

Approved September 19, 2017

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 5, 2017, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy K. 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; John Eining, Deputy Police Chief; Russ Fox, Assistant City Manager; Rhett Ogden, Recreation Director; Clint Smith, Fire Chief, Glade Robbins, Public Works Director; and Jared Zacharias, Assistant Finance Director

Dinner

Study Meeting

[4:24:38 PM](#)

1.0 Presentation: East Jordan Canal Trail Project Proposal

[6:04:07 PM](#)

1.1 Bryan Osborn, resident, stated this project has been a concern to residents living near the canal for a while and they would like to find a solution. Using the aid of a Power Point presentation he reviewed the current proposal from Draper City as compared to an alternative proposal submitted by the residents in the area. He explained while residents believe Corner Canyon Creek Trail to be perfectly safe, they are concerned with the safety threats posed by the East Jordan Canal Trail. He mentioned a town hall meeting that took place on this issue on May 23rd of this year to review feedback given to Draper City from Project Engineering Consultants (PEC). At the meeting, residents voiced several opinions as proposed trail alignments, benefits, examples and liability issues were presented. He said while this information had addressed some concerns it also raised others as well. Discussions took place online regarding this issue, and Mr. Osborn noted that of the 63 comments submitted online, 15 individuals were in favor of Draper City's present proposal whereas 48 individuals were against the proposal. Most of the concerns that were expressed pertained to safety threats posed by the proximity of the canal. Mr. Osborn said a petition which garnered 170 signatures circulated in favor of re-routing the proposed trail, and was submitted to the City on June 6th.

Mr. Osborn said the residents have had a good relationship with the Parks and Trails Committee as they have worked on this item. However, they were caught off guard at the August 1st meeting when the Committee indicated they were ready to move forward with a plan, because the residents did not feel as if their feedback had been thoroughly reviewed and discussed by the City. During the August 1st meeting, several comments were made indicating that several properties near the canal had been prepared for trail development; however, he said this was not true. He explained residents have abided by the rules of the

easement by not installing any type of fencing along boundary lines. He reminded the Council that the residents own the property to the middle of the canal.

Mr. Osborn explained some of the advantages of the current proposal. Namely, it's been part of the master plan since 2008. It also adds additional trails to the current master plan, and many residents use the trail system on a daily basis. He said the trails are partially funded by the federal government, which is beneficial to everyone. Some of the disadvantages of the current proposal pertain to safety, which he previously mentioned. He said the trail is unsafe without a fence separating the canal from the trail, and explained children have died falling in the canal. Other concerns voiced by residents have included privacy issues, maintenance, the removal of old trees, and the lack of restrooms and drinking fountains. He said even though there is an easement in the area, residents are still paying taxes on the portions of property they own; therefore, they hope the City will take their concerns into consideration prior to moving forward with a plan.

Mr. Osborn explained the residents' alternative proposal had two parts. First, it includes a petition to re-route a portion of the proposed East Jordan Canal Trail. Second, collectively the residents in the area have indicated a desire to purchase the easement rights back from Draper City, if possible. He then turned the time over to Mike Vreeland, author of the petition previously mentioned.

6:17:50 PM

- 1.2 Mike Vreeland, resident, said he read through the master plan after the meeting on May 23rd. In reading the document, he realized the intentions of both the Parks and Trails Committee and citizens are synonymous. He said the main point of forming a petition was to provide a better option than what the City proposed. He explained the master plan specifically mentions five priorities in regards to the trail system: (1) close existing gaps in the system, (2) link neighborhoods, (3) provide restrooms, (4) increase trail miles and (5) provide more trailheads. Mr. Vreeland said the proposed trail only provides one of these amenities, but the petition from the residents presents a plan that addresses all five of these areas. The petition also provides commentary on how the City can utilize an urban trail system to help increase access throughout the City. He distributed a physical copy of the petition to members of the Council and described how the residents were proposing to re-route the trail. He explained some of the advantages of Bellevue Park include being centrally located, the provision of parking, it can be used as trailhead, and historical aspects can be implemented within its infrastructure.

6:26:00 PM

- 1.3 Councilmember Summerhays asked when the next meeting would be held and said he would like to attend. He noted he has been involved with Draper trails for 40 years and would like to discuss how the trail system initially was started. Mr. Osborn said he would get in touch with Councilmember Summerhays on the matter.

6:26:53 PM

- 1.4 Councilmember Weeks said she uses the crossing at 13200 South every day to get her child to high school. According to the City's proposal the road has several turns, thereby creating

some blind spots. She asked if the resident proposal showed a four-way stop sign, to which Mr. Osborn responded in the affirmative and indicated there were blind spots coming from the east and the west. He said if Draper City's current proposal goes forward, at a minimum, the intersection would need a big crosswalk with flashing lights. The resident proposal shows a four-way stop at Carlquist Drive and Lone Rock Drive, which is a much safer option.

[6:28:06 PM](#)

1.5 Mr. Osborn requested a vote from the City on this item sooner rather than later. Mayor Walker said staff would determine when to place the matter on the agenda as an action item.

[6:28:56 PM](#)

2.0 Update: Canyon Patrol

[6:29:10 PM](#)

2.1 Ryan Clegg, Park Ranger, presented several images of issues taking place in the canyon as of the beginning of July. He reported that so far this summer he has issued 50 citation reports, 22 incident reports, 22 officer information reports and 10 arrests. The arrests were attributed to firework violations, trespassing by motor vehicles and disorderly conduct. He said parking has also been a problem and mentioned having issued a ticket for speeding up Corner Canyon Road. He said he hasn't noticed any major issues with dogs in the canyon.

[6:33:08 PM](#)

2.2 Councilmember Stenquist asked where Officer Clegg has noticed parking issues. Officer Clegg said problematic areas are at trailheads, particularly near Ghost Falls.

[6:33:29 PM](#)

2.3 Officer Clegg continued his presentation by showing photos of the following types of activities taking place in the canyon:

- Fires and camping
- Damage resulting in trespassing
- Vehicle burglaries resulting in residents leaving valuables in a visible spot in their cars and in some cases, not even locking their vehicles
- On-street parking
- Graffiti in tunnels and landmarks
- Juvenile hangout areas
- Vandalism
- Sensory cameras being installed in various areas which hunters use to capture animal activity in a particular area.

Officer Clegg explained his goals for next year include working alongside Lone Peak, Lehi, DNR, UP, Search and Rescue, etc., to tighten up borders and place more signage where needed, become more mobile in open space areas, install security cameras for tunnels and other dark areas, have fellow officers join him on patrol to become more familiar with the area, and obtain medical emergency training.

3.0 Discussion: Rambling Road and Vestry Road Intersection Study

[6:46:39 PM](#)

3.1 Glade Robbins, Public Works Director, explained earlier this spring some residents requested to have a four-way stop installed at the intersection of Rambling Road and Vestry Road. Staff reached out to the City's consultant—WCEC Engineers—to investigate whether or not the intersection warranted this type of sign based on certain criteria. Criteria includes: (1) the intersection is eventually going to have a traffic signal; (2) there have been five or more reported crashes in a 12-month period that are susceptible to correction by a multi-stop intersection; (3) the number of vehicles per hour going through the intersection includes a minimum of 300 vehicles per hour for an average of eight hours on a major road (in this case, Rambling Road), and 200 vehicles per hour on minor roads (Vestry Road). Mr. Robbins said the intersection was surveyed on June 6th, the results of which he presented to the Mayor and Council. The highest volume of cars on Vestry Road was 205 vehicles between 8:00 am and 9:00 am, and on Rambling Road the range of vehicles was 361 to 754. He reviewed the crashes reported at that intersection within the past year and noted the volume of crashes didn't meet the criteria as noted above. In regards to pedestrian traffic, there were 10 individuals who crossed the intersection between 4:00 and 5:00 pm and no children were reported as having crossed the intersection. Mr. Robbins said the slope on Rambling Road was an area of concern mentioned in the report because it creates issues with site distance. Therefore, WCEC recommended the City keep the area free of vegetation so as to not further impair visibility.

[6:49:49 PM](#)

3.2 Councilmember Stenquist said a lot of the park strips are owned by HOA's and other property owners. He asked if the City can require the HOA to go clear the trees/vegetation at the intersection in question. Councilmember Weeks asked Councilmember Stenquist if he was sure the park strip to which he was referring was owned by an HOA. Councilmember Stenquist said the HOA owns the park strip above Vestry Road, whereas the park strip below Vestry Road is owned by Draper City.

[6:50:42 PM](#)

3.3 Mr. Robbins said based on WCEC's criteria the intersection in question doesn't warrant a four-way stop. WCEC's recommendation is to remove the school zone crosswalk at the intersection and instead maintain the existing intersection controls on Vestry Road. They also recommended the trees and shrubs be trimmed at the intersection of Vestry Road and Rambling Road. Mr. Robbins mentioned staff installed a driver feedback stop sign two weeks ago and would soon receive that data as well.

[6:52:03 PM](#)

3.4 Councilmember Weeks explained June 6th was not a good day for a study to be conducted as it was the last day of school. Therefore, she didn't feel the results accurately reflected the traffic through the area. Furthermore, in speaking with residents who send children to school at Draper Park Middle School, the parents had indicated they were concerned with the safety of their children in crossing the intersection.

Mr. Robbins said the school put in a crosswalk through the area in 2013, based on feedback they specifically received from parents in the area. Any changes that are made to the intersection need to be determined by the Council. Councilmember Weeks continued discussing the needs of children who walk to Draper Park Middle School. Mr. Robbins said staff contacted the school district to see if they would be willing to bus students to the middle school and they had responded that they would not.

Councilmember Stenquist said the PTA is in charge of recommending safe walking routes to the City; staff then allocates resources such as crosswalks and crossing guards based on those recommendations. He suggested rather than trying to cross Rambling Road at Vestry Road, students instead cross at the stopped intersection on Highland Drive. He said there isn't much the City can do to the intersection in question at this point; however, they could provide some alternative routes for parents/children needing to get to Draper Park Middle School.

Mr. Robbins said they could have the intersection reassessed now that school is back in session. Councilmember Rappleye voiced his support for this suggestion.

Councilmember Weeks suggested the installation of flashing stop signs that can be manually utilized by pedestrians. There was further deliberation on this point.

[6:57:14 PM](#)

3.5 Mayor Walker asked if it was possible to ask the PTA again if this is where they would like crossing guards to be stationed. Mr. Robbins said it currently is not on the PTA's recommended safe routes. He noted at one point there was a crossing guard there, but there isn't one stationed there anymore. Mayor Walker asked what needs to be done to assign a crossing guard there again, and Mr. Robbins stated the action needed to be given from the Council.

[6:57:55 PM](#)

3.6 Councilmember Summerhays asked how much assessment studies cost. Mr. Robbins said they cost \$3,000 to \$4,000.

Councilmember Stenquist said the City has already conducted the type of study that needs to be done for the intersection. He said due to issues with sight distance, any mitigation efforts will not be of much use. If a crossing guard is assigned to the intersection, then the life of the crossing guard will be put in danger.

Councilmember Weeks said she was confused because this intersection is the recommended pathway for kids to get to school. Councilmember Stenquist suggested the City share WCEC's research findings with the school district because they likely do not have as in-depth of a study for that intersection. He again stated the Highland Drive crossing was a safer option. He and Councilmember Weeks deliberated on which crossing was the best option for school-aged children to utilize.

Mayor Walker agreed that WCEC's research findings should be presented to the school district for review.

Business Meeting

[7:06:48 PM](#)

1.0 Call to Order: Mayor Walker

[7:07:06 PM](#)

2.0 Thought/Prayer and Pledge of Allegiance

[7:07:22 PM](#)

2.1 Amber Rasmussen offered the prayer.

[7:07:56 PM](#)

2.2 Spencer Van De Graaff led the Pledge of Allegiance.

[7:08:21 PM](#)

3.0 Oath of Office: Draper Mayor's Youth Council

[7:10:20 PM](#)

3.1 Rachelle Conner, City Recorder, gave the Oath of Office to the Mayor's Youth Councilmembers.

[7:13:40 PM](#)

3.2 Councilmember Stenquist commented the language used for the Oath of Office for Youth City Councilmembers is almost the exact same as that which is used for regular Councilmembers.

[7:15:12 PM](#)

4.0 Presentation: Outdoor Smoking Prohibitions

[7:15:25 PM](#)

4.1 McKelle Hamson stated she is the Coordinator for the Draper Communities that Care Coalition. They work to promote mental health and prevent substance abuse among Draper's youth.

[7:16:07 PM](#)

4.2 Nick D'Amico and Gianna Gist, local high school seniors, distributed handouts on e-cigarettes and a proposed ordinance amendment which addresses changing trends in the tobacco industry. Mr. D'Amico said in 2008, Draper City recognized the need to ban outdoor smoking by eliminating smoking in City parks, in order to reduce the risk of exposing youth to harmful substances. However, new technologies of vaping have created portable e-cigarettes that are becoming more common in public places, and the City ordinance does not cover these new devices. In recent years the development of these harmful devices has risen in popularity. E-cigarettes are battery powered in order to release

a liquid commonly known as e-juice. Vaping has become the most used substance among today's youth, including alcohol. He said seeing adults vaping in public presents an image to children that their under-developed minds want to imitate.

Miss Gist noted vaping became really popular in 2011. According to a report from the Surgeon General, the nicotine and other potentially harmful chemicals in secondhand smoke, in combination with the underdeveloped brains of youth can cause addiction and harm to an adolescent brain. The addiction gained from e-cigarettes has been linked to a gateway into other drug use in the future. Miss Gist discussed the need to preserve the future by eliminating this threat to youth. She proposed a ban on e-cigarettes in City Parks in order to create a safer environment and presented a similar ordinance adopted by Riverton City which addresses this same concern.

[7:19:13 PM](#)

4.3 Councilmember Rappleye asked what types of enforcement measures other cities that have adopted this ordinance amendment have taken. Mr. D'Amico said other cities have posted "no smoking within 25 feet" signs near parks.

[7:20:14 PM](#)

4.4 Councilmember Weeks asked if vaping produces the same kind of secondhand smoke threats as regular cigarettes. Miss Gist said since vaping is so new to the tobacco industry there haven't been any longitudinal studies that have been conducted on the matter, so they don't know what the effects are of secondhand vape smoke. However, there are chemicals in vaping products that are not FDA regulated. Councilmember Weeks said she knew there was a certain odor from vaping, but wasn't sure as to the level of hazard posed by its emissions. She thanked Miss Gist for her response.

[7:21:25 PM](#)

4.5 Mayor Walker clarified that Mr. D'Amico and Miss Gist are requesting the City adopt an ordinance similar to what was passed in Riverton, and Miss Gist answered in the affirmative.

[7:21:56 PM](#)

4.6 Councilmember Summerhays said some vaping products produce an extremely pungent odor whereas others do not.

[7:22:19 PM](#)

4.7 Councilmember Rappleye said it depends on what products have been mixed in with the glycol, which is the main substance used in vaping. Miss Gist said there are thousands of different vaping flavors which are being used to market towards youth.

[7:22:59 PM](#)

4.8 Mayor Walker said the City will review the proposed amendment and then it will go on a future agenda as an action item.

[7:23:14 PM](#)

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.

[7:24:13 PM](#)

5.1 No one came forward to speak.

[7:24:18 PM](#)

6.0 Consent Items

- a. **Approval of August 29, 2017, City Council Meeting Minutes**
- b. **Approval of Amendments to the Employee Association Committee Rules and Regulations Amendments.** Staff: Jennifer Jastremsky
- c. **Approval of Resolution #17-51,** amending Personnel Policy 6050 regarding employee contributions to their 457 accounts.
- d. **Approval of a Storm Water System Easement for Victors Village, LLC benefiting the Diamond Ridge project.** Staff: Mike Barker

[7:25:03 PM](#)

6.1 Councilmember Vawdrey moved to approve the consent items. Councilmember Rappleve seconded the motion.

[7:25:17 PM](#)

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

[7:25:28 PM](#)

7.0 Public Hearing: City Initiated Text Amendment for Electronic Signs in Town Center

[7:25:33 PM](#)

7.1 This item was withdrawn, and no public comments were taken.

[7:25:43 PM](#)

8.0 Public Comment: Approving Ordinance #1279, Regarding Parking Restrictions Near Coyote Hollow Trail Head

[7:26:28 PM](#)

8.1 Rhett Ogden, Parks and Recreation Director, said in mid-July there was an open house in which residents in the Coyote Hollow neighborhood were able to discuss options for addressing parking at and around the trailhead. There was also had an online comment period for about two weeks and the matter was also taken to the LDS Church for discussion. Using the aid of a Power Point presentation, Mr. Ogden displayed the options that were presented to the residents at the open house and in online discussions.

[7:29:12 PM](#)

8.2 Councilmember Stenquist suggested they restrict parking on Coyote Hollow but not on Gray Fox Drive.

[7:29:58 PM](#)

8.3 Councilmember Summerhays recalled that there had been some back and forth discussion about putting restrictions on the side of the street where the LDS Temple is located. Mr. Ogden confirmed this to be the case and identified which options reflected this possibility. He also said in public comments the majority of residents expressed favorability towards Option 4. This option restricts parking throughout the entire Coyote Hollow neighborhood, thereby leaving the LDS Church's side of the street unrestricted in terms of parking.

[7:32:11 PM](#)

8.4 Mayor Walker opened the meeting for public comment.

[7:32:25 PM](#)

8.5 Paul Harrison, resident, said tonight's discussion is about public safety. He noted that the streets in the neighborhood are only 22 feet wide, which poses safety concerns for emergency vehicle access. He explained 14 years ago he and his wife put money down on a lot in the area when it was just grass; there were no houses, temples or trails. Today the neighborhood has become a destination, which is a credit to the City, but it has created clogged streets. He asked the Council to consider Option 4 and noted that it was favored by the majority of the neighborhood. He said this would limit but not entirely restrict parking.

[7:35:38 PM](#)

8.6 Angela Dayton, resident, said parking throughout the neighborhood is especially chaotic on Saturday mornings and on Sundays when religious activities are taking place. Double parking occurs in the neighborhood to the point that residents can't even access their own homes. She mentioned a time when someone actually parked in her private driveway. She agreed that Option 4 should be considered, as it is the preferred option of the residents living in the neighborhood.

[7:37:11 PM](#)

8.7 Bryan Norton, resident, quoted from Draper City Code where it states that in no event shall any person stop or park a vehicle in such a manner so as to interfere with the free flow of traffic along the street upon which it is parked. He said the reason why the neighborhood was coming to the City was because the residents were tired of living on streets in which there is constant interference in their ability to get around their own neighborhood. Furthermore, residents in the area live with the constant danger that emergency vehicles and school buses cannot likewise reach their homes. He said the majority of the neighborhood is in favor of restricting parking throughout the whole neighborhood (Option 4) because they are routinely in positions where they can't get down the streets. He said there have been a number of times when he hasn't been able to access his own home because there were so many cars blocking the streets. He said that each Councilmember should have received a letter that was signed by 40 members of the neighborhood showing

strong support for Option 4. They felt this was the most efficient way of communicating their wishes without everyone showing up to the public hearing to make similar remarks.

[7:39:54 PM](#)

8.8 Mayor Walker closed the meeting for public comment.

[7:40:11 PM](#)

8.9 Mr. Dobbins clarified the type of action the Council needs to take.

[7:40:39 PM](#)

8.10 Councilmember Weeks asked if there was a reason why an option was not present for Canyon View Cove. Mr. Ogden explained the parking is already restricted on that street.

[7:41:38 PM](#)

8.11 Councilmember Summerhays commented they should move forward in approving Option 4, as it is the residents' preferred solution.

[7:42:14 PM](#)

8.12 Councilmember Rappleye thanked the residents for being so patient, and said it is appalling that someone would park in a private driveway. He said the emergency access was a big concern. He supported the request to approve Option 4.

[7:42:47 PM](#)

8.13 Councilmember Weeks said she walked the neighborhood and personally asked the neighbors how they felt about this issue. The majority indicated they were in favor of Option 4. Some had proposed the City issue parking passes to property owners in case they have guests who need to park in the area. Councilmember Weeks had indicated to those residents she would support the idea, but had also suggested to them that they try Option 4 first before making any further changes.

[7:43:35 PM](#)

8.14 Councilmember Weeks moved to approve Ordinance #1279 with Option 4 as Exhibit A. Councilmember Weeks seconded the motion.

[7:44:25 PM](#)

8.15 Councilmember Rappleye said while he didn't think Option 4 was perfect, he did believe it was a way forward.

[7:45:36 PM](#)

8.16 Councilmember Weeks agreed with Councilmember Rappleye, and reiterated if there are any unforeseen complications that arise with Option 4 then they can come back and make modifications, as necessary.

[7:45:46 PM](#)

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

[7:45:59 PM](#)

9.0 Action Item: Resolution #17-57, Authorizing a Modification of Recovery Zone Facility Revenue Bonds, Series 2010 and a Modification of the Construction and Term Loan Agreement, and Other Documents Required in Connection Therewith; and Related Matters

[7:46:22 PM](#)

9.1 David Dobbins, City Manager, explained in 2010—in the middle of the recession—the City issued bonds for the Springhill Suites project. This was a federally sponsored program and the owner wishes to refinance. He said this action will not count towards the City’s bonding capacity.

[7:46:56 PM](#)

9.2 Councilmember Rappleye moved to approve Resolution #17-57. Councilmember Vawdrey seconded the motion.

[7:47:40 PM](#)

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

[7:47:54 PM](#)

10.0 Public Hearing: Ordinance #1272, Request to Vacate a Portion of Little Dixie Downs Street Located at 13275 South

[7:48:11 PM](#)

10.1 Dennis Workman, Planner, explained in March of this year the subject property was rezoned from RA-1 to RA-2. He presented an aerial map of the subject property and stated the entire size of the subject property is 2.21 acres. The purpose of the rezone is to subdivide, but before the applicant can move forward they need to know about the status of the road. Mr. Workman reviewed its current status and explained that from the cul-de-sac to the west the road is private. He identified a 30-foot portion of the road that is public and was obtained by the City via a quitclaim deed in 1991. Staff believes this action took place at the time of building permit issuance; however, they have reason to believe this portion of the road was never meant to be public. He read a statement from the applicant requesting Draper City return ownership of the land to the applicant so she can properly engineer the lots in the subdivision. Staff recommends approval of this request. They believe the findings are clear that it is highly unusual for this particular street to be public, given the fact it is public on one end and private on the other. The portion of right-of-way in question does not and will not in the future serve a public purpose. He presented several images of the subject property.

[7:52:18 PM](#)

10.2 Councilmember Rappleye asked for further clarification on the history on the quitclaim deed. Mr. Workman explained staff still has a lot of questions as to what happened with the road and why some of it is private whereas some of it is public. He said it appears that when the house was built on the property, staff asked for a portion to be dedicated to the

City for a public road. However, staff feels there is no need for the City to hang onto the public portion. If the road is given back to the applicant then it will be privately maintained.

Councilmember Stenquist asked if the City will be selling the property if it is vacated. Councilmember Weeks indicated she had the same question and said she was previously informed there was no money that changed hands in 1991 from the quitclaim deed. Mr. Workman confirmed this to be the case, and said this action should be a matter of simply quitclaiming the property back.

In response to a question from Councilmember Rappleye, Mr. Workman said the property would go back to the original owner, who would have rights to the middle of the road. The road would then be maintained by the HOA.

Mike Barker, City Attorney, said in 1991 it may have been the intention to push that road through to connect to the west. He explained it is possible the property line of the parcel in question is encroaching into the paved right-of-way by a foot. There was further review of an aerial map of the subject property.

[7:57:03 PM](#)

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

[7:57:24 PM](#)

10.5 Councilmember Rappleye said this is a good way forward in making road connections, combining ownership and properly maintaining the road in question.

[7:57:41 PM](#)

10.6 Councilmember Rappleye moved to approve Ordinance #1272. Councilmember Weeks seconded the motion.

[7:58:04 PM](#)

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

[7:58:16 PM](#)

11.0 Public Hearing: Quinn Court Rezone and Land Use Amendment, on the Request of Jay Rice, Representing JAR Development, to Amend the Zoning Map from CN to RM2 and Amend the Land Use Map from Neighborhood Commercial to High Density Residential on 2.01 Acres Located Generally at 11980 South and 11990 South 700 East

[7:58:47 PM](#)

11.1 Jennifer Jastremsky, Planner, stated the Council saw this application earlier this year, and at that time the applicant was requesting the same zoning designation (RM-2) as well as the same land use (residential high density). They were also requesting a development agreement. The Council denied the request on Feb. 21st of this year. The applicant then

made a request for a substantial change with the Planning Commission, which would allow them to reapply within a year. Their change from the previous application was to remove the development agreement and fully comply with City Code. Tonight's request is for an amendment to the zoning map from CN to RM-2, as well as an amendment to the land use map from neighborhood commercial to high density residential. Ms. Jastremsky presented both the land use map and zoning map of the area. She said a new concept plan has been provided by the applicant, and it is different than the previous plan in that there are fewer units and more parking spaces. She reminded the Council that this is a concept plan and has not been fully reviewed by staff. If this application is approved tonight, the applicant would be required to go through the site plan approval process. The Planning Commission recommended denial of both applications on a vote of 4-to-1, and their findings indicated the proposed amendments were not harmonious with the overall character of the existing neighborhood. Staff recommends approval due to the property's location on 700 East, the amount of traffic, and the close proximity to Trax. Ms. Jastremsky presented several images of the subject property.

[8:01:49 PM](#)

11.2 Mayor Walker opened the public hearing.

[8:02:14 PM](#)

11.3 Christian Cole, resident, stated he is representing five other neighbors in the area who are all opposed to the zone change. He said he loves the existing commercial building and would welcome a second one. There is already a lot of high density residential in this area and the neighbors do not want any more residential. When this was originally brought before the Council there was access off 700 East; however, that has been moved on the new plan and the neighborhood is in uproar over the matter. He said there are huge safety concerns—there is no sidewalk and it is the bus drop off for the school kids. He reiterated his neighborhood's desire for another commercial building.

[8:04:16 PM](#)

11.4 Tyson Moore, resident, echoed Mr. Cole's comments. He said the argument is made that the zone change would move from a more intensive use in commercial to a less intensive use with the high density residential; however, the residents believe the opposite is true. He said neighborhood commercial, per city code, is the least intensive commercial zoning. The residents believe the number of uses there is very appropriate for this street. There is a lot of high density residential in and around the neighborhood. He also noted there were half-acre lots right next to this property.

[8:07:02 PM](#)

11.5 Ben North, resident, said he has lived in the neighborhood for about four years, and the biggest appeal in moving there was that the neighborhood was quiet and the property was a little bit larger. He understood the progressive nature of Draper and the unique situation with the public transit lines coming in. He said his neighborhood is an older part of the City and some of the neighbors have lived there for over 30 years. He said he has seen a lot of those long-time residents leave because of the high density developments. He emphasized that the Planning Commission voted 4-to-1 to recommend denial.

[8:10:05 PM](#)

11.6 Mayor Walker closed the public hearing.

[8:10:11 PM](#)

11.7 Councilmember Weeks said she has driven through the subject property a lot and personally believes CN is the best zoning designation for the area. She said commercial is also good to have around the Trax stations because people get to their offices using the Trax.

[8:10:36 PM](#)

11.8 Councilmember Rappleye agreed with Councilmember Weeks' remarks. He said there is a need for medical offices which do fit into the CN zone very nicely. He said he is opposed to the rezone.

[8:11:43 PM](#)

11.9 Councilmember Summerhays said he was concerned with the sidewalks and narrowness of the streets. He briefly talked about the history of the property, its previous owners and uses. Regarding traffic, he said there are a lot of problems down on 300 East with Juan Diego which haven't been resolved. Furthermore, they are not sure what the traffic impact will be with some of these other townhome developments. He said he is opposed to the rezone.

[8:13:36 PM](#)

11.10 Councilmember Vawdrey said in reviewing the minutes from the last time this item came forward, the Council expressed resistance for changing the zone. She was surprised this item was even coming forward a second time. The rest of the Council agreed with her remarks.

[8:13:59 PM](#)

11.11 Councilmember Weeks moved to deny the Quinn Court Rezone and Land Use Amendment. Councilmember Rappleye seconded the motion.

[8:14:16 PM](#)

11.12 Councilmember Stenquist said he always has a hard time considering taking a property out of the commercial base and putting it into the residential base, and there has been significant resistance from the neighbors in this particular case. He said when he ran for office there was a real concern that Draper did not have enough commercial. He said it was the Council's responsibility to protect that commercial base.

[8:15:22 PM](#)

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

[8:15:48 PM](#)

12.0 Council/Manager Reports

[8:15:55 PM](#)

12.1 Councilmember Weeks said last week she mentioned the deaf three-year-old child whose family would like a sign placed on the corner of their neighborhood. She said when she was younger she recalls having seen signs for blind and deaf individuals in her community. She said she spoke with Mr. Dobbins briefly regarding the City's sign ordinance and asked him to elaborate on the matter.

Mr. Dobbins said the manual for traffic control devices recommends the City not use those types of signs anymore. At one time they were quite commonly used, but there are some issues attached to them—is the sign invading the child's privacy, how does the driver know which child is deaf and which is not, potential predator problems for the child, etc. A lot of times these types of issues are not considered, but it is now recommended by the traffic control manual that these types of signs not be installed.

Councilmember Weeks said she would prefer to have one of these signs installed because it has been requested by the parent. She said there is a history of hearing impairment in the family and the extra protection is needed. She said that to say someone is going to be kidnapped because they're deaf—one could make the same argument about any child that is outside. She said she does not believe the sign would heighten the risk. She expressed interest in seeing if the Council would consider changing the ordinance to allow these types of signs.

Councilmember Stenquist said he understands where people are coming from with these types of requests. He explained he has two children with special needs and he does have concerns for their safety. However, he wondered if the sign would accomplish anything. The sign doesn't specify which child to watch out for and people should be slowing down when driving through residential neighborhoods anyway. Furthermore, people should be teaching their children to be cautious when playing outside. He also expressed concerns with the practice of only accepting and following the standards with which one personally agrees. He said they shouldn't pick and choose based on personal biases, and felt that changing the City's code in this regard could set a negative precedence.

Councilmember Weeks said she believed this type of signage would, in fact, accomplish something. She explained even though she doesn't know which child is deaf or blind, it puts her on alert as a driver. She felt this would put an added measure of safety in place for children in the neighborhood.

Councilmember Summerhays said a deaf child needs to learn how to detect those types of dangers using their other senses, which is a skill they are going to have to learn eventually. He said based on the data collected over this issue the signs shouldn't be installed. He said if there is other data that refutes that notion—not just an opinion, but actual data—then as a Council they can revisit the matter.

Councilmember Rappleye said he doesn't like to vote on emotion and indicated he preferred to side with the data presented by Mr. Robbins. He explained he is in favor of protecting kids, but he wants to go about it in the right way.

Mr. Dobbins said he would like to find more information about the studies, and why there are some other cities that still allow the signs.

Councilmember Weeks said one of the reasons this family moved to the area was because there was a local school that the deaf child could go to. She said maybe the school has some data that they could share with the City.

Councilmember Summerhays said he would like to see more information from other cities.

[8:26:21 PM](#)

12.2 Councilmember Vawdrey asked if the part-time animal control officer was ever replaced. Mr. Dobbins answered in the negative and said staff could look into the matter.

Councilmember Summerhays commented he was in favor of replacing the animal control officer as well.

[8:28:29 PM](#)

12.3 Mr. Dobbins asked—in follow up to the presentation on the East Jordan Canal Trail—if there is a direction the Council would like to go on the matter. He explained if they want the trail realigned as it was proposed earlier, then the City will need to start working on updating the plans and agreements with Wasatch Front Regional Council (WFRC) for funding purposes.

Mayor Walker explained in his discussions with WFRC, the funding is not an issue; they will fund it whether or not the trail is realigned.

Councilmember Weeks said she was open to exploring the realignment.

Councilmember Summerhays said when the City initially started working on this trail, the East Jordan Canal Company allowed the City to install a temporary fence so long as it could be easily removed for the purpose of clearing debris out from the canal. However, the City never obtained insurance for it.

Councilmember Stenquist said there are safety concerns regardless, because the trail is still going to follow the canal line. He explained even the proposed realignment takes the trail along the canal by the high school. The City's master plan calls for the trail alignment, which was there before the subdivision was done. When the subdivision went in, the trail was required to be there. He said he understands that these residents are upset because maybe they didn't have full disclosure from the developer on the matter. However, he felt realignment would negatively impact the value of that trail significantly if they were to move it and put it along the street. He said there have been similar issues on the metro water trail and the Porter Rockwell trail. He said every time the City puts in a new trail, there are objections from residents. He said this would be a great amenity to the majority of the City and they could mitigate the safety concerns with the plan the City has already put in place.

Councilmember Summerhays said they should obtain the proper insurance for installing a fence before doing anything else. He explained he tried searching archived minutes to find more information on the insurance but as unable to track down any type of record.

Councilmember Weeks asked if they ever received a report indicating whether or not it was safe to have a trail near the canal. Mr. Ogden answered affirmatively and stated that the consultant did not identify anywhere along the canal where they felt it was unsafe for a trail. Councilmember Weeks asked if the report indicated whether or not it was safe enough to put the trail along the canal without a fence. Mr. Ogden said the consultant did not make a ruling on that issue; they just did not identify whether or not it would be unsafe, as proposed.

Councilmember Weeks said she walked along the residents' proposed trail realignment and asked if anyone else had done the same. She said the existing path is already wide enough if the striping is put in as it has been requested. She expressed concerns with the roundabout intersection and said the City's proposed crossing at 13200 South was kind of a blind corner. She felt the crossing at the four-way stop sign would be a safer option, and asked if anyone else had the same concern.

Councilmember Stenquist said he thought the crossing at 13200 South was safer than the one at 1300 East. He said the City has trail crossings across busy streets in other locations.

Councilmember Summerhays indicated crosswalks are always going to be safer and explained that when he was a kid he never used a sidewalk. He would look both ways to see if a car was coming, and if there wasn't a car he would cut across the street. He said he saw kids doing the same thing constantly across 13200 South and all over Draper.

Councilmember Weeks expressed concerns with the trail areas next to the new Ivory Homes subdivision. The future property owners in that subdivision will not own the trail—Draper City owns it. Therefore, the City will be taking a large portion of their property in order to create this easement.

Councilmember Rapple explained that a property owner has just as many rights on an easement as they do owning a property. He asked what the difference was between a paved trail and a dirt trail.

Councilmember Stenquist said they should give some consideration to all the work those neighbors have done to find an alternative route. They made some very good points in presenting their case. He was in favor of considering the alternative route. Mayor Walker agreed and said he applauds the neighbors for the way they've handled this situation. He felt their presentation tonight was very balanced.

Councilmember Vawdrey said she did not want to see trails go away because of the neighbors. She said they do pay the taxes and assumed they were buying the property. There is an easement there and always will be, but posed the question of whether or not there actually needed to be a trail there. She said she does not buy the argument that fencing

would create a long tunnel. Porter Rockwell is a trail with fencing on both sides. She could see how there is a uniqueness with these neighbors' situation.

Councilmember Summerhays said similar issues exist in other parts of the City. He said this was one of the very first trails planned prior to any other developments. He said as a City Council they do everything possible to protect citizens, but there is only so much they can do. He said they should put up a nice fence, keep it maintained and have it monitored.

Councilmember Weeks said the residents were providing another alternative to connect the trail system. Councilmember Stenquist explained that this issue comes down to the residents not wanting the trail in their back yard. Councilmember Weeks said they are concerned about the trail going along the canal behind the high school.

Mayor Walker said if the City can put up a berm and a fence, there shouldn't be any concern at all. He mentioned having been told the developer had offered each property owner \$11,000 compensation. He summarized the discussion and stated three Councilmembers were interested in considering the alternative proposal. Mr. Dobbins said this item could be placed on the next agenda as a resolution to adopt the realignment.

After subsequent discussion, the Council decided to schedule a field trip and all go out together to look at the trail area.

[8:52:36 PM](#)

12.4 Chief Smith reported a member of the Fire Department having been deployed with the Utah Task Force One, the airborne search and rescue team, down to Houston, Texas. He is currently in transit back to Utah and is due to return tomorrow evening. However, there is a strong possibility that they will be redeployed with Hurricane Irma. He said he would keep the Council updated on the matter.

Councilmember Summerhays said he was glad the City has enough personnel that they feel comfortable sending someone down to disaster areas to help in aid efforts. He said he was proud of the City's Fire Department.

[8:54:26 PM](#)

12.5 Mayor Walker said it would be beneficial to see if they can secure a pedal assist bike for the park ranger. He indicated if the Council is willing he might be able to solicit donations. The Council agreed.

[8:55:16 PM](#)

13.0 Adjournment

[8:55:19 PM](#)

13.1 Councilmember Weeks moved to adjourn the meeting. Councilmember Summerhays seconded the motion.

[8:55:24 PM](#)

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

13.3 The meeting adjourned at 8:55 p.m.