

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 19, 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 (joined the meeting via telephone at 7:36 p.m. and left the meeting at 8:21 p.m.), 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, Recreation Director; Bryan Roberts, Police Chief; Clint Smith, Fire Chief, and Glade Robbins, Public Works Director

Tour: East Jordan Canal

Dinner

Study Meeting

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1.0 Discussion: Water Rates and Storm Water Impact Fee

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1.1 Fred Philpot, Financial Advisor with Lewis Young Robertson and Burningham (LYRB), reviewed the results of the Water Rate and Storm Water Impact Fee Study. The study showed a need to increase the impact fee. The current impact fee is \$2,628 and the proposed fee is \$3,823. There will be opportunities for the City Council to receive public comment before they decide whether or not to increase the impact fee.

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2.0 Council/Manager Reports

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2.1 Glade Robbins, Public Works Director, indicated he contacted Riverton City and South Jordan City in reference to the "Deaf Child in the Area" traffic signs. Neither City had a policy about the signs; however, Riverton allows the signs if the requester purchases it. The City will provide the post and install it. The signs can only be installed on neighborhood roads and are not allowed on collector/arterial type roads. South Jordan allows the sign, but they require a letter from a physician stating an individual in the area is impaired. The City will purchase the sign and install it on neighborhood roads.

Mr. Dobbins indicated the City does follow the uniform manual for traffic control devices, so if the City Council would like to go outside of those recommendations, they will need to give staff direction accordingly.

Councilmember Weeks was in favor of pursuing this. Councilmember Rappleye and Councilmember Vawdrey were interested in staff writing a policy in reference to posting the signs, and Councilmember Stenquist was not interested in allowing the signs. Councilmember Summerhays was excused from the meeting.

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2.2 Rhett Ogden, Parks and Recreation Director, asked the City Council if they would like to continue to allow candidates running for office to have booths and/or participate at City events. There have been some issues over the past several years. This would not include Draper Days, as that is run by the Draper Community Foundation and not the City.

Councilmember Weeks was in favor of allowing it. Councilmember Rappleye stated he was okay allowing it with rules and guidelines. Councilmember Vawdrey was not in favor of allowing it.

Business Meeting

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1.0 Call to Order: Mayor Troy K. Walker

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2.0 Flag Ceremony – Girl Scout Troop #372

2.1 Girl Scout Troop #372 presented the flag ceremony.

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3.0 Presentation: Canyons School District Bond

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3.1 Susan Edwards (Public Engagement Coordinator), Leon Wilcox (Chief Financial Officer) and Chad Iverson (School Board) of the Canyons School District gave brief introductions.

Ms. Edwards explained the Canyons Board of Education has decided to put a bond on the November 2017 ballot. The Board was created in 2009. Results from a survey conducted at the time indicated that they inherited \$650 million of deferred maintenance in school buildings; maintenance issues pertained to aging and seismic concerns, in addition to several other areas. A bond in 2010 addressed the first \$250 million of deferred maintenance, through which 13 schools have since been built or reconfigured. Many of these projects have been completed, and now they are moving forward with the next phase. Several other projects have been done and benefitted the community. The next phase will be a \$283 million tax rate neutral bond.

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3.2 Leon Wilcox said the district needs to address growth and buildings. The average building is 36 years old, and there are 15 or 16 buildings that are over 45 years old. These buildings

need repair. Construction costs continue to escalate and interest rates may rise with the Federal Reserve, but the Board believes this is a good time for bonds. They have prepared a list of projects for the upcoming bond, including the following:

- Reconstruction of Hillcrest High School
- Reconstruction of Brighton High School
- Seismic upgrades to Alta High School
- Seismic Upgrades to various elementary schools throughout the district
- Construction of a new elementary school on the west side of the district
- Expansion of Corner Canyon High
 - Adding 16 classrooms
 - Expansion of the lunchroom
- Office updates to several schools

He said this is a tax rate neutral bond. He explained as the debt with Jordan School District is falling off, they plan to layer in their debt. As property values continue to grow, they will increase it so tax rates stay the same.

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3.3 Councilmember Stenquist asked if the school district is given a certified tax rate each year from the State. Furthermore, with the certified tax rate he wanted to know if it was lowered anytime property values increased. He also asked if they will be required to hold a truth and taxation hearing each year. Mr. Wilcox said as a school district they have a certified tax rate. However, debt stays outside the certified tax rate and can be adjusted accordingly. There would be no truth and taxation hearing prior to any adjustments.

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3.4 Mr. Iverson said he is one of the Board Members representing Draper. He said the improvements will benefit the students of Draper, and this is a great opportunity to improve the school system.

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3.5 Mayor Walker asked about the debt service line. He asked if that item will stay the same amount with the new bond. Mr. Wilcox explained how the tax rate functions. He said they plan to move quickly on improvements and construction.

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4.0 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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- 4.1 Michael Visser, resident, said he owns two properties in the neighborhood located behind Smiths. The big rainstorm in July filled up the drainage pond in that neighborhood and 150 East ended up flooding. As a result, the basement of one of his properties flooded. Mr. Visser expressed concerns with the issues pertaining to drainage and the road in the area, and said 150 East has not been redone in 20 years. He said he also relayed his concerns to the Public Works Department.

Councilmember Stenquist explained there is a long list of road projects that have to be prioritized, but he was not sure where 150 East falls on said list. He explained the road systems are intended to be designed at capacity in order to sustain excess storm water. They have allocated more money over the last few years in order to better maintain roads.

Mayor Walker said the City would look into Mr. Visser's concerns and get back with him about a timeline.

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5.0 Consent Items

- a. **Approval of September 5, 2017, Minutes**
- b. **Approval of Rental Agreements for City-Owned Homes on Pioneer Road**, the agreements have been updated to reflect market rate rental amounts and maintenance responsibilities of the renters. Staff: Glade Robbins
- c. **Approval of Resolution #17-58**, Reappointment of Members to the Historic Preservation Commission
- d. **Approval of Resolution #17-60**, Appointing LaRayne Day as Chair of the Historic Preservation Commission

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- 5.1 **Councilmember Vawdrey moved to approve the consent items. Councilmember Stenquist seconded the motion.**

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

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6.0 Public Hearing: Providing Local Consent for a Single Event Alcohol License for Icon Culinary, LLC

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- 6.1 Russ Fox, Assistant City Manager, said this request is for a single event alcohol license for Icon Culinary, which operates out of the Living Planet Aquarium. There are specific requirements for a single event license that are different from a regular banquet license; therefore, the single event alcohol license would be in addition to their existing license. The City allows up to four licenses per year, as long as the time does not exceed 120 consecutive hours; alternatively, they can obtain 12 licenses per year for up to 72 hours. Presently, they have four events planned for the next few months, in addition to monthly events starting

next year. Once the Council approves local consent, City Ordinance allows for staff review moving forward as long as there are no violations to the license requirements. The request meets all of the provisions of City Code, which Mr. Fox then briefly reviewed.

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

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6.3 Councilmember Stenquist moved to provide local consent for a single event alcohol license for Icon Culinary Inc. Councilmember Rappleye seconded the motion.

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

**** Councilmember Summerhays joined the meeting via telephone at 7:36 p.m.**

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7.0 Public Hearing: Jenson Farms Rezone, Land Use Amendment and Development Agreement, a Request by Randy Bowler of Bowler Properties for Approval of a Master Plan Amendment from Low/Medium Density to Residential Medium Density and a Zone Change from the RA1 (Residential Agricultural) and A5 (Agricultural) Zones to the R4 (Single Family Residential) Zone

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7.1 Dan Boles, Planner, said this application was heard in January. The applicant has since come back and asked for consideration to purchase property for a park. The applicant is now moving forward with the request to change the land use and zoning of the subject property, and has submitted a development agreement showing mixed lot sizes. The applicant has requested the land use map be changed to a medium density designation and the zoning map be changed to R4. According to the concept plat, a majority of the lots will be about three acres. There are 68 lots total.

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7.2 Councilmember Stenquist asked if there would be any lots smaller than 10,000 square feet. Mr. Boles responded in the negative and mentioned that one of the lots is one acre. The Planning Commission recommended approval of the land use category, but they made a negative recommendation on the zone change. The Planning Commission was concerned with quarter acre lots.

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7.3 Councilmember Weeks asked how many homes are on quarter acre lots. Mr. Boles said based on his calculations, lots with fewer than 11,500 square feet are considered to be in the quarter acre range. There are no lots below 10,000 square feet on the concept plat. None of the lots were exactly a quarter acre in size; however, there are nine lots within the

quarter acre range. He explained anything from 11,501 to 16,500 square feet is considered a third acre lot. Councilmember Weeks asked if the majority of the lots are third acre in size. Mr. Boles said about 68 lots are in the third acre range.

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7.4 Councilmember Vawdrey asked about the average lot size. Mr. Boles said the average density is 2.1 units per acre without the park and church areas.

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7.5 Councilmember Stenquist asked about the lot size in the R3 zone. Mr. Boles said in a normal R3 zone, lots would need a minimum of 13,000 square feet. For this reason, they are asking for R4 zoning.

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7.6 Randy Bowler, applicant, pointed out some features of the agreement. The park will add to the neighborhood and connecting trails. They will preserve natural vegetation along the street. The LDS Church asked for a site, and he thinks this will also add to the neighborhood. This property will have two connections to the north, thereby helping with traffic flow. He clarified the number of lots of different sizes.

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7.7 Councilmember Stenquist said the development to the north had smaller lots concentrated around the railroad track. Mr. Bowles said there are some small lots around the railroad track, but many of the smaller lots are dispersed around the development.

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7.8 Mayor Walker opened the public hearing.

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7.9 Mick Breiting, resident, lives across from the development. He is in favor of the development, but he is concerned about traffic on 700 West. He said it is not responsible for there to be so much traffic on this road and the speed limit should be reduced. The road is too narrow.

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7.8 Theron Jenson, resident, said this development does not block housing and brings in a lot of character. There are other developments with much higher density that have been approved.

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7.9 Mayor Walker closed the public hearing.

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7.10 Mr. Bowler said 700 West is a City issue, and not something he can solve, but he realizes it is an issue.

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7.11 Councilmember Weeks read some questions that were submitted in writing from a citizen. She asked if there will be connections between this development and Big Willow, to which Mr. Bowler responded in the affirmative. He explained that originally, Big Willow showed three connection points into the Jensen property. However, engineering studies determined the connection on the west was not feasible, so it was removed. He said the other two connections will still remain. Councilmember Weeks asked if Big Willow is making a stub road or a roundabout. Mr. Bowler said he believes a cul-de-sac was created. Councilmember Weeks asked about the water table and said there is a pond between Lots 109 and 401. Mr. Bowler said they are aware of the damage, and stated there is a restricted culvert in the area that will likely need to be enlarged. Furthermore, they have done a complete geotechnical report on the property's water table levels. Councilmember Weeks asked Mr. Bowler to address how the development will affect Mr. Breiting's neighborhood and property. Mr. Bowler said the location of the development's access on 700 West is where it needs to be based on the topography of the area.

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7.12 Councilmember Rappleye asked if Mr. Bowler has done any test holes on the water table issue. Mr. Bowler said he could not say of the exact depths. Councilmember Rappleye said living in an area with high water tables is problematic. Mr. Bowler said he will be making provisions for that issue.

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7.13 Councilmember Summerhays commented that he would like 700 West moved up in priority on the City's list of future road projects.

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7.14 Councilmember Weeks said this area was supposed to be half acre lots in the master plan, but the concept plat shows quarter and third acre lots. She expressed concerns with the number of homes being built on the subject property.

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7.15 Mayor Walker agreed 700 West should move up in priority, especially in light of all of the approved development in the area. Mr. Dobbins said the list of road projects is reviewed each year and 700 West is presently on the list.

Councilmember Stenquist said if the City was going to do a project during the 2018 construction year, it would need to be funded at this point. He said 2019 would be the soonest option for beginning work on 700 West. Mr. Dobbins added they would only move forward with the project if they could find the funding to do the whole project.

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7.16 Councilmember Rappleye asked why a rezone to R4 was needed if the lot count was already explicitly outlined in a development agreement. Mr. Boles said they are trying to match the concept plat with the zoning. He explained there are some lots that would require the R4 designation, if the City were to allow the developer to go down to the 10,000 square

foot threshold on any of the lots. Therefore, the R4 designation is being sought because it allows the developer to include lots that are slightly smaller than the third acre designation, while at the same time capping the number of lots on the property. He noted the development agreement states there will be 86 lots. Mr. Boles explained this was just the concept plat and could be reconfigured prior to final plat review and approval. There was further deliberation on the matter.

Councilmember Weeks said the concept plat does not state a specific number of half, third or quarter acre lots; rather, it just states there will be a total of 86 lots. Mr. Boles confirmed this to be the case, and clarified that the maximum density is set at 2.3 units per acre.

Mr. Dobbins said overall density and size are two separate issues. If the Council is concerned about the number of lots, they should simply state how many lots of each size there will be within the development agreement. Councilmember Rappleye was concerned because the only information they had was the number of lots and density cap.

Mr. Boles again stated concept plans are not set in stone; adjustments could be made later.

Mayor Walker said it would not be difficult to negotiate a specific number of lots within the development agreement. Councilmember Rappleye said he would be more comfortable if this language was included in the agreement.

Mike Barker, City Attorney, reviewed a draft of the agreement and was concerned some of the exhibits may have been mislabeled.

Mayor Walker said if the Council is going to do a development agreement they should be able to lock down the terms so that both the public and the Council know what the plat is going to look like. He remarked it is exciting to have a new park in that part of the City.

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7.17 Councilmember Weeks said she is still concerned about density and traffic on 700 West. She agrees that she would like to know specifically what they are voting on as a Council.

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7.18 Councilmember Vawdrey asked about the development agreement's labeling. Mr. Dobbins said if exhibit B was mislabeled as exhibit C then it has to be the exact concept plat, and it cannot be adjusted.

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7.19 Mr. Bowler said the concept plat is specified as an exhibit to the development agreement. If the development agreement is approved, the concept plat will subsequently be approved as well. As such, the applicant will be tied to the concept plat as much as any other aspect of the development agreement. Mayor Walker asked Mr. Bowler if he agreed the exhibits have been mislabeled. Mr. Bowler said in the development agreement that was submitted, Exhibit A is an overall legal description of the property, Exhibit B is the concept plat, and there is no reference to an Exhibit C. Originally, there was an Exhibit C that depicted the

park by itself. However, since the park was also depicted in the concept plat they decided to omit Exhibit C from the development agreement that was submitted.

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7.20 Mr. Dobbins asked Mr. Bowler if the term “lot breakdown” refers to the layout. Mr. Bowler said the breakdown of lots is in reference to the actual configuration of the lots. He explained the plat also includes square footage and acreage of every single lot in the proposed development.

Councilmember Rappleye said he would like the exhibits to be cleaned up and brought back as a whole development agreement. He said the presentation given tonight was confusing.

Mr. Bowler asked if he should review the contents of the proposal with the City Attorney. Mr. Barker advised Mr. Bowler to review the proposal with a team of City staff and elected officials. Mr. Bowler asked if the concept plat is an exhibit to the development agreement, would that also constitute approval of said concept plat and thereby obligate him to go forward with that plat as approved. Mr. Barker answered affirmatively and said the intention is to clarify the language in Section 2.D.

Mayor Walker said language could be added to specify the number of lot sizes.

7.21 Mayor Walker noted due to a lack of motion, this item will be placed on the October 3, 2017, agenda.

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8.0 Action Item: Resolution # 17-61, Authorizing the Mayor to Sign a Resolution to Name a New Trail After Lexie Fenton and Ethan Fraga

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8.1 Rhett Ogden, Parks and Recreation Director, said this is a resolution to name a trail after some local teenagers who tragically died in Draper. This would be a trail in their memory and would be a multi-use trail. The estimated costs would be about \$10,000 to construct the trail which would be fundraised by private donations. Mr. Ogden said the proposal meets the City’s guidelines for trails.

** *Councilmember Summerhays left the meeting at 8:21 p.m.*

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8.2 Sofia Osthed, resident, said she was best friends with Lexie Fenton. Although she did not know Ethan very well, she thinks it is important to include him in naming this trail so everyone can heal. She believes this trail will be a source of comfort to friends and family of the deceased. She hopes Lexie and Ethan will be remembered for who they are, and not for something negative. The name of the trail is important because it was such a public tragedy. It will bring peace to the community, especially for family and friends. She thanked the Parks and Trails Committee for their assistance throughout this process.

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8.3 Councilmember Rappleye moved to approve Resolution #17-61. Councilmember Stenquist seconded the motion.

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8.4 Councilmember Weeks said this is a wonderful tribute to Lexie and Ethan.

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8.5 Mayor Walker asked if there will be a way for the public to find out how to donate to this project, for items such as benches in different spots along the trail. Mr. Ogden said Miss Osthed listed the installation of benches as one of her project goals. He said all donations will go to the Trails Foundation who will construct the trail and subsequently dedicate it to the City.

Miss Osthed said there is a spot for a memorial bench; any excess funds will go towards installing an additional memorial bench.

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8.6 Councilmember Weeks said Boy Scouts sometimes fundraise for projects such as these. She suggested if Miss Osthed needed more funding, a scout troop could possibly help.

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8.7 Mayor Walker remarked this was a worthy cause and an outstanding opportunity.

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

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**** Council/Manager Reports (continued)**

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** Mr. Dobbins displayed a map of all the property owned by the City. He said in working to get a conservation easement ready for approval, they need to put together a legal description. This task will be made easier if they go along parcel lines. Mr. Dobbins asked for direction on how to define the boundaries. Councilmember Stenquist asked how soon they could have a conservation easement ready for a vote. Mr. Dobbins said the easement itself is presently being worked on with Utah Open Lands.

Mr. Ogden added they have met with the Executive Director of Utah Open Lands twice now, including a six hour tour of the entire easement area. If the City could submit boundary lines to Utah Open Lands soon, the easement could be prepared sometime in the next two months. Councilmember Stenquist said he would like to move forward.

Mr. Dobbins asked the Council if they were favorable with a larger area along Deer Ridge until the development of pods are finalized. Once the development areas are identified the leftover property will be added into the easement. Councilmember Rappleye said there are some old studies they could use to identify the landslide area. Mr. Dobbins said geologists and geo-technical engineers are working on the issue right now. He said the 55 acres are still currently outside the easement and he directed the Council not to include that property with the easement.

Mayor Walker said staff could write the easement in such a way that it allows for the construction of the road. Mr. Dobbins replied the Council needs to determine the perimeters of the road so they can be excluded from the easement. Furthermore, the easement could state that no development will go through the area in question.

Councilmember Weeks said she would prefer no development along the road. Councilmember Rappleye said he is okay with having a road connect there, but he didn't like the plan of having the houses spread along the road.

Councilmember Vawdrey said when Councilmember Summerhays was present the majority wanted it left out. Councilmember Weeks said she agreed. Councilmember Stenquist said he is okay with leaving it out as well.

Mr. Dobbins asked the Council to inform the public of their decision.

Councilmember Weeks said she is okay with the size of Deer Ridge Drive as long as the number of units is specified. If the number of units is specified, there will be no surprises. Councilmembers Rappleye and Vawdrey both agreed this was a good plan.

In referencing the map, Mr. Dobbins identified the privately owned properties, the amount of which was significant. He listed some of the property owners for the Council's reference.

Mayor Walker asked if anything was done about the landslide on Deer Ridge Drive, especially now that utilities have been put in. Mr. Dobbins responded in the negative and said there are probably homes in the area presently on landslides. He said all of this was done before there were any ordinances in place. He explained staff is looking at constructing roads with curb and gutter to direct water into the appropriate areas, thereby keeping storm water out of the landslide areas.

Mr. Dobbins reported Geneva Rock is modifying their mining plan and will be going deeper than what is indicated in their previous plan. They are in the process of submitting an application for this proposal. There are several residents who are concerned about the impact this expansion to their mining operations will have on the area.

Councilmember Weeks expressed concerns with the water table and the risk of contamination. Mr. Dobbins said the State is aware of this particular concern and will be monitoring the issue.

Councilmember Rappleye recalled there was a finding made by a former Judge that it was assumed when they bought this property, Geneva Rock's intent was to mine the whole area; therefore, disapproving a zone change for mining purposes was out of the question.

Mr. Barker said the parcels where mining operations had already begun were grandfathered in. Geneva Rock has since submitted their application to the State and the State has granted preliminary approval. There was a public individual who submitted a proposal for review, which triggered the need for a hearing that was held earlier this month. Mr. Barker stated groundwater would be taken into consideration as the application is reviewed.

Mr. Dobbins said part of their plan to be approved by the State is to have a mitigation or reclamation plan. From a zoning standpoint, the City cannot prohibit what they are proposing. Councilmember Stenquist said from the City's standpoint, they should also be concerned about the impacts to the adjacent City-owned property. Mr. Dobbins suggested Geneva Rock give a presentation to the Council.

Mr. Dobbins asked the Council for their feedback on partnering with WaterPro and Jordan Valley Water Conservancy District to start promoting water conservation programs. There is funding available for Draper residents to access resources including toilet replacement, the construction of park strips, and the installation of more efficient sprinkler systems.

Councilmember Rappleye and Councilmember Weeks were in favor of partnering with Water Pro and Jordan Valley Water Conservancy District.

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** Councilmember Weeks reported a resident in Suncrest had expressed concerns with the new Hidden Canyon Estates lighting. She said there is a standard LED candlestick that emits a lot of light. Mr. Robbins said Hidden Canyon Estates has been installing the current standard City lights. Councilmember Weeks asked if the lights were being switched out in Suncrest. Mr. Robbins responded they wanted to switch out their lights to match the City's current standard lighting that exists in the lower part of the City. New developments are putting those kinds of lights in as well.

Mr. Fox said Hidden Canyon Estates is not a part of Suncrest, so they don't have the standard. Councilmember Stenquist suggested they implement a different lighting standard for the mountain.

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** Councilmember Rappleye said residents have noticed a high number of people running the four-way stops along 700 East.

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** Mayor Walker discussed the issue of installing a water line and hydrant at the Orson Smith trailhead, especially in light of the recent fire. Mr. Dobbins said they have an estimate of how much it would cost to install a line partway up the road. Mayor Walker asked if the

segment would be around the homes to the North. Mr. Dobbins said it is a matter of looking at where the road alignment goes and whether they have all the property. Mayor Walker said it would be a good idea to plan the whole thing at some point because of the fire risks in the canyon.

Councilmember Weeks asked if money was allocated for this project in the last budget. Mr. Dobbins said they funded the first part behind Steeplechase, but they are looking to extend it all the way up to Suncrest.

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9.0 Adjournment

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9.1 Councilmember Rappleye moved to adjourn the meeting. Councilmember Vawdrey seconded the motion.

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

9.3 The meeting adjourned at 8:49 p.m.