

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 15, 2020, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy K. Walker, and Councilmembers Mike Green, Tasha Lowery, Fred Lowry, Cal Roberts, and Marsha Vawdrey

EXCUSED:

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Laura Oscarson, City Recorder; Scott Cooley, City Engineer; Hazel Dunsmore, Human Resource Director; John Eining, Police Chief; Russ Fox, Assistant City Manager; Rhett Ogden, Recreation Director; Christina Oliver, Director of Community Development; Clint Smith, Fire Chief; Britnee Johnston, Communications Director; and Bob Wylie, Finance Director

This meeting will be an electronic meeting according to Draper City Municipal Code 2-1-040. Determination 2020-08, pursuant to Utah Code Annotated 52-4-207(4)

I, Mayor Troy K. Walker, do hereby determine conducting an electronic meeting of the Draper City Council with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location and hereby authorize the Draper City Council to conduct electronic meetings without an anchor location. The foregoing determination is based on the following facts:

1. Federal, state, and local leaders, including Draper City Mayor and City Council, have all recognized a global pandemic caused by the spread of the COVID-19 virus.
2. COVID-19 cases continue to fluctuate at high levels and hospitalizations in Salt Lake County and Draper continue at high rates, both of which pose a risk of overburdening the local health care system.
3. It is difficult, if not impossible, to predict the number of attendees at any meeting and to manage issues regarding social distancing in order to comply with State Phased Guidelines.
4. COVID-19 poses a continuing and immediate threat to the health, safety, and welfare of Draper City residents.
5. The City has the technological capability to provide means by which the public may hear, or view and hear, the open portions of the meeting and to participate in public hearings.
6. The original of this written determination is on file in the City Recorder's office.

Residents were able to participate by:

1. Listen through the Draper City Website- <https://www.draper.ut.us/95/Agendas-Minutes>
2. Email comments to public.comment@draper.ut.us by 5 PM on the day of the meeting. These will become part of the public record.
3. Those wishing to speak during the Public Comment or Public Hearing portions of the meeting may send a request for the Zoom meeting ID to public.comment@draper.ut.us by noon the day of the meeting.

Study Session

1.0 **Discussion: Fluoride in WaterPro Service area – David Gardner**

- 1.1 David Gardner, WaterPro Service representative, explained that WaterPro had put a fact sheet in the Council's packet. He said that WaterPro was interested in removing fluoride from drinking water. He noted that there was a state statute that allowed private companies to remove fluoride from drinking water with the vote of their stockholders. Mr. Gardner stated that WaterPro feels that fluoride causes more harm than good and cited instances such as what happened in Sandy where there were dangerous levels of fluoride in their drinking water. Before moving forward, however, WaterPro wanted to have a discussion with the Council about if they would be in favor or opposed to WaterPro removing fluoride from the water.

Mr. Gardner explained that it wasn't well-proven that fluoride helped prevent cavities, that the presence of fluoride in the water meant that everyone was medicated even if they didn't want to be, and argued that there were more cost-effective ways to treat people with fluoride who wanted it than putting it in municipal drinking water.

He said that Jordan Valley was engaging in a study next month to decide if they wanted fluoride for their customers. He stated that he and his engineer, John Olum, were available to answer questions. Mr. Gardner noted that Mr. Olum was a resident of Draper.

- 1.2 Mayor Walker clarified with Mr. Gardner that his goal was to get the temperature of the City Council concerning removing fluoride from WaterPro's drinking water. Mr. Gardner confirmed that was correct.
- 1.3 Councilmember Vawdrey stated that she actively removes the fluoride from her water so would be in favor of WaterPro no add it to Draper's water anymore.

*** Councilmember Green and Councilmember F. Lowry arrived at 5:42 pm*

- 1.4 Councilmember F. Lowry asked for Mr. Gardner to again give a two-second summary about why WaterPro wanted to remove the fluoride from the drinking water.
- 1.5 Mayor Walker told Councilmember F. Lowry that it was the most toxic chemical that the company dealt with and cited how the Sandy incident was an indication of how the chemical can be nasty when someone gets too much of it.
- 1.6 Mayor Walker asked each councilmember their perspective and they were all in agreement/support of removing fluoride from the drinking water.

2.0 **Presentation: The Point – Alan Matheson**

- 2.1 Alan Matheson, Prison Director of the Prison Land Development Authority (The Point), said that he appreciated the Council’s support at a recent press conference where The Point announced the transition from the visioning to the planning phase. He said that he thought it would be good for him to provide the Council with an update and receive any input the Council had.

Mr. Matheson began by playing a short video (https://www.youtube.com/watch?v=IxUwN9bcB0s&ab_channel=ThePointUtah) that showed how they were portraying the site and then transitioned into a PowerPoint presentation.

Mr. Matheson began his presentation with the *Deseret News* headline from September of 2019, “Why Utah has a ‘once in a generation’ opportunity unique to any other place in the world.” He said that when he first saw the headline he thought it was hyperbole, but that the more that he has talked with site selectors, business leaders, and developers, it has become clear how remarkable and special The Point is as an opportunity.

Mr. Matheson oriented the Council to the co-chairs and board of the project highlighting its diverse composition not only of legislators and business leaders but also entailing the Commissioner of Education and local leaders such as Mayor Walker. He recognized that the site was in Draper and felt that the City was a key partner in the site’s development. He then introduced the Council to the team behind the site’s development: himself, Steve Kellenberg (Planning Director), Erin Talkington (Real Estate Advisor), and Muriel Xochimitl (Communications Manager). Mr. Matheson highlighted Mr. Kellenberg’s 40-year experience in creating master plans for large scale developments.

Mr. Matheson emphasized the guiding values that had been adopted by the board:

1. **Promote public interest:** The Point was a public site owned by the people of the State. There was a responsibility for the public to be part of the decision making and that the public gets a return that is both economical, but maintains a quality of life.
2. **Set the standard:** Developers of The Point want to create a modern, forward-thinking, high-quality sustainable development that will be a model for other developers.
3. **Think regionally:** The development could not just be considered just by the 700 acres of the site. It had to be viewed in the context of the region. The Point leadership was committed to coordinating with surrounding communities and transportation agencies to make the site work for everyone.
4. **Take the long view:** Because The Point believes that the citizens of Utah deserve to share in the value of the site, they are not looking for quick returns. The Point leadership was more interested in developing the site right than doing it fast.
5. **Be open and transparent:** All of The Point’s meetings are live-streamed, recorded, and posted to the project’s website. Also, there will be regular e-newsletters to make sure that public work is done in the public eye.

6. **Act with integrity:** Those involved with the project were committed to the highest ethical standards in their operations.

In regards to process, Mr. Matheson reminded the Council that there was a Point of the Mountain Development Commission that preceded the Point of the Mountain State Land Authority. It was the Point of the Mountain State Land Authority who first conducted an extensive public process that involved 4,000 individuals and resulted in the vision for the Point of the Mountain Region ranging from Sandy to Saratoga Springs. The expert consultants showed some significant benefits if there was development along the lines of the vision relative to baseline development. These benefits included better air quality, reduced traffic times, the generation of 150,000 new high paying jobs for the state. These new jobs would result in a \$10,000 increase in the average household income across the state by 2050. Most importantly, the site would generate \$9 billion in state and local revenues that go towards education, social services and infrastructure. As a part of the process, The Point leadership had developed five working groups, who each met monthly to work through challenging issues the site presents. These included:

1. Stakeholder
2. Education, Research & Innovation
3. Environment & Air Quality
4. Infrastructure & Land Use
5. Economic Development, Recruitment & Investment

Mr. Matheson noted that discussions to move the site began in 2014 and that it was in this year, 2020 that they were transitioning into a planning phase and about to embark on drafting a master plan for the site. In addition to having hired a planning director, the project team had submitted their qualifications, the first step in finding a world-class planning firm to work with on the project. He said that firms would go through a rigorous competition process before a firm was identified at the end of the year. He said that they would begin developing the master plan beginning in January of 2021 and would incorporate the ideas that came from the public and the working groups. He then reiterated that public engagement was important and stated that the team behind The Point had a lot of it. One of the most recent public engagement efforts was a survey on the project's website (thepointutah.org), a public survey that allows people to prioritize some of the themes that came out of the earlier public work. He suggested that the Council check out the new website.

Mr. Matheson concluded his presentation by stating his appreciation for the partnership with Draper City and with the Draper City Council. He emphasized that those behind The Point project wanted the input of Draper City. He said that they have a remarkable opportunity and now they need the imagination and will to equal the opportunity.

- 2.2 Councilmember Green asked if they intend to continue to be the master property owner and just lease the land or if there would be simple title transfers to developers.

Mr. Matheson said that was a good question that had not been resolved yet. He said that the project's consultants were looking into that question right now. He said that the principles driving the planning team were that the state wanted to be involved long enough to achieve the broader quality of life and economic goals. He said because of that they were not likely to just sell the land off to the highest bidder. At the same time, the state was not equipped to be a master developer, so there will be some kind of partnership or a joint venture with the private sector to create a balance.

- 2.3 Councilmember F. Lowry said that the success of the site was going to hinge on public transportation and its access. He wanted to know if there had been any progress in getting funding for developing mass transit at the site.

Mr. Matheson said that the site does not reach its potential without high-quality transit. He said that the legislature recognizes that. He said that the Utah Transportation Agency (UTA), the Metropolitan Planning Organization, Utah Department of Transportation (UDOT) and the surrounding communities are involved right now in a process to identify a preferred local alternative for transit that would serve the site and southern Salt Lake County and extend into Utah County. He said that they had gone through the first phase of the process. There would be a meeting on Thursday, September 17, 2020, of the steering committee to present a concept idea of phase one of development. The proposed plan would likely bring transit from the Draper FrontRunner station to the prison site to the Highline station to the east side of I-15 and into Utah County. He said that would be refined further after some additional evaluation of the route and the appropriate mode of transit. In short, yes, progress was being made.

3.0 Presentation: Property Watch - Rashelle Hobbs

- 3.1 Rashelle Hobbs, Salt Lake County Recorder, began by defining what the Salt Lake County Recorder's office does. She stated that the mission of the office was to record and protect the public's right to hold and own real property by maintaining comprehensive, accurate, and searchable records of all property transactions, and ensuring a permanent chain of title. She said that they maintain a database of 14 million documents. She said that to this point in 2020 they had processed 219,000 documents. She said that their office had seen a 40% increase in documents in the first quarter of the year and an increase of 44.1% to date.

In 2019, the office worked to ensure they had collaborative relationships with fellow recorders across the state to ensure best practices. Ms. Hobbs said that they met with many title companies one-on-one to ensure that the Salt Lake Recorder Office was providing the services they needed to get their work done and to maximize efficiencies. Ms. Hobbs said that public service was very important to her. She said that the office met with all 16 Salt Lake County senior centers and provided residents with a complete copy of their property records.

Ms. Hobbs said that in recent months, homes had taken on added roles or classrooms and refuge from the virus. She said that one thing that remained the same was the American dream of homeownership. To protect an individual's property records, the Salt Lake

County Recorder's Office had launched a new free service called Property Watch. This notifies Salt Lake County property owners when something is recorded on their property. She said that it was a great resource that will help prevent title fraud and further protect the individual's properties. She said the service offers peace of mind, something she feels everyone could use a little more of right now. Ms. Hobbs said they currently have over 8,000 registrants, a number they hope to see increase. In Draper City, they had 372 subscribers. She hoped the City Council could help increase that number in Draper. She said that once you visit the website, a resident would provide their Salt Lake County address and their contact information. Once a property owner provided this information and applied they will receive notifications of anything recorded on their property moving forward.

Ms. Hobbs highlighted some of the feedback the Salt Lake Recorder's Office had already received. She said that one of the most powerful tools the service provided was the ability for families to watch the status of elderly people's property records. She said that the office didn't want anyone to be surprised at the closing of home when they found there was a lien on the property. She was available for questions.

- 3.2 Councilmember F. Lowry said he was curious to know how many cases of fraud the Salt Lake Recorder's Office had found since implementing the Property Watch service.

Ms. Hobbs said that there were tools in place on the back end to track if there were a lot of parcel numbers attached to certain emails. These were monitored by the office's IT staff. Ms. Hobbs noted that Property Watch was created internally by IT staff at no cost to taxpayers. She said that they had not found any fraud yet.

- 3.3 Councilmember F. Lowry asked how it was that Ms. Hobbs suggested that the Council get the word out about Property Watch in Draper. Ms. Hobbs said that the City could provide a link to the Property Watch website either in the City's newsletter or on its website.

Mayor Walker thanked Ms. Hobbs for her presentation and said that the Council appreciated that the office was trying to protect property, especially that of a vulnerable population.

4.0 Presentation: Hiking Trail Options- Rhett Ogden

- 4.1 Rhett Ogden, Recreation Director, explained that tonight they were going to go over the directive from the Council to come up with some loops that go from existing trailheads without coexisting with bikes. Before addressing that objective, he wanted to go through active projects the City was currently working on or planned to complete in 2021. He said that there were six projects. The Peak View accessible path was done and was being paved. Other projects included the Edelweiss Trail, the Hidden Meadow Footpath, the Turkey Backcountry Trail Loop, the Hog Hollow Footpath, and the Bonneville Shoreline Trail (BST) in collaboration with Lehi.

****** *Mayor Walker left the meeting at 6:09 p.m. and returned to the meeting at 6:11 p.m.*

- 4.2 Councilmember T. Lowery asked Mr. Ogden where the BST trail would connect when it got to the ridgeline. Mr. Ogden said that it would connect to Ann's Trail, pass outside of City property into Lehi City open space, before coming back into Draper City through Maple Hollow and Brookside Trailhead.

Councilmember T. Lowery was wondering about the course of the trail from Ann's Trail. She said that it currently goes up from Ann's but then dead-ends at Deer Ridge. Mr. Ogden said that staff was currently cutting the trail, but that it would then go below the ridgeline and bypass Geneva before connecting into some of the existing trails that Lehi put in last year such as the Sensei Trail.

Councilmember T. Lowery said that was going to be a huge loop. She asked how long it would be. Mr. Ogden said that it would be six miles of new trail. He said that it would fill in a gap for the Bonneville Shoreline Trail. Although it still had gaps it would eventually connect north and travel south.

Mayor Walker asked when Mr. Ogden anticipated that trail would be done. He asked if crews were going to keep working on it as long as the weather allowed. Mr. Ogden said that they hoped the trail would be done by November if the weather held out. He summarized that those were the six projects that they were working on or planned to do next year. He said that there were other projects that the Council had approved, but that were not given priorities or were not yet funded so were not active. After Edelweiss the trails agenda would be pretty open and staff would take the Council's direction on what projects to proceed with. He said that was part of the intent in going over the potential loops.

- 4.3 Mr. Ogden then transitioned into the Draper City proposed trail loops. He displayed an aerial map so that the Council would have a sense of where the trails could be located throughout the City that met the Council's direction of being loops from a pre-existing trailhead and would not be multi-use. There were six potential loops:

Peak View Hidden Meadows Foot Trail Loop

Mr. Ogden explained that this loop would connect into the Peak View Trailhead. It would add 2.2 miles of trail. There would be parts of the trail that would navigate in and out of a meadow and trees. There was an existing jeep road that could be used to create a shorter loop. The trail would require one or two bridges. However, the trail was one that could be developed internally by the City and would only require staff costs of about \$2,000. The loop could be completed this year.

Coyote Hollow Burnham Foot Trail Loop

- 4.4 This trail would be located in the heart of Corner Canyon. Because there had been a lot of trail development in the areas, staff were trying not to add too many more trails because of its use. However, the trail would make a nice loop beginning at Coyote Hollow. The

advantage of this trail was that the Coyote and Burnham Footpaths were already constructed. Staff would just add 0.5 miles of new trail to complete a 1.4-mile loop. He said that the trail would be the dirt-sidewalk type trail that is great for families and kids. This trail could also be constructed by the City's trail crew for about \$1,000. If added to the "projects to be completed" list it could be done by spring or summer of 2021.

Councilmember F. Lowry asked if he was reading Mr. Ogden's presentation correctly that the Coyote Hollow Burnham Foot Trail Loop could be completed for about \$1,000. Mr. Ogden said that was correct. The \$1,000 was the amount required for the bridge materials and did not include staff time. The budgeted funds, however, would only be building the bridge and machinery.

Councilmember Vawdrey and Councilmember T. Lowery both felt that the Coyote Hollow Burnham Foot Trail Loop should be completed.

Councilmember F. Lowry verified that the only access point would be Coyote Hollow. Mr. Ogden said it could be accessed from other trails, but that Coyote Hollow would be the easiest access.

Councilmember T. Lowery said that Coyote Hollow had already been advertised as a great hiking spot for families. Adding the loop would further emphasize this area for that purpose. Mr. Ogden agreed and noted that was part of the reason why there was "Hiker Only" stalls at the Coyote Hollow parking area.

Councilmember F. Lowry said they would need to add 40 or 50 additional parking stalls to help utilize that footpath.

Councilmember Roberts said that he agreed that this would be a great trail. He said that one of the problems that people usually bring up is signage. People will start walking and then they'll get on a bike trail. They don't know what course they need to take to stay on a footpath. He asked what ideas there were to be responsive to that concern.

Mr. Ogden said that for the loop under discussion, staff could come up with different signs. The loop could be included as a stand-alone on the Coyote Hollow kiosk.

Councilmember Roberts said that he was concerned about where the trail intersects. He said that he agreed it would be a highly used trail, but that because it intersected so many other trails with bikes he wanted to make sure it was well signed. Mr. Ogden agreed and noted that the loop would intersect a multi-use trail four times.

Councilmember F. Lowry said he agreed with Councilmember Roberts that there can be confusion at the trail intersection.

Mr. Ogden said that at the intersections they can make sure that there is clear signage.

- 4.5 Councilmember Vawdrey said that she had not been up there recently, but she thought that the Burnham used to be a loop.

Mr. Ogden said that someone could make it a loop if someone used Canyon Hollow, a multi-use trail. He and Councilmember Vawdrey continued their discussion about the course of the paths and how they would connect with the new proposed trail and existing multi-use trails. There was a four-way intersection that gave Councilmember Vawdrey concern.

Councilmember F. Lowry addressed Councilmember Vawdrey and said that the intersection was dicey, but that it was wide enough that someone had room to walk away.

Mr. Ogden explained that a pedestrian should be able to get on the Coyote Hollow Foot Path and follow it to the lower four-way intersection that Councilmember Vawdrey was concerned about and then get off the Burnham trail from that intersection.

- 4.6 Councilmember Roberts said that one of the things that happen when the Council talks with residents are that there is a general feeling that there are not enough footpaths. He said that he felt this was a great path. He wanted to know how to best broadcast the new trail to residents to let them know there was an accessible, family-friendly footpath. He said he would like the Council to make a big deal about it so that residents could see it and see that the Council was trying to be responsive to the concern.

Mr. Ogden said that if the City added the four-foot path only loops as well as some of the loops that the City already has, there would be enough to fill a brochure. He said that could be emailed or mailed out to residents. They could also create a web page dedicated to footpath only routes for families and advertise them on social media.

Councilmember T. Lowery made a comment that was inaudible on the recording.

Mr. Ogden said that Draper's GIS department had made a map through the webpage that could help do that. He talked about how he had asked about creating a Draper City Trails app that could be found on the Apple Store, etc. since the City gets a lot of out of towners.

Councilmember T. Lowery said that an app would help families navigate the trail junctures.

Councilmember Roberts said that he just wants to make sure that they are getting the message out. He said that footpaths were a concern to a lot of residents and he wanted to make sure that the Council was being clear that they were being responsive to the concern.

East Hollows Backcountry Foot Trail Loop

- 4.7 Mr. Ogden said that the next trail could be one of the most unique trails that the City could build. He said that the loop would be out in the backcountry to the east of where they were building the Peak View Trail. The loop would be four miles. If a resident started from the Peak View trailhead, they would have an additional 1.5 miles out to get to the start of the

loop. If someone did a start-finish from Peak View they would have a seven-mile roundtrip walk. That was probably too big for kids and families. However, it would appeal to a lot of runners. Mr. Ogden said that this loop would not so much be cutting a trail, but clearing brush. Individuals would be running and walking through the stream bed. Because of this, it would be a really neat trail more like a forest service trail. Also, someone could start from the Angel's Gate trailhead in Highland City.

This was another trail that could be built in part with the City's trail crew at a cost of about \$4,000 for creek bed cleaning and bridge-building. The other section of the trail would require the hiring of a trail contractor for construction and would cost about \$30,000. He said that there was funding already in place and could be absorbed with the current trail's budget. The trail could be completed in 2021.

Councilmember T. Lowery asked about parking access for the trail. Mr. Ogden said that someone could either park in Highland to have immediate access to the loop, or a resident could park at Peak View and would have a mile and a half to travel before getting to the loop. He reiterated that the new loop would be four miles in total, but that the Peak View portion would be a mile and a half each way, making for seven miles total.

Councilmember F. Lowry stated that this could be as much of a trail for Alpine and Highland as it could be for Draper as far as access. Mr. Ogden said that was correct. He said that another way to look at it though was that it was known that those cities were already using Draper's trails. This might be a way to cut down on some traffic in other areas.

Maple Hollow Telegraph Foot Trail Loop

- 4.8 Mr. Ogden said that this trail would be an extension of the Telegraph Trail. He said that right at Deer Ridge where they have the chain across the road, they would move that back the road a bit and put in a temporary trailhead. Once they had a sense of how the surplus area of Deer Ridge was going to be developed they would move the trailhead somewhere up into the Deer Ridge area as the launch point for the new loop and an off-leash dog area. The loop would first take advantage of the existing Telegraph trail and then cut through the backcountry towards Maple Hollow Road before cutting back around to make the loop. He said that there were a lot of old jeep roads that people could use creating options for connector trails to make smaller loops than the four-mile trail.

Mr. Ogden said that eventually, the City could create a nice trailhead with restrooms in the Deer Ridge area, once its development is known better. The loop would require the hire of one of the trail contractor crews at an estimated cost of about \$70,000. It could be completed in 2021 with funds already allocated towards trails.

Councilmember T. Lowery asked if dogs would be permitted on the trail. Mr. Ogden said that yes, dogs would be permitted on the Maple Hollow/Telegraph Foot Trail and the East Hollows Backcountry Trail.

Councilmember Roberts said that the Maple Hollow Trail Loop would be a pretty serious hike as it goes down in elevation to the south quite a bit.

Councilmember F. Lowry asked if the old jeep trails were currently usable. Mr. Ogden said that they were and could be used to cut into the loop to shorten it with little effort.

Councilmember Roberts asked what the cost would be if staff tried to cut the trail with the jeep trails to try and make it a smaller loop. He asked if that would be possible. He indicated a section of the trail and said that it got quite steep.

Mr. Ogden said the trail did get steep as it approached Maple Hollow Road. He said that this loop was the most open to possibilities of any of the areas that he highlighted in the presentation. He said it would be easy to make it shorter if the City wanted.

Councilmember T. Lowery asked a question that was inaudible on the recording.

Mr. Ogden said that there were not any official city trails in that area just the old pioneer and jeep trails that were already cut in and able for people to use. He told Councilmember Roberts that it was possible to shorten the loop up.

Councilmember Roberts said that he loved the loop as it was, but he thought it would be great to create some tiered loops so that people could use the same paths for different things.

Galena Soo'nkahni Multi Use Trail Loop

- 4.9 Mr. Ogden said upfront that the next two loops did not hit all of the requirements outlined by the Council about being near a trailhead or being footpath only. The next two loops would allow bikes. However, they were loops that staff was asked to look at so he wanted to present them to the Council.

In regards to the Galena Soo'nkahni Loop Trail, Mr. Ogden wanted to show the Council where they could put trailheads. He noted that the City did not own any of the surrounding property and that it was under a conservation easement so it would require the wills of government to get done. He said that a trailhead could be built on the bend of Vista Station. A resident would still have to use some of the Jordan River Trail to access the loop and Galena Preserve. The other option would be to use the Arrow trailhead that was located in Bluffdale that had a paved trail to the Jordan River Trail that someone could hop on to get to the new preserve trail. It would cost 1 million dollars for two miles of paved trail or \$800,000 if the surface was the crushed refined as opposed to paved. He said that the trail could also be a soft surface trail. He said it would require working with the state to get approvals and be in alignment with the conservation easement. This project could potentially be completed in 2022.

Councilmember F. Lowry suggested that the trail could at least be installed and then paved further down the road. He confirmed that there currently was not a place to park. Mr. Ogden said that was correct; there was not a place to park.

4.10 Jenson Farms Galena Multi-Use Trail Loop

Mr. Ogden reminded the Council that the City purchased the land from Jenson Farms a few years ago. He said that one of the neat aspects of this loop is that it would connect a lot of good trails. It would connect the Jordan River to Alan Pointe to the Galena Loop Trail. If the paved loop were installed, Mr. Ogden said that it would be best to design the park first to make sure that they did not end up ripping out the trail and creating a new path for it after the park was designed. The trailhead currently would be existing on-street parking, but in the future would be at the location of the Jenson Farms parking lot. He said that by adding 0.33 miles of new multi-use paved trail at Jenson Farms it would create a complete 4.3-mile loop with the Alan Pointe Trail and Galena Park Trail.

Councilmember Roberts said that this was a cool trail. He asked what were the financials associated with developing it. Mr. Ogden said that the trail itself would cost about \$175,000. However, they would need to put money towards the design of the whole park, \$125,000, meaning it would cost about \$300,000 in upfront costs. He said that the trail could be the first phase of developing the park. It would also connect onto the Big Willows Trail to the north that was already in. He said that parking would be on the road until the park was developed. They could probably grade a primitive parking lot, but there would not be any restrooms. Mr. Ogden said it was a really neat area along the water.

Councilmember Vawdrey asked if money had been set aside for the park. Mr. Ogden said no. Nothing had been funded for the Jenson Park. He said the land was a \$2 million-dollar purchase, but no money had been set aside for its development.

Councilmember Green asked if there were park impact fees from any of the projects that could be used to pay for the park's development. Mr. Ogden said yes, it would all be impact fee eligible. Any of the trails or the park development could use impact fees. He said that the last time that he looked at the park impact fee balance, it was over \$3.5 million.

David Dobbins, City Manager, said that he recommended that the Council let staff focus on the first four loops before they start on either of the last two big loops. He said that he thought they should add the last two projects into the discussion for next year's budget cycle. He wanted to know if the Council was okay with the four other loops.

Councilmember Vawdrey said that she felt that there was a consensus from the Council that the Burnham Trail was a priority.

Councilmember T. Lowery said that the Coyote Hollow Loop was the most important trail followed by the Peak View Hidden Meadows Footpath.

Mr. Ogden said that they could make those one and two and asked if the backcountry should be three and Deer Ridge four.

Councilmember T. Lowery said that she was not as sold on the backcountry loop because she felt that it mostly benefited people in Alpine and Highland as opposed to Draper residents.

Councilmember Roberts said that he would personally prioritize Deer Ridge as number three.

Councilmember F. Lowry said that he agreed. He also said that instead of focusing on the backcountry loop in Hog Hollow, he would rather focus on the Jenson Farms trail and park development.

Mr. Ogden said that staff could focus on the first three trails and then come back to the Council for their new priorities before continuing trail development on the other projects.

- 4.11 Councilmember Green said that he and Councilmember F. Lowry were talking with Dave Hoffman about him riding his bike from his home to the FrontRunner station. Mr. Hoffman shared that getting to the FrontRunner was fine, but that getting back with how Bangerter was redone with the light and no way to get over Bangerter, there was an issue. He asked if there was a tunnel or bridge. He said that if the City was going to look towards the accessibility of the FrontRunner they might need to look at how to help folks.

Mr. Dobbins said that there has always been discussion about some kind of tunnel or bridge over or under I-15. That project, however, had never gotten past discussion.

Councilmember Green asked if that was because of the Council or because of UDOT. Mr. Dobbins said that UDOT certainly would not do the project at this point. He said the City could try and work with UDOT. The project was not on either the City's or UDOT's plans.

Councilmember Green said that with the prison site, that was something the City might want to start looking into. He also said that it was his take that Draper should start to consider creating a walkable community. If trails are going to connect, he felt that there should be trails through the transportation hub.

Mr. Dobbins said that he thought that it was just one of those gaps at the light off of Bangerter that it made it hard for people to find a way to get across.

Councilmember F. Lowry said that having the median down the middle of Bangerter blocked anyone to come back through there.

Mr. Dobbins said that staff and the Council had talked about when the prison site was developed getting access to the FrontRunner from 14600 South. That would be quite far out in the future, however.

Mayor Walker said that from the transit's perspective, whatever bridge goes up and over the freeway from the prison site would accommodate trail traffic and foot traffic. That was on the plan.

Councilmember F. Lowry verified that it was on the prison site plan to have access over the freeway. Mayor Walker said it was. He said that someone could ride across 12300 South because it had a nice bike lane. All of those intersections, however, were not all that fun to go through on a road bike. He said that you could also get through on 11400 South.

5.0 Council/Manager Reports

- 5.1 Councilmember T. Lowery said that she was wondering about putting a fence around the South Mountain Fire Station. She said that there had been ongoing drainage and encroachment issues.

There was a discussion about the type of fence Councilmember T. Lowery envisioned.

Chief Clint Smith said that he believed the issue that Councilmember T. Lowery was referring to was a resident had requested to purchase a portion of the north-west boundary of the property, located in the detention basin, that backed up to their property line. There had been issues since the purchase of that home with encroachment. He said that several conversations had occurred with the property owner regarding the potential purchase of the land. Chief Smith's recommendation has always been not to sell the property in question as it was part of the overall design and drainage of the station, as well as how it provided a good buffer between neighbors and the station. He said that the buffer protects residents from sirens and traffic noise. Because of this, his first recommendation was not to sell any of the property and to solve any ongoing issues would be to put in a vinyl fence on the station's property line to help delineate the space and protect it from potential encroachment in the future.

Councilmember T. Lowery said that it would protect the storm drainage system as well. She said that she would like to know if there were three councilmembers in support so that they could move forward.

Councilmember F. Lowry said part of the action should be to ensure that the drainage system was appropriately constructed because to his knowledge it wasn't quite meeting the needs of the site.

Chief Smith said that Mr. Cooley could better speak to the engineering to the detention basin, but that there was some disturbance as a result of the initial encroachment. To his knowledge, it had not yet been returned to its initial state.

Mr. Cooley said that the detention pond had been removed. The resident was required to restore the pond but had yet to do so. He said that the resident was waiting for the Council to weigh in on the issue, but the staff had instructed the resident that they needed to restore the basin.

Mr. Dobbins jumped in and said that one of the questions staff had was if the Council wanted to inform the neighbors that they needed to restore the basin to what it was previously. He said that the neighbors had indicated that they did not want to do any of that until they were told clearly if they could buy the property or not.

Mayor Walker asked if the Council had not already told the neighbors that the City did not want to sell the property to them. Councilmember Green said that he and Councilmember T. Lowery had met with the residents about the property today. He informed the neighbor that they were required to follow the City's surplus process that would require a City initiated sale. He said that it seemed to him that there was no reason for the City to surplus the land, so the answer was no. He felt that again needed to be communicated to the Nelson's (the neighbors), and then appropriate measures needed to be taken to protect and maintain the property. He noted that the property was not particularly well maintained.

Councilmember T. Lowery said it would be nice if the City fenced the property and then installed some landscaping that blocked the bedroom windows of the firefighters so that they can sleep at night.

Councilmember F. Lowry added that if the Council was going to fence the property line, they also needed to maintain it so that the neighbors didn't feel as though it was an eyesore.

Mayor Walker said that there was enough agreement among the Council to move forward with fencing and that the consensus of the Council was that they did not want to sell the property.

Councilmember F. Lowry wanted it to be noted that the Council was taking the direction of the Fire Chief. He did not want the Council to make a decision that would override the advice of the Fire Department.

Christina Oliver, Community Development Director, said that there were two issues. The first issue was looking into the fencing. The second issue was the restoration of the property to its former state. She said that an in-ground trampoline was dug out as well as landscaping boulders installed. That would be a cost that the City would have to bear to restore the property.

Mayor Walker asked if the Council wants the neighbors to restore the property. Councilmember T. Lowery asked if they would restore it. Mr. Dobbins said this was a typical situation that occurs with people who encroach. They encroach on City property and destroy the natural vegetation. When they are asked to remove everything, the City is left with a scarred piece of property that was difficult to go back and restore it. However, staff will typically try and get those who encroached on City property to get it restored to something like what it was before. He said that it was the staff's typical process to ask them to restore the land.

Councilmember T. Lowery asked Mr. Dobbins if there was also a second encroacher. Mr. Dobbins said that there was another property owner in the same subdivision a little to the east who had encroached into another city detention basin with a trampoline and extension of the lawn.

Councilmember Roberts asked if the resident does not restore it did that mean that the City would restore it with taxpayer dollars. Mr. Dobbins said that was correct. He said that was the balance: trying to figure out who paid for the restoration. They try to create a workable situation, but if it is not paid for by the person who encroached then it is on the taxpayer's dime. Councilmember Roberts said that residents should restore it, but the City should be reasonable. Mike Barker, City Attorney, said that the cost is charged back to the homeowner.

Mayor Walker said that there were a lot of encroachers a few years back. It was a rampant problem around South Mountain. He said that the City was tough. He said that there were some instances where the City sold the land, but if the City did not, residents had to restore the property.

Councilmember F. Lowry said that he felt that it was important that the Council and staff address the other encroachment issue at the same time for consistency.

Councilmember T. Lowery said that the big issue was that if there was a hard winter there would be extensive flooding. She felt that it couldn't wait.

Mr. Dobbins said that staff would get with the neighbors to see how quickly they could get the issue resolved.

- 5.2 Councilmember Green said there was some additional equipment, like a butterfly machine that was needed in the gym. He said that he would get with Mr. Dobbins to make the gym better for City staff so that they could all be yoked.
- 5.3 Mr. Dobbins said that historically City staff has not been particularly good about going after people who ran over a light pole on City property, however, those expenses add up pretty quick. Because of this, the staff is going to start seeking reimbursement when people damage City property. He said it was the question of who should pay for those sorts of things. He said that was the direction staff wanted to go but wanted to verify that the Council was okay with that.

Mayor Walker clarified that Mr. Dobbins wanted residents to pay for the damage they caused. Mr. Dobbins confirmed. Mayor Walker asked how not to require this. Mr. Dobbins said by simply ignoring it; if staff held residents accountable, he wanted the Council to be aware that they would hear from residents frustrated with the fact that the City was going to make them pay. He said that staff was not going to nit-pick, but someone running over a light pole could cost the City \$4,000 to \$5,000.

Councilmember F. Lowry asked if someone runs over a mailbox, who was responsible for the repair. Mr. Dobbins said that a mailbox was private property, so it would be the private property owner. Ultimately it was the private property owner, but if they could identify who caused the damage they could seek compensation for the repair. Typically, if it was caused by someone who was driving, they would submit a claim to their insurance company. Mr. Dobbins said a similar process would happen if City property were damaged: staff would find out who caused the damage and ask them to work with their insurance company to reimburse the City.

- 5.4 The other item Mr. Dobbins had regarded the C.A.R.E.S. Act Funding. The City received \$1.4 million. Staff had met with a Herriman City staff member about a program where they mail out a gift card to every residence within the City. After talking with some councilmembers there was support for a similar program in Draper. Staff would work with Draper City businesses to see who wanted to participate. Herriman City had done two rounds of the program. In the latest round, they sent three ten-dollar cards that could be used together in one place or at separate businesses. If it was a ten-dollar card, a resident would have to spend at least \$20 at the business. The card would result in ten dollars off of the \$20 purchase. The business would then turn these cards into the City to be reimbursed for what they discounted on the purchase. It was a way to encourage people to shop in Draper at local businesses. He wanted to see if that was a program the Council would be interested in doing with some of the C.A.R.E.S funding.

Councilmember Roberts asked what some of the other options were. Mr. Dobbins said that other cities had done grant or loan programs. He said that he sensed that with the programs through both the state and county, there wasn't much of a need for a city program. There was funding still available. Because of this, Mr. Dobbins preferred to push Draper businesses to those other programs. He said that City could make direct contributions to companies or help them with advertising. At the end of the day, if the Council wanted to encourage residents to go to a business and spend money, this was the best option to get them in the door. Councilmember Roberts asked if it was challenging logistically to set this up and track. Mr. Dobbins said that for Herriman it had not been too challenging. There were some upfront costs for printing and getting the businesses aware of the program. At the end of each phase of the program, businesses turn in the cards with the receipt.

Councilmember Roberts said that \$1.4 million was a lot of money to pump into the local economy. Mr. Dobbins said that staff would look at doing a couple of hundred thousand dollars the first go around to see how it did. He said that it would have to start pretty quickly because all of the money had to be spent by the end of the calendar year.

Councilmember Roberts asked if the idea was that once the original cards were reimbursed if they would do another round until all of the \$1.4 million was spent. Mr. Draper said that was possible. Staff was still working on what to do with all of the \$1.4 million. He wanted to start with one round of \$20 per residence and see how it went.

Councilmember Vawdrey said she thought it was a good idea.

Councilmember F. Lowry said that a key would be promoting it and getting the word out. He said that to him it was a double win because you're not only helping the merchant and local business but the resident also benefits financially.

Business Session

1.0 Call to Order: Mayor Troy K. Walker

2.0 Public Comments

3.0 Consent Items

- a. Approval of August 4, 2020, and August 18, 2020, City Council Meeting Minutes**
- b. Approval of Resolution #20-39, reappointing DeLaina Tonks as an alternate member of the Draper City Planning Commission.**
- c. Approval of Resolution #20-43, approval of an Interlocal agreement with Salt Lake County for funds to construct a gate at the Flight Park.**
- d. Approval of Resolution #20-45, a resolution of the Draper City Council approving and authorizing the execution of an Interlocal cooperation agreement with Salt Lake County and other cities relating to the conduct of the Community Development Block Grant Program, Emergency Solutions Grant Program, and the Home Investment Partnership Program.**
- e. Approval to surplus city owned vehicles.**

3.1 Councilmember T. Lowery moved to approve the Consent Items. Councilmember Vawdrey seconded the motion.

3.2 A roll call vote was taken with Councilmembers Lowery, Lowry, Roberts, and Vawdrey, voting in favor. Councilmember Green opposed. The motion passed 4 to 1.

4.0 Public Hearing: Approval of Local Consent for Single Event Alcohol License to Icon Culinary - Nights Under Lights (Legislative Action)

4.1 Christina Oliver, Community Development Director, explained that the item was a request for an alcoholic beverage license for a local consent single-event permit at the aquarium. The event would be called "Nights Under Lights" and would be held on October 10, 2020. She said that Draper City does not limit the number of single-event permits. However, the event did need to meet certain spacing requirements which it did. The entrance must be at least 600 feet, following the shortest pedestrian route, from a community location. The event was well over 2,000 feet away. Ms. Oliver was available for questions.

4.2 Mayor Walker opened the public hearing. No one came forward so Mayor Walker closed the public hearing.

4.3 Councilmember F. Lowry moved to approve Local Consent for a Single Event Alcohol License. Councilmember Roberts seconded the motion.

4.4 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.

5.0 **Public Hearing: Ordinance #1457, Short Subdivision Zoning Map Amendment (Legislative Action) on the request by Alex Short, to amend the zoning designation for the property from RA1 (Residential Agricultural, 40,000 square foot lot minimum) to RA2 (Residential Agricultural 20,000 square foot lot minimum). The property is approximately 1.5 acres in size and is located at approximately 1017 East 13200 South.**

5.1 Todd Draper, planner, oriented the Council to the item. He explained that the item was a rezone request from RA1 to RA2. The property was located on 1017 East and 13200 South. He displayed the subject property on an aerial map. He noted that the property was long and narrow and was located in the residential low-medium density land use designation. This land use was compatible with the RA1 and RA2 zones. Much of the surrounding neighborhood was already zoned RA2, the zone the applicant was moving towards. He then shared images of the site. The applicant was currently building a home on the front portion and had indicated that they wanted to subdivide the property into two lots if the rezoning was approved. He noted that adjacent to the property was a private lane that runs parallel to the eastern boundary.

Mr. Draper then displayed a slide from a previous settlement agreement that showed how the property could be developed and indicated that it could be as many as three lots. He reiterated that the applicant had indicated that their preference was for two. The Planning Commission recommends approval with a vote of 5-0.

5.2 Councilmember F. Lowry asked about access to the back property or second lot. He wanted to know if they would use the private lane.

Mr. Draper said that currently, the staff does not know as they had not engaged with the applicant about the subdivision portion. He said that they do not know if there is legal access to the second lot. He said that the applicant could potentially get access from the neighbors if they do not currently have access. The other option would be available like the flag lot ordinance that was on the agenda later in the meeting.

Councilmember F. Lowry asked if the cart was before the horse: changing the zoning to subdivide the property before having access. Mr. Draper said that if the applicant were unable to get access, they could not subdivide the zone. The zone would remain RA2. He said that most of the parameters for the RA1 and RA2 zones were nearly identical.

5.3 Alex Short, the applicant, said that he didn't have anything further. He said that they had requested the rezone before making the subdivision request to make sure that it was okay and would seek access later.

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

5.5 Brian Campbell, resident, said that his property backed up to the private lane. He said that he owned the portion of the private lane directly behind their property and a foot or two on the other side of the private lane. He said that his concern with the lot was that it did not appear that there was any possible way to get access to the lot without using the private road. He said that if someday a house was put there he didn't understand how utilities would reach the back property without using his property which he paid for and is paying taxes for. He said that it seemed that the cart was being put before the horse: there was an assumption that there would be direct access to that property via his property. He said that he believed that if someone put in a subdivision they needed to build access to it. In his mind, there should be a road going through their property, not the assumption that his property could be used for access to the lot.

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

5.7 **Councilmember Vawdrey moved to approve Ordinance #1457, the Short Subdivision Zoning Map Amendment. The motion failed due to a lack of a second.**

5.8 Councilmember F. Lowry asked the applicant what their plans were to access the planned subdivision and additional lot. Mr. Short said that it was his understanding that before he could design any sort of subdivision and explore access that the appropriate zoning had to be in place. He said that he was just approaching the zoning at this time. He said that even if the subdivision could not work, he still had to do the zoning change first before he could design the subdivision.

Mayor Walker said that Councilmember F.Lowry's question was how he planned to address the access issue made by the individual during the public comment. Mr. Short said that would fall to the engineers to come up with a design that worked that could be approved by the City. He said that he doesn't design subdivision. He was just the property owner. He said that he would hire someone in engineering to design the subdivision. His engineer informed him that he needed the zoning change before he could continue forward with the design because there was no reason to spend the money on the design if you could not get the zoning change.

Councilmember F. Lowry clarified that there was no concept. Mr. Short said that his engineer had given him a few concepts. However, his engineer and the individual who the lot was purchased from said that it was their deal. Mr. Short reiterated that the zoning change had to come first. He said that this wasn't about a design phase, just about zoning.

5.9 **Councilmember F. Lowry moved to continue this item to the next scheduled City Council meeting. Councilmember Vawdrey seconded the motion.**

5.10 **A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.**

6.0 **Public Hearing: Ordinance #1448 and #1449, Park Crossing Zoning Map Amendment and Land Use Map Amendment (Legislative Action) on the request of Robert**

Thomson representing Utah Land Co. LLC, for approval of a Zoning Map Amendment from RA1 (Residential Agricultural, 40,000 square foot lot minimum) and CC (Community Commercial) to RM2 (Multiple-Family Residential, up to 12 dwelling units per acre) and a Land Use Map Amendment from Residential Low/Medium Density and Neighborhood Commercial to Residential High Density Land Use designation. The property is 3.7 acres in size and located at approximately 675 West, 679 West, 681 West, and 693 West 12300 South.

- 6.1 Travis Van Ekelburg, planner, stated that the applicant, Robert Thompson, was looking to amend the zoning map on several properties to increase the properties density to eventually develop a 41-unit townhome development. The properties were a mix of RA1 residential, agricultural, and community commercial zoning designations. The applicant was looking to change all of the subject properties to the RM2 family zoning designation that allows up to 12 dwelling units per acre. The requested RM2 zoning designation was not contiguous to the subject property but was located directly across the street which was currently a multi-family development. The land use map showed a mix of neighborhood commercial and residential low to medium density designations. The applicant was looking to change all of the properties to high density. RM2 would be a compatible zoning designation under high-density land use. The current use on the properties was either single-family homes that were constructed in either the 1930s or 40s or undeveloped property. All of the subject properties together total 3.7 acres.

Mr. Van Ekelburg notes that in-between the two properties is a strip of land dedicated as a Draper City right-of-way that was never developed. The applicant had worked with the Parks Department to ensure that there would be access from 12300 South to Galena Park. Additionally, for any development, the developer would have to provide road access to this land. Because there was an obvious gap between properties the staff wanted to clarify why.

The applicant had provided a concept plan to give the Council an idea of how they might potentially develop the site. Draper City Engineering had several comments from their review included in Exhibit A of the report. They noted that residential areas were not impacted by the zoning request and the increased traffic with the permitted uses in the proposed zone. On September 3, 2020, the Planning Commission voted 4 to 1 in favor of the zone change.

The staff had received a few public comments before the Planning Commission meeting. One comment opposed the change stating that it was not compatible with the current zoning. The other was from the Utah government. It was a state engineer speaking regarding buffering the development for future road widening on 12300 South. He wanted to make sure that the development was considering that. The staff was available for questions.

- 6.2 Robert Thompson, the applicant, said that he had been working with the landowners to develop the property. He noted that Draper City takes re-zones seriously. After looking at Draper's General Plan he felt that the development fit in with Draper City's long-term vision and its highlighted goals. He said that the development would allow the utilization

of some of Draper City's public transit less than a mile away. He felt the development would be positive for the city. Mr. Thompson was available for questions.

- 6.3 Councilmember F. Lowry mentioned the use of public transportation from the site. He said that he was curious to know how public transport would be accessed and utilized.

Mr. Thompson said that as far as the General Plan vision of community mobility, the development would reinforce the land use that can access public transportation. Because of the proximity of the site, there would be greater access to public transportation. A resident could either ride their bike or walk to the Draper Station. He added that there were bus stops to the east.

- 6.4 Councilmember T. Lowery asked if Ms. Oliver could outline the qualifications for a transit-oriented development. She wanted to know if this site would meet those qualifications. Ms. Oliver said that typically a development had to be within one mile of transit. Needing to walk any more than a mile negates any benefit. Councilmember T. Lowery asked if this would be a bit of a stretch. Ms. Oliver said yes, it would be a stretch.

Councilmember T. Lowery stated that this would be a significant zone change to go from low density to high density. She asked if the applicant could explain why they were trying for such a high density.

Mr. Thompson said that given the location on 12300 South with the added median by UDOT and the density across the street, he felt that the zone change created the highest and best use of the properties given the General Plan and the surrounding area.

- 6.5 **Mayor Walker opened the public hearing. No one came forward so Mayor Walker closed the public hearing.**

- 6.6 **Councilmember Green moved to deny Ordinance #1448 and #1449 the Park Crossing Zoning Map Amendment and Land Use Map Amendment. Councilmember T. Lowery seconded the motion.**

- 6.7 **A roll call vote was taken with Councilmembers Green, Lowery, Lowry, and Vawdrey, voting to deny. Councilmember Roberts voted to approve. The item was denied 4 to 1.**

- 7.0 **Public Hearing: Ordinance #1456, City Initiated Flag Lot Text Amendment, on the request of Draper City for a text amendment to amend Section 9-27-080 Flag Lots of the Draper City Municipal Code. This application is known as the City Initiated Flag Lot Text Amendment.**

- 7.1 Mr. Draper explained that the item was initiated by the temporary land use regulation enacted by the City Council on April 7, 2020. The moratorium prohibited the new development of flag lots for a period of six months. That moratorium would expire on October 7, 2020.

The staff took the issue into work sessions and developed some language that they presented to the Planning Commission on September 3, 2020. They gave a positive recommendation with a 5-0 vote in favor of the ordinance before the Council tonight with two text amendment changes. Those changes included the addition of a reference back to the definition of a flag lot and additional clarification on locating the front yard on a flag lot as the yard most parallel to the street that the stem connects to.

Mr. Draper informed the Council that the staff report that was presented to the Planning Commission was included in their packet and had a detailed summary of all of the changes. He then highlighted a couple of key points. The new ordinance:

- a. Highlights the preference for development on private lanes as opposed to flag lots
- b. Increases set back requirements
- c. Implements height restrictions and lot coverage to reduce conflicts with neighboring properties
- d. Add landscaping to the staff portion of the flag lot
- e. Includes a new cross-section for the driveway to help better explain those who are designing flag lot subdivisions

Staff also have examples of different flag lot layouts, one for a lot less than 20,000 square feet that would have 25-foot setbacks on all sides and one for properties greater than 20,000 square feet with 30-foot setbacks on all sides. The drive has a 20-foot pavement minimum with an additional five feet of landscaping on either side. Mr. Draper said that he was available for questions about the text or the ordinance.

- 7.2 Councilmember F. Lowry noted that the new text widened the driveway width from 20 to 30 feet. He recognized that this was largely to include the landscaping. He said, however, that he was concerned that it would prevent the development of some legitimate flag lots.

Ms. Oliver said that ultimately what the text amendment would do is reduce the number of lots that could apply for a flag lot. She said that 20 feet was more reasonable and 30 feet would certainly restrict the lots. She said that staff was providing the Council with several tools, not all of which needed to be used, to reduce the number of flag lots. She said that most lots were between 100 and 150 linear feet. This would certainly limit the number of lots.

Councilmember Roberts asked if there was any reason to include the wider width and landscaping in the text other than to restrict the volume of eligible flag lots in the City. Ms. Oliver said that there was not.

Councilmember Roberts said that for him the purpose of the text amendment was first to establish a process so that the Council was not making arbitrary decisions about who should and should not have a flag lot. The second purpose was to prevent the McMansion effect, where people get a flag lot and put a huge home in someone's backyard that looms over

someone else's fence. He said that it seemed as though this particular element of the ordinance did not speak to either of those purposes.

Ms. Oliver said that it did not speak to either of those purposes. She said that quite frankly it would limit the number of larger lots that could be developed. She said that the heights, setbacks, and lot coverage would reduce the size of the house that Councilmember Roberts was concerned about.

Councilmember Roberts said that there was a benefit in that there would be five feet of landscaping on both sides of the drive to beautify the access point to the flag lot. He asked if there had been discussion around potentially crediting the landowner that five feet towards frontage.

Ms. Oliver said that a member of the public did bring that issue up as a possibility. It would be counted toward the setbacks and could alleviate some of the lots that have some of the shorter linear frontages. If the Council wanted to change the ordinance so that the additional landscaping counted toward the side setback of the existing home, the scenario had been proposed that a developer had an existing home that I tear down. The home had been in Draper for 60 years, but the owner wants to subdivide the flag lot and have the home built behind the existing home. With the layout of the existing homes on the lots, a 30-foot staff would be detrimental to that type of proposal.

Councilmember Roberts asked if staff had any data that would demonstrate how many potential flag lots would inhibit or prohibited if this rule was implemented. Ms. Oliver said that the staff had run a top-level analysis. There were just over 1,000 parcels that were zoned as RA1 in Draper City that could potentially be subdivided as flag lots. However, staff did not have the linear dimensions of those lots to be able to tell how many exactly it would affect.

Councilmember Roberts said that was helpful. He said that his view was that the Council needed to try and balance two competing groups; they didn't want to have McMansions looming over people's fences or arbitrary standards that allow flag lots. However, at the same time, the Council wanted to be able to allow people to access the value of the land as a lot of people's retirements were tied up in the issue. He said that he felt that the element talking about the access point and frontage did not speak to those two goals.

- 7.3 Councilmember Vawdrey pointed to item B10, in the list of changes, the text stated that the flag portion being greater than or equal to 1.25 times. She said that it seemed to her that when they were increasing the setbacks they were already decreasing the size of the home that could be on the lot. She wondered if that was sufficient in itself without adding the extra restriction of how large the home could be.

Mr. Draper said that the increase in size to the lot does get offset by the increase in the size of the setbacks. He said that if you just increase the size of the lot without increasing the setbacks it would result in the possibility of a larger home being built.

Councilmember Vawdrey said that the setbacks would mitigate the house size and make it smaller. Mr. Draper confirmed. Councilmember F. Lowry said that the building height would, too.

Councilmember Vawdrey said that she had some questions about if they should include the additional restrictions. Ms. Oliver said that this was another item that was placed in the code as a restrictive tool. She said that it was an element that was neither here nor there with the planning team and staff in general. She said that if you increase the lot from 20,000 to 25,000 square feet you have a bigger lot so your setbacks are not going to be as dramatic as with slightly bigger homes because there is more square footage. There was a tradeoff. Having the measure would further restrict the number of flag lots that could be developed.

Councilmember Vawdrey clarified that this was because on the greater size lots the setbacks were greater. Ms. Oliver said that was done, but only slightly. Councilmember Vawdrey said that she felt as though this was a good process for the Council to look at all of the options and talk to see what the Council felt was the most comfortable.

Councilmember F. Lowry clarified with Ms. Oliver that this measure would not restrict a landowner from building on the lot, it would just restrict the size of the home that could be constructed. Whereas if they widened the width of the flag stem from 20-30 feet that could restrict a resident from being able to build. Ms. Oliver said that was correct.

Councilmember Vawdrey said that meant that it would be better to leave item 10 in and not increase the setbacks.

Councilmember F. Lowry clarified that they should keep and increase the setbacks and item 10, but adjust the driveway width to 20-feet, or if it was kept at 30-feet allow there to be a landscape credit.

Ms. Oliver said that the problem with keeping the 30-foot width requirement is that it could result in existing homes being torn down. If the parcel line was to the left of the staff of the flag lot, there was now an additional five feet that were not required before. If the home was positioned in the middle of the lot, even with the five-foot gain in the landscaping, there could still be a situation where the home would have to be torn down when the property owner would have otherwise like to have kept it.

Councilmember Roberts said that it was a frontage issue. He said that what he liked about the landscaping was that sometimes they did get flag lots where the access point was just not well kept and looked terrible from the street. He wanted to know if there was a way to give credit to the landowner for frontage associated with landscaping. They don't lose the frontage footage, but they still have to have landscaping. He wanted to know if that would still be restrictive in regards to the volume of flag lots the Council would see.

Ms. Oliver said that it could still be restrictive because of the simple fact of adding five feet to one side of the access point and the parcel line. She said that the staff could analyze the concept.

- 7.4 Councilmember Green asked why would they deduct the stem at all. He said that he did not think that they should consider the stem at all, but simply count from the hard surfaces so that the ordinance was flexible.

Jennifer Jastremsky, planner, said that the code calls for the square footage of the stem to not be counted towards the total because staff wanted to make sure that the lots were buildable. If there was a long stem it eats up the square footage and the 20,000 square feet.

Councilmember Green asked about a scenario in which the front house was older and was set in that funky position. He said that he felt that the stem needed to be counted towards the 20,000 feet and then count from the surfaces. That was the only way that it would work for an older house.

Councilmember F. Lowry said that he didn't think that it did make sense because if there was a long stem and that was counted towards the lot size then someone could have a bigger house square footage wise on a smaller lot. Ms. Oliver said that just the opposite could happen, too. You could have an extremely long stem and a tiny home or parcel.

Councilmember Vawdrey said that the other idea is if you are just talking just about the frontage difference. She asked if that was addressed in the ordinance.

Councilmember Green asked if the flag stem could be counted just towards the frontage. Ms. Oliver said that the staff had not addressed that. She said that the Council was coming up with great ideas and that staff could go back and try and incorporate them and bring a revised text back on October 6, 2020.

Mayor Walker said that if the flag stem was counted as frontage that would allow more existing flag lot folks to develop and then there would be a smaller house in the back that would balance development better.

Ms. Oliver said to be clear, both of the five-foot landscape buffers would count towards frontage requirements for the existing home. She asked if that was what the Council was proposing. Councilmember Roberts said that was what he was proposing.

Councilmember Vawdrey said that the Council was talking about two different things. Councilmember Green said that he felt that they should count the stem towards the overall frontage to accommodate more homes. Councilmember Roberts said that if the stem was included, that was more liberal than the current restrictions. He said that at the very least he felt that the five feet should count towards frontage.

Mayor Walker sought clarification from Councilmember Green. He asked if Councilmember Green thought that the paved asphalt and the five-foot landscaping should be counted towards the frontage. Councilmember Green said that he thought that all 30-feet should count for the frontage and that the setbacks should be calculated from the hard surfaces.

Councilmember F. Lowry asked if he could restate what Councilmember Green said to make sure he understood. He summarized that Councilmember Green would count the square footage of the stem to apply to the existing home (or the front lots') frontage. Councilmember Green said that he did not think that the stem should be included for the total square footage, just the frontage.

Ms. Oliver said that the current practice was that 20 feet were taken out. If the frontage was 120 feet and they turned the lot into a flag lot a land owner's new frontage would become 100 feet. If Councilmember Green was saying that he wanted the width of the stem to count towards frontage, causing a land owner's frontage to now be 120 feet, that would be a more liberal approach.

Councilmember Green said he understood that. However, because they had such a mixture of older or newer homes running through Draper that he didn't want to take away the possibility of someone who had a right to subdivide today that they didn't know that they were losing. Councilmember Vawdrey said that today they were already taking out the 20 feet.

Councilmember Roberts said that what he was suggesting was that they continue to take out the 20 feet as was the current practice, but that the 10 feet (five feet of landscaping on either side) be counted towards the frontage. That would keep the practice consistent with those who have flag lots today but would limit setbacks and building heights. If the full 30 feet were included in the frontage the Council would be implementing a more liberal policy.

Councilmember Vawdrey said that the ten feet would allow the Council to require landscaping, but would not punish a landowner and their square footage would include anything that wasn't a hard surface so the five feet of landscaping to the left of a drive would be included.

- 7.5 Ms. Jastremsky said that if the Council wanted to proceed down that path, they would want to not only address street frontage but lot width as they were two different standards in the Draper City Municipal Code (DCMC). The frontage was the width at the street. For an interior lot, it's 50-feet. A lot width standard is measured in building setback and is typically 80-90 feet depending on the zoning district. She said the Council would want to account for both standards if they were including the stem in the front parcel.

Councilmember Vawdrey said that the Council was concerned about neighbors having a big house right on their property line that could look into their backyard.

Ms. Oliver said that if it were a perfect world and the goal was simply to limit the size and scope of a flag lot home then the height restriction, setbacks, and lot coverage were the only items that were imperative. The other items make it more restrictive to develop flag lots. If the Council was simply trying to limit the size of the homes on a flag lot she would only have the Council adopt the three imperative items. If the Council wants to limit the

number of people who can subdivide and develop flag lots or force three or four adjacent property owners to work together then the other restrictions should be added.

Councilmember Roberts said that he did not think that the Council should be restricting the volume of flag lots. He felt that they should just be restricting the type of structure that gets built on the rear lot. He did not want to take away people's ability to monetize their land or develop it. He wanted to make sure that how it was developed did not negatively impact their neighbors.

Councilmember T. Lowery said that maybe the Council needed to continue the item and meet with staff one-on-one.

Mayor Walker asked if that was a motion. Councilmember T. Lowery confirmed that it was. Mayor Walker asked Mr. Dobbins if the Council needed to extend the moratorium to continue to work through the item.

Mr. Dobbins said that the Council could not because it was a hard six months under state law. He also reminded Mayor Walker that the item was a public hearing and that there was someone who wanted to comment on the item.

7.6 Mayor Walker opened the public hearing.

- 7.7 Nate Shipp, resident, said that he felt that this was a sensitive issue that reflects both sides of property rights issues impacting both property owners and their ability to develop their property as well as neighboring property owners. He said that if he understood correctly that the primary goal of the Council was to look at the effect on adjacent property owners, he felt that this was a good idea. He said that he felt as though the conversation and ideas brought up by the Council did address that issue and would shrink the impact of the homes that would be built on the rear lot. He said that it was his understanding that the stem was removed from the calculation of the front lot's frontage to attempt to resolve the flag lot issue a couple of years ago. He said that he felt that the stem did not need to be excluded from the frontage any longer. He said he felt that was a fair balance between restricting what might be built behind someone's home while recognizing that most of these lots were zoned in RA2 zoning that has a minimum lot frontage of 90 feet. Most of the Draper lot parcels that can potentially be subdivided were 100 feet. He said that he felt as though the Council was taking away people's property rights if they did not count the frontage of the original parcel, even if it is now a stem towards a rear lot. He concluded by saying that he was very impressed by the staff who had done a good job walking a fine line on the issue.

7.8 Mayor Walker closed the public hearing.

- 7.9 Councilmember T. Lowery moved to continue Ordinance # 1456, the Flag Lot Text Amendment to the next City Council meeting. Councilmember Green seconded the motion.**

7.10 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed 5-0.

8.0 **Public Hearing: Resolution #20-44, amending the FY2021 Budget.**

8.1 Bob Wylie, Finance Director, said that this was the first opportunity to re-open the budget for FY2021. He said that there were multiple items to address. These items included:

- **FY21-01 (CIP Carry Over Adjustments):** adjusted existing budget items that were carried over from funding that was spent between the time that the budget was approved and the end of the fiscal year.
- **FY21-02 (CIP Closed and Completed Projects):** addressed closed CIPs. These items were closed projects that had remaining money allocated to them that needed to be moved back into the funding source. He explained that a million dollars were going back into four funds.
- **FY21-03 (Deer Ridge Drive):** Staff was preparing to implement the reconstruction of Deer Ridge Drive. This reconstruction would include the roadway, installing trench drains, and repairing the waterline. Funding for this request would come from the Strom Water fund (\$200,000), the Water Fund (\$200,000), and the General Fund (\$600,000) for a total budgeted amount of \$1,000,000.
- **FY21-04 (Lone Peak Parkway 12300 to 12650 Local Match):** Draper City received federal funding to widen and realign the road. This was the last section to be completed. The Wasatch Regional Council provided the funds but required a City match of 6.7%. This funding would come from the Transportation Impact Fee Fund Balance and would total \$300,000.
- **FY21-05 (2021 Preventative Maintenance):** This item was the annual maintenance for the B&C roads. Engineering and Public Works budget B&C funds for them to do multiple roadways around the City. For 2021 the departments requested \$1.2 million from the B&C Fund Balance.
- **FY21-06 (100 East Draper Parkway Signal):** This project entailed updating the Big O time leg of the intersection to install radar detection to improve the signal's function and level of service. Funding for this project at \$10,000 would also come from the B&C Fund Balance.
- **FY21-07 (Bangerter and Vestry Traffic Signal):** The new development in this area requires the installation of an additional signal. Funds for this project would come from the B&C Fund Balance and totaled \$275,000.
- **FY21-08 (Pedestrian Refuge Island Traverse/Oak Summit):** Staff requested authorization to construct a pedestrian refuge island for pedestrian crossing on

Traverse Ridge Road. The project would resolve sight distance issues with a critical curve. Funds would come from the B&C Fund Balance and total \$35,000.

- **FY21-09 (Highland Drive and 1300 East Signal):** With the upcoming 1300 East widening project an additional traffic signal will be added at 13800 South and 1300 East. A traffic study showed that for both intersections to operate optimally a traffic signal should also be installed at Highland Drive and 1300 East. Funding for this project would come from the new Local County Option Highway Sales Tax. The requested amount was \$300,000.
- **FY21-10 (Carlquist Roundabout):** Staff identified several issues regarding the roundabout at Carlquist. There were three items that they were looking to correct at the roundabout. These included improved street lighting (\$15,000), a crosswalk relocation (\$30,000), and the installation of guard rail (\$15,000) for a total project cost of \$60,000. This would be funded from the B&C Fund Balance.
- **FY21-11 (Pavement Management Survey):** Engineering requested money to survey the pavement conditions on all City maintained roads. The last survey was conducted in 2015. The data would help them formulate the recommended treatments of each street for the upcoming years. The project would be funded through the B&C Fund Balance with a requested amount of \$50,000.
- **FY21-12 (12200 South Widening):** Staff requested funding to widen 12200 South from 600 to 700 East. This project would include widening the road and constructing curb, gutter, park strip, and sidewalk on the north side of 12200 South. This funding would come from the Transportation Impact Fees of \$455,000. Originally it was funded from the B&C Fund Balance, but it qualified for Transportation Impact Fees. Because they were more restricted staff liked to use those funds first.
- **FY21-13 (Traverse Ridge Mainline Vault Repair and Maintenance):** For the equipment of the water vaults to be properly maintained it needed to be rebuilt. The \$750,000 for the project would come from the Water Fund Balance.
- **FY21-14 (SunCrest Drive and Eagle Stone Way Traffic Signal):** As a result of residential development staff felt the installation of a traffic signal at SunCrest Drive and Eagle Stone Way was necessary. The project would be funded from B& C Funds totaling \$275,000.
- **FY21-15 (Fire Impact Fees):** Two fiscal years ago, FY2019, the City purchased some apparatus equipment for the Fire Department that was funded through fire impact fees. However, some money needed to be required upfront from the General Fund. This item would authorize the payment back to the General Fund from the fire impact fees totaling \$133,000.

- **FY21-16 (Fixed Based Communications):** This item regarded the water system used to read the meters. The City would like to install a fixed based station where they could read the meter readers as opposed to driving up and down the streets to read them. The request would be a fund balance appropriation from the Water Fund for \$350,000.
- **FY21-17a (300 East & 12300 South):** Scott Cooley, Public Works Director, explained that this was the staff's preferred option to be funded. It entailed the widening of 300 East at 12300 South. This would accommodate the proposed charter school, Beehive Academy, who has proposed extended 12300 South from where it currently ends to the roundabout on 300 East. Through the traffic study that they completed some deficiencies were identified in the City's system. This plan would address current and future deficiencies. On the north leg of 12300 South an additional left-turn lane would be added to create two dedicated left-turn lanes and a dedicated right-turn lane. On the south leg of 12300 South a left turn lane would also be added. On the south side, no additional right of way would be needed if the park strip was eliminated. However, on the north leg additional right of way would need to be acquired. Mr. Cooley noted that the cost of the right of way had been included in the cost estimate of \$700,000. These funds would come from the B&C Fund.
- **FY21-17b (300 East & 12300 South):** Mr. Cooley first explained that many roads throughout the City were not a collector or arterial road. Eventually, they would need to be reconstructed. Option B would put money towards that need, even though specific roads had not been identified as that was the purpose of the analysis funded by the FY21-11 item. This would be funded by the same \$700,000 from the B&C Fund from FY-21-17a if approved.

Mr. Dobbins communicated to the Council that it was the staff's recommendation to fund FY21-17a as traffic in that area was already difficult without the addition of a charter school.

- **FY21-18 (Crossing Guards):** Staff identified an additional need for two more crossing guards. The first would work on Mansfield Way and Carraway Lane. The second was still under review. Staff requested \$14,000 from additional sales tax revenues. Mr. Wylie said that as Draper City sale tax revenues come in he felt they could be used to fund this item.
- **FY21-19 (Water Pump Study):** The City had three different water zones with four pump stations. Engineering wanted to have the four pump stations evaluated for their performance to help with improvements to the water system. This item would come from the Water Fund balance for a requested \$40,000.
- **FY21-20 (Park Picnic Structures):** The Parks Department needed additional funding for park picnic structures that they installed at Meadowlark Park. There

were some additional costs associated with meeting ADA requirements. They requested \$8,600 that would come from park impact fees.

- **FY21-21 (Fire Department Assistance Grant):** The Fire Department received a matching grant from the Utah Division of Forestry and State Lands to purchase five digital BK radios for wildland response. The state would provide \$10,000 with a City match of \$10,000 from a General Fund Balance appropriation.
- **FY21-22 (Utility Billing Clerk):** The Draper City Finance Department requested approval for a new part-time utility clerk. The department has two full-time utility clerks that handle over 10,000 utility accounts a month. With additional residences and customers being connected every month, finance requested a new part-time position to handle all of the new accounts added. The annual cost for the position would be \$24,000. Prorated for the rest of the fiscal year the department was requesting \$14,000. The position would be funded through the tree utility funds (Water, Storm Water & Solid Waste).
- **FY21-23 (Staffing Chart):** The Council had already approved the staffing chart. However, some of the positions had been moved around. A legal assistant moved to an administrative assistant title, the two crossing guards were added and some of the seasonal employees in the Parks Department were moved into other part-time positions. However, their overall FTE did not change. The General Fund expense only increased the .36 FTE for the additional crossing guards. Across all the funds the number of full-time FTE positions was 272.24.

- 8.2 Councilmember F. Lowry asked about the new water meter system. He asked if staff had any idea what cost savings the new system might create from a labor standpoint. Mr. Wylie said the Water Department required about 40-man hours per month to read the water bill because they have multiple crews that drive down the streets to read individual meters. Also, with the right system, even residents could download an app and look at their water usage. Currently, if residents have a question a city employee has to go out and read the meter. Mr. Wylie said that it would take two to three years to implement. However, it would help identify leaks or water loss more quickly.
- 8.3 Councilmember Roberts asked when construction on Deer Ridge Drive would begin and when the project was estimated to be completed. Mr. Cooley said that it would start in the summer of 2021 and would take a couple of months to be reconstructed.
- 8.4 Mr. Wylie wanted to acknowledge that there was a lot of B&C Funding in the re-opened budget that totaled about \$2.6 million. However, with the first items, they were bringing back about \$1.4 million. This resulted in a \$1.2 million difference. Although it sounded like a lot of B&C money, by the time projects were closed out all of the items fit into the budget.

Mayor Walker said that it was nice to see the local option beginning to provide some funding. He said that as much grief as was caused to get the action through, they were beginning to see some benefit. He said it took courage to pass and told the councilmembers they did good work.

8.5 Mayor Walker opened the public hearing. No one came forward so Mayor Walker closed the public hearing.

8.6 Councilmember Green moved to approve Resolution #20-44 with option A, amending the FY2021 Budget. Councilmember T. Lowery seconded the motion.

8.7 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.

9.0 Closed Session: By Motion

The Draper City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, or the purchase, exchange, or lease of real property, as provided by UCA 52-4-205.

9.1 Councilmember T. Lowery moved to recess to a closed session for litigation. Councilmember Vawdrey seconded the motion.

9.2 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.

10.0 Adjournment

10.1 Councilmember F. Lowry moved to adjourn the City Council Meeting. Councilmember Roberts seconded the motion

10.2 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.

10.3 The meeting was adjourned at 9:12 PM