fund Balance.
 - Amount of requested budget amendment is \$100,000.
- **FY16-42 Pioneer and 13800 Storm Drain**
 - \$195,000 was budgeted to complete the Cindy Lane Storm Drain Project. Bids were received and construction is completed. It is anticipated that the project will not exceed \$80,000. We would like to transfer \$100,000 out of this CIP account into a new account to resolve some drainage issues on Pioneer Road near 1800 East and 13800 South near 850 East. The project will consist of some temporary curb and gutter as well as inlets and piping to prevent drainage issues.
 - No additional funding is requested. Just a transfer of the balance from Storm Water.
- **FY16-43 Lower Corner Canyon Trail Improvements**
 - By agreement, Questar gas is to commit \$465,000 to improvement of the Lower Corner Canyon Creek Trail and undercrossing at Highland Drive. This amount was split into two CIP accounts; \$100,000 for CIP0049 “Highland Drive Trail Crossing” and CIP0056 “Questar Trail Improvements. We would like to combine the funding into a single CIP account title CIP0049 Lower Corner Canyon Trail Improvements.
 - No additional funding is requested. Just a transfer of the balance into one account.
- **FY16-44 Indoor Tennis Facility**
 - Staff is requesting funding to study an indoor tennis facility at Galena Park.
 - Cost of the study is estimated at \$5,000.
 - Funding for this item will come from the General Fund – Fund Balance.
 - Amount of requested budget amendment is \$5,000.

[10:35:52 PM](#)

11.2 Mr. Dobbins indicated the City has been working with a group of residents who are interested in doing an indoor tennis facility. The Mayor has been meeting with them for quite some time. The group says they have potential donors to pay the full cost of constructing the facility. There was a proposal to place this facility in Galena Park near the Animal Shelter. There is some upfront work that needs to be done to determine if that site will work. He asked whether the Council is interested in pursuing this, and if so, whether they would be willing to put \$5,000 in to determine the feasibility. The group would then need to come up with all of the funds for construction.

[10:36:40 PM](#)

11.3 Mayor Walker noted he had an appointment to meet with the tennis ladies. He thought he was meeting with one or two of them; however, when he arrived there were over thirty people there, and he was sitting in the middle of their circle. The group is passionate about doing this. He expressed his desire to have the Council allocate \$5,000 to do the study.

[10:37:02 PM](#)

11.4 Councilmember Weeks asked whether the City would run the indoor tennis program. Mr. Dobbins replied there are a lot of details to work out. The idea is for the group to give the City the money for the full construction cost, and they would have dedicated use for certain hours of the day and certain day of the week. The remaining time would be public use.

Councilmember Weeks then stated she knows the sports mall loses money every month of their indoor tennis. She said she is curious if this will pencil out if they decide to do this. Mr. Dobbins said this study would determine how many courts could fit on this site and how much revenue could be generated. It would also determine the ongoing maintenance costs based on the size of the facility.

[10:38:11 PM](#)

11.5 Mr. Wylie continued with the amendments as follows:

- **FY16-45 Public Works**
 - Public Works would like to purchase two (2) tilt-deck equipment trailers, one from the Water Fund and another from the Storm Water Fund. The trailers are estimated to cost \$12,000 each.
 - Funding for each trailer will come from operational accounts within each fund.
- **FY16-46 12200 South Lone Peak Pkwy**
 - Future development along Lone Peak Parkway near 12200 South will create the need to improve the future intersection of Lone Peak and 12200 South in order to improve access management.
 - Funding for this item will come from the General Fund – Fund Balance.
 - Amount of requested budget amendment is \$200,000.
- **FY16-47 Suncrest Drive Traverse Ridge Rehabilitation**
 - Design drainage and structural improvements to rehabilitate the failing road.
 - \$5,000,000 for this item has been received from the County.
 - Amount of requested budget amendment is \$5,000,000.
- **FY16-48 UFA Suncrest Station**
 - Draper City currently pays for additional staffing for UFA to operate an ambulance out of the Suncrest Station. It is estimated that the City will need an additional \$40,000 for May & June of this fiscal year.
 - Funding for this item will come from the General Fund – Fund Balance.
 - Amount of requested budget amendment is \$40,000.
- **FY16-49 Draper Pointe**

- Draper City is reimbursing Transportation, Storm Water and Water Impact Fees to the developer for the cost incurred installing road, storm water and water improvements as provided in the approved reimbursement agreement.
- Funding for this request will come from the impact fees.
 - Amount of the requested budget amendment is
 - \$363,353.32 (Transportation Impact Fees)
 - \$ 32,511.00 (Water Impact Fees)
 - \$338,005.79 (Storm Water Impact Fees)
 - \$733,870.11
- **FY16-50 Salt Lake County Recreational Center**
 - Draper City applied to Salt Lake County for a Recreational Center which would be funded primarily by the ZAP Tax. In the application, Draper City included a portion to be paid by the City.
 - Funding for this item will come from the General Fund – Fund Balance.
 - Amount of requested budget amendment is \$1,200,000.
- **FY16-51 Smith Field Park**
 - The estimated amount to complete Smith Field Park for the splash pad, restroom, parking lot, irrigation & landscaping, paths & plaza area, picnic shelters & other items is a total of \$1,483,900. Currently in the CIP Fund, there is \$500,000 budgeted for the splash pad. An additional \$983,900 is requested to complete the amenities at the park.
 - Funding for this item will come from the General Fund – Fund Balance.
 - Amount of requested budget amendment is \$983,900.

[10:43:18 PM](#)

11.6 Councilmember Stenquist indicated they might want to rethink the location for the splash pad given the increase in cost. It might make sense to do this at Draper Park.

[10:43:27 PM](#)

11.7 Councilmember Summerhays stated they need to do a splash pad. The west side makes more sense, because he does not think they can fit it in Draper Park.

[10:43:54 PM](#)

11.8 Councilmember Vawdrey advised this cost is for a park. They are adding many things such as a picnic area, restrooms, and a parking lot.

[10:44:05 PM](#)

11.9 Mr. Dobbins clarified that the initial \$500,000 was for a splash pad in an existing park. There is no parking, restrooms, or benches in the Smith Fields Park. So essentially, the City would be building a new park with a splash pad.

[10:44:26 PM](#)

11.10 Councilmember Weeks indicated she is not against this; however, she questioned when the next budget meeting would be. Mr. Wylie noted they will be reopening this budget prior to the end of the fiscal year, so it will be in May or June. The Council will adopt the tentative budget in May and the final budget in June.

Councilmember Weeks asked whether she could vote on this in May if she did not want to vote on it tonight. Mr. Wylie stated they could make it a part of the tentative budget in May if the Council desired.

[10:45:27 PM](#)

11.11 Mr. Dobbins advised they just received this information in the last couple of days. They put it in this amendment because there is a timing issue. If the Council wants this constructed this year, the sooner they know, the sooner it can be designed and constructed. The longer they wait, the less chance there is to have it constructed this year.

Mr. Ogden agreed that there would not be much chance of using it this year if they wait until May. They would lose the season and would probably have to wait until next spring to pour the concrete and finish the flat work.

[10:46:27 PM](#)

11.12 Councilmember Summerhays asked whether there is a restroom near the dog park. Mr. Ogden replied there is not one on the dog park side; however, there is one across the street.

Councilmember Summerhays commented that they do not want the children crossing the street to use the restrooms.

Mr. Ogden indicated the restroom they have planned for the splash pad area is larger because children will be changing into swimsuits. The restroom facility could also house the pumps and equipment for the splash pad.

[10:47:08 PM](#)

11.13 Councilmember Stenquist stated they could reopen the budget in two weeks if they wanted.

Mr. Dobbins clarified they would need a 10-day notice, but they could do it in April if they wanted.

[10:47:48 PM](#)

11.14 Mayor Walker opened the public hearing.

[10:48:04 PM](#)

11.15 Ken Murdock, resident, introduced his neighbor Megan Reardon. Ms. Reardon is part of a large group of tennis players who go long distances to play indoor tennis year round. He is a member of the Parks, Trails, and Recreation Committee, and they set aside property at Galena Park specifically for an indoor tennis facility.

[10:49:41 PM](#)

11.16 Megan Reardon, resident, stated the group had a meeting at the library, and they had a lot of input from the residents and schools. They have a website now at drapertennis.com and they do have corporate funding. They have set up their funding through the Draper

Community Foundation. Today they are hoping to allocate \$5,000 into the study to investigate this possibility.

[10:51:43 PM](#)

11.17 Mayor Walker closed the public hearing.

[10:51:48 PM](#)

11.18 Councilmember Summerhays asked how many courts it takes to have a tournament. Ms. Reardon indicated they are hoping for eight courts.

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11.19 Mr. Murdock indicated a tennis facility can be very maintenance free. It does not take a lot of people to run a tennis facility, and they can make it available at all hours of the day and night for the public to use.

[10:53:38 PM](#)

11.20 Councilmember Stenquist stated he did have a question of the UFA item. He noted if they are going to continue this service into the next fiscal year, they should allocate the money to fill that gap. If that is not their intention, then they should cut off the funding now.

[10:54:19 PM](#)

11.21 Chief Mike Jensen, Unified Fire Authority, indicated they put the additional apparatus in service in October of 2015. Since then, they are averaging 1.2 calls when they have multiple calls at the same time. That means the additional ambulance takes the patient from the call to the hospital. Before that, they were tying up two pieces of apparatus on one call. It has been about 192 calls in 148 days. They wanted to see what the benefits would be, and they are seeing significant benefits. It is keeping the fire units and other units in service more, so they are able to handle the calls. The paramedics are on the heavy equipment, and they are also firefighters.

Chief Jensen added for the record that he would like no fecal matter in his drinking water.

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11.22 Councilmember Vawdrey moved to approve Resolution #16-17. Councilmember Summerhays seconded the motion.

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11.23 Councilmember Stenquist asked whether the motion includes the money for the park. Councilmember Vawdrey stated it does.

Councilmember Stenquist questioned whether Councilmember Vawdrey is confident in leaving the funding in there right now and going with the plan they previously discussed. Councilmember Vawdrey replied that they are planning to do the splash pad, so they need to just get it done.

Councilmember Stenquist then asked whether the funding would come from the General Fund balance. Mr. Dobbins responded that it would.

Mr. Wylie indicated that they have an excess of \$7 million dollars, so the amendments tonight would reduce it by \$2.8 million.

[10:59:18 PM](#)

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

[10:59:49 PM](#)

12.0 Council/Manager Reports

[10:59:55 PM](#)

12.1 Councilmember Summerhays said there is no curb and gutter on 300 East by Stokes Lane near Jay Smith's property. Mr. Smith has paid the assessment-in-lieu, but he would like the area to remain rural without the curb, gutter, and sidewalk. Staff will look at the area and report back to the Council.

[11:04:01 PM](#)

12.2 Councilmember Vawdrey noted the Historical Society would like to make a presentation to the City Council. Councilmember Stenquist noted if they are going to talk about the building it might be a good idea to take a tour of it first.

[11:05:32 PM](#)

12.3 Mayor Walker thanked staff for the speed signs on Stokes. He said he has had many residents comment about them.

[11:06:49 PM](#)

12.4 Councilmember Weeks said her friends at Steep Mountain are still looking for dimensions for the cell tower in Steep Mountain Park. Mr. Fox indicated he will send it to her.

Councilmember Weeks then indicated she was talking with Ms. Wilks at the park the other day, and she made a great suggestion. The City is having its 40th anniversary in a few years, and the park needs some special care. There are some sprinklers that have been broken for thirty-five years, and the ground is uneven. Councilmember Weeks suggested they redo the park and put the wires underground so the City does not get sued. She noted the "Tree of Light" only has about ten more years left of life, and that is a big centerpiece in Draper. She indicated there are other ideas such as building a little amphitheater. She asked whether the other Councilmembers were willing to put money into upgrading the park. Councilmember Summerhays stated he would be willing to upgrade the park. It does need some work.

Councilmember Stenquist said he would like the Parks and Recreation Department to come back with an idea of what could be done along with the cost.

Councilmember Weeks stated Ms. Wilks was talking about doing the same thing that Riverton did with their park. She would like to completely redo the Draper Park the right way.

Councilmember Weeks indicated being new to the Council, she is learning. With an action item, she was shocked that they could not have anybody talk about the issue either in public comment open public comment at the beginning. She is all about “let’s hear what the public has to say if it’s an issue that is on the agenda.” She just wanted to be informed on what issues people can talk about, what issues they can’t, and why, if it is on the agenda and they have not had an open public mic prior to meeting, why they cannot speak about it.

Councilmember Summerhays said it is set by the Mayor and the Mayor Pro Tem.

Councilmember Stenquist said the Mayor and the Mayor Pro Tem have input into the agenda, but certain items have to be a public comment and certain items are not public comment. It just depends. He thinks that is something she can meet with the City Attorney, and he can kind of explain what things can be action items.

Councilmember Summerhays said it is the way the Mayor wants to run his meetings he thinks.

Councilmember Weeks said she is assuming that if they have an action item and she wants somebody to be able to speak about that action item, she is going to have to ask for an amendment in the rules and procedures. She asked if that was correct.

Mike Barker, City Attorney, stated yes, exactly.

Mayor Walker indicated she would have to make a motion to make it a public comment item and see if she can get support for it.

Councilmember Stenquist said if she wanted to have it noticed ahead of time as a public comment so that people know they can come and speak, that is another story.

Councilmember Weeks stated so for instance the dog issue tonight. She did not know it was coming up on the agenda tonight. So, it was an action item. So, since she did not know it was coming up on the agenda tonight, she could not notify or educate people about the issue two weeks prior to tonight and since it was an action item, legally, because Mayor Walker allowed them to speak, but in general, they were not allowed to have a comment about tonight.

Councilmember Stenquist noted all of the upcoming agenda items that are slated for two weeks out, four weeks out, whatever, they are all a spreadsheet in Dropbox that all of the Council has access to. She can go and see upcoming future Council items that are coming down the pipeline. If it has not been slated, on Friday night when they get the agendas and it comes up and it is not what she expects as far as whether there is a public hearing

or not, then that would be an opportunity for her to contact the Mayor, Mayor Pro Tem, David, and Rachelle and say, "Can we make this a public comment" if that is what she wants to do.

Councilmember Weeks said her issue is just that she thinks if someone gets out of their house, comes down here for three minutes, the item is on the agenda, and they are voting on it then the Council should listen to the individual for the three minutes. She likes the three minutes. She likes limiting it, but she does think that they ought to make sure that the public feels like there is some transparency and if they have an issue for or against an issue that the Council is voting on, they should have a right to comment. That is her two cents.

Councilmember Stenquist said most of the time an action item is something that is just an administrative action. Like if they were going to sign a contract. They do not necessarily take public comment on that because public opinion on whether or not they are going to sign a contract is not really that relevant. So it is not necessary, it is not required, and it is not really relevant to that item. The dog issue was originally slated as an action item because it really is something the City is really contractually obligated to do. The only reason they allowed public comment is because there were a lot of strong opinions about it in the community. But technically, it is really a contractual obligation that really would not normally have a public hearing.

Councilmember Weeks stated she just thinks people should be able to voice their opinion. She said, "Okay there you go, but that is my point of view. Thank you."

Mayor Walker said if the Council sees something coming up on there that they want to be a public hearing, they can certainly talk about if it makes sense. One of the problems is, if they make every single thing a public hearing, they will need to meet four times a week to get through all of the agenda items. Some of it, like Councilmember Stenquist said, does not rise to the level of needing public comment nor does it make any sense to have one. With the dog issue, it was no big deal to have. They got the dog issue noticed properly, so it was noticed up as a public hearing. They got that done in time, so it worked out as far the notice went. It ended up being a full public comment.

[11:15:12 PM](#)

12.5 Scott Cooley, City Engineer, noted the staff is ready to advertise the 300 East construction project. In order to get this done while school is out, they need to close 300 East and provide some alternative routes. Closing it will save \$150-\$300,000. It will be closed for 80 days.

Councilmember Rappleye indicated there is so much traffic on that road, and he is not sure closing it will work. There is no good way to get around it, and most of the traffic is not local. This is a collector street.

The Council and staff discussed options. Staff will work with the contractor to try to limit the impact to the residents.

[11:26:06 PM](#)

13.0 Adjournment

[11:26:12 PM](#)

13.1 Councilmember Stenquist move to adjourn the meeting. Councilmember Rappleye seconded the motion.

[11:26:18 PM](#)

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

13.3 The meeting adjourned at 11:26 p.m.