

Approved November 4, 2014

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, OCTOBER 21, 2014, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH.

“This document, along with the digital recording, shall constitute the complete meeting minutes for this City Council meeting.”

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

STAFF PRESENT: David Dobbins, City Manager; Doug Ahlstrom, City Attorney; Rachelle Conner, City Recorder; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; Bryan Roberts, Police Chief; and Garth Smith, Human Resource Director

4:00 p.m. Site Visit of Edelweiss Project

The Council and staff toured the property for the proposed Edelweiss project.

5:30 p.m. Dinner

6:00 p.m. Study Meeting

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1.0 Presentation: RDA Governance Report and Analysis

- 1.1 Jason Burningham, Lewis Young Robinson and Burningham, reviewed the results of the Redevelopment Agency (RDA) analysis his firm did for the City. The review included:
- Financial Review
 - Statutory Compliance Review
 - Strengths and Weaknesses of RDA Operations
 - Recommendations and Suggestions for RDA

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2.0 Presentation and Discussion: Sales Tax Revenues and Other Financial Information

- 2.1 Bob Wylie, Finance Director, introduced staff members Kim Beck, Treasurer, and Jared Zacharias, Accountant. They each reviewed a portion of the City’s financial status, which included:
- Cash Distribution
 - Sales Tax Study
 - Budget Expenditures Year-to-Date

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7:00 p.m. Business Meeting

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1.0 Call to Order

- 1.1 Mayor Walker called the meeting to order and welcomed those in attendance.

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2.0 Thought/Prayer and Pledge of Allegiance

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- 2.1 The prayer was offered by Porter Morehouse.

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- 2.2 The flag ceremony was presented by Scout Troop #1617 and was led by Jaxon Anderson.

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3.0 Proclamation: Corner Canyon High School

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- 3.1 Scott Harper, Canyon School District, expressed appreciation to the City Council for their support of this initiative. Utah College Application Week is November 17-21, 2014. The goal is to give every high school senior the chance to complete a viable application for a college, university, or post secondary education. To that end, all high school counselors will be on hand to assist with the applications. This will be done in a normal school day. They will also have financial aid information available. The Canyons Education Foundation has agreed to pay \$25,000 in application fees for those students who may be hindered by the application cost. Snow College, Dixie, and South Utah University have agreed to waive student fees during this week.

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- 3.2 Mayor Walker read the proclamation supporting the effort for every student to apply to college.

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4.0 Presentation: Emergency Preparedness Committee Update

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- 4.1 Garth Smith, Human Resource Director, briefed the City Council on the work the Emergency Preparedness Committee has participated in this past year, which included:
- Participation in Annual Utah Shake Out
 - Open House on Emergency Preparedness
 - Emergency Meetings and Training
 - Emergency Preparedness Fair
 - Meet and Greet Event
 - Memorandum of Understanding with Several Organizations
 - Three Additional CERT Trailers Purchased
 - Emergency 72-Hour Kits for City Employees

- Emergency Preparedness Packets Provided to District Representatives
- Firewise Program at SunCrest
- Hazard Mitigation Plan

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- 4.2 Councilmember Stenquist expressed appreciation for all of the efforts that have gone into this. He said if a disaster were to ever occur, the residents would look at the City for assistance, and this helps.

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- 4.3 Councilmember Summerhays said he appreciates how the City comes together to work on this. Councilmember Rappleye has done a fantastic job on this committee. Draper has done a great job with getting prepared.

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- 4.4 Councilmember Rappleye noted he is lucky to have a fantastic committee. The people in this community that have stepped up are awesome, and so is the City staff. It is amazing how these people take their assignments and do such a great job. They will be purchasing the final three CERT trailers this year, so they will have a trailer in every district in the city. They are well outfitted for emergencies. He publicly thanked everyone who has been a part of these efforts. It has been a pleasure to serve on the committee and be a part of it.

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5.0 Public Comments

- 5.1 No one came forward to speak.

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6.0 Consent Items

- Approval of September 30, 2014, Minutes
- Approval of October 7, 2014, Minutes
- Approval of October 14, 2014, Minutes
- Approval of Addendum #3 to Agreement #13-183 with THINK Architecture.
- Approval of a Construction Agreement #14-199 for the Lone Peak Parkway Extension Phase 1 Waterline Project.
- Amending Section 4030 - Hiring of Relatives of the Personnel Policies and Procedures Manual to remove husband and wife wording and replace with spouse

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

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

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7.0 Public Hearing: Ordinance #1128 and #1129, For approval of the Edelweiss Text, Zoning Map Amendment, and Development Agreement, which will create a new zoning category and rezoning the property to the new Edelweiss category along with a development agreement. Request is being made by Nate Shipp representing DAI for approximately 61.05 acres at approximately 2025 East Stoneleigh Drive

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7.1 Keith Morey, Community Development Director, reviewed the Edelweiss application for those present, which included:

- Permitted and Conditional Uses
- Standards for Single Family Residential
 - Cottage Lots
 - 5,000 square foot minimum lot size
 - Setbacks – Front 15 feet, Side 5 feet, Rear 20 feet
 - Building Height 35 feet maximum
 - Estate Lots
 - 8,000 ft² minimum lot size
 - Setbacks – Front 15 feet, Side 5 feet, Rear 20 feet
 - Building Height 35' Max.
- Street Trees Required
- Accessory Buildings to meet current Draper City Standards
- Two Parking stalls required per dwelling unit
- Road Sizes – 46 and 41-foot rights-of-way
- Development Standards for Townhomes
 - Setbacks and minimum lot size determined at site plan stage
 - Variety of unit sizes and heights (max. 35 – 40 feet)
 - Design criteria and colors/materials
 - Design Review Committee
 - Outdoor social area
 - Lighting required to comply with section 9-20 of DCMC
 - Two off-street parking stalls required per dwelling
- Other Standards
 - 30% open space of entire project
 - Edelweiss Trailhead – Minimum 16 parking stalls
 - Metropolitan Water District Trail
- Allows minor deviations from the Master Plan – Master Plan is an exhibit
- Requires compliance with engineering standards (with the exception of Right-of-Way cross-sections)
- Allows concurrent Preliminary and final plat approval
- CC&Rs required
- All standard fees will apply
- No building permits may be issued until water system has capacity
- Development to be part of Traverse Ridge Special Services District (TRSSD)

Mr. Morey then reviewed the access points for the project, which included:

- Two entrances that come from the Stoneleigh Heights area
- One emergency entrance that is required by the Fire Department
 - This will be gated and cannot be used other than in an emergency

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7.2 Mayor Walker noted one of the things the City Council adopted as part of the new policies and procedures is to have the applicant speak prior to the public hearing. The applicant will also be allowed to speak after the public hearing if needed.

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7.3 Nate Shipp, 13658 Kennington Court, noted they have been intending to develop this ground for the last ten years. It is a privately held piece of property that has been slated for development for a long time. It was part of the original Estes agreement before DAI purchased it and it has been discussed as being developed in one form or fashion since then. As part of that process, the developers have spent several years working with the City to identify the best way to proceed with the development. They are electing at this point to develop the ground, and it is very important that they identify the best way to move forward. They feel the request they are making tonight under the MPC zone is the best option that is the least impactful option to the surrounding neighborhoods. The rationale for this boils down to being able to provide open space, provide public access to existing trails, provide additional connectivity to those trails, being able to consolidate the project in a manner that allows them to limit areas of mass grading, working with the City to push the project into the TRSSD, and identify all of the sensitive land issues in the City's ordinance. This project is sixty-one acres that sits up against Stoneleigh Heights, DJ Investments, and the Corner Canyon Park area. They will have two public accesses that come into the project, which are Stoneleigh Heights Drive and Haddington Road. They will also have the recorded emergency only access for emergency vehicles. Mr. Shipp indicated they wanted to be sensitive to the underlying topography of the area. He then reviewed how the area will be developed. They are proposing sixty-three townhome lots, thirty-seven cottage lots, and eighty-one estate lots. They have explored the two public access points at length. The Stoneleigh Heights Drive and Haddington Road were designed to handle the traffic that is currently there, as well as the proposed traffic. The level of service currently provided is a level service A, and it will remain a level service A even with the full build out of this development. There is a possibility to stripe turn lanes, but they are proposing to wait to see if it is necessary. These are public roads, and they do narrow a bit before getting to the proposed area. This is a good thing because the narrow street decreases the speed of traffic. They are proposing thirty-one feet of asphalt inside the development to allow for snow storage. The best part of using this zone is the ability to preserve open space. They are proposing that thirty percent of the property will remain as open space. They will construct a trail head with a restroom and parking lot at the developer's expense. The trail will connect to other trails in the area. They are excited about this proposal. It limits the impact that the development has, and it enables them to limit the disturbance of the mountain. They have a few more units because of this, but he expressed his hope that the Council will recognize that the units are less impactful than the half acre lot it is being compared to. They are also annexing the property into the TRSSD.

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- 7.4 Councilmember Colbert expressed concern with the ingress off Traverse Ridge Road turning in at Stoneleigh Heights. That will be dangerous during the winter if there is any ice on the road. He questioned whether the traffic study addressed the a.m. and p.m. peak traffic. Mr. Shipp replied the traffic study did take in the peak traffic hours. He said he is one hundred percent committed to building a safe project. He would be happy to comply with any recommendation that the experts feel is necessary. If that is an unsafe intersection, they need to make it safe.

Councilmember Colbert then noted Mr. Shipp compared the intersection and a number of the dwelling units to Eagle Crest, which serves roughly 250 homes, and he has not heard and specific concerns from people leaving and making left turns on SunCrest Drive. He asked the public to address that. He suggested maybe his concerns are not as serious as they were before.

Mr. Shipp pointed out that this is the beginning of the process. They expect to do additional studies to make sure the area is safe by the time they are done building it. What they are proposing to build here is similar in size to the subdivision Mr. Colbert was referencing. They have provided a stub road to the neighbors, and they hope that there is some connectivity through the Mast property development.

Councilmember Colbert stated if this moves forward, he expects the heavy trucks to damage the roads. He asked whether Mr. Shipp would be agreeable to doing an overlay if needed. Mr. Shipp responded absolutely, they live by the Boy Scout Motto that they leave things better than they found them. If there is a need for the overlay, he is committed to see that resolved. He will leave that up to City inspector.

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- 7.5 Councilmember Summerhays asked Mr. Shipp to show him where the proposed connection to the DJ Investment property would be. Mr. Shipp stated they are still in the planning stages; however he expects it to be in the southeast corner of the property. This provides the most direct point of access. People drive the most direct route. If they can get the people through another connection, they will take the most direct route.

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- 7.6 Councilmember Stenquist questioned whether the emergency access would be plowed during the winter. Mr. Shipp indicated it would have to be according to Don Buckley who is the Fire Marshall.

Councilmember Stenquist then questioned the phasing of the project and whether it would be done all at once or over a number of years. Mr. Shipp indicated it will be market driven, and he expects it to be in phases over several years. They hope to get to Phase 1 next year. He did receive a comment that Phase 1 did not include the trailhead. He said he is happy to have that included in Phase 1.

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7.7 Mayor Walker opened the public hearing.

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7.8 Kathryn Burnham, 14736 South Blue Skye Court, noted she was the first buyer in Stone Leigh Heights. She read a statement that addressed her concerns about the proposed development, which included:

- Crowding of public spaces, recreational opportunities, and wild lands
- Traffic safety
 - Approach to Stoneleigh Drive is very steep
 - Snow and ice cause traffic jams
 - Fog obliterates view of townhomes, street lights, and entrance to Stoneleigh Heights Drive
 - Children currently play on dead end street

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7.9 Jessica Henning Zamora, 2024 Stoneleigh and 15086 Alder Glen, read a statement regarding the impact the increase in traffic will cause to the existing neighborhood. Her concerns included the narrowness of the existing roads. She stated it turns the street into a one-lane road when garbage cans are out. It is the same when the snow is piled up. She said the property owner should be allowed to develop his property with the current zoning of one unit per five acres, which would allow eighty-two lots. The Estes agreement allowed for fifty percent open space, and this only allows for thirty. She noted the traffic study has not been approved by the City Engineer at this time. She asked the City Council if the impact is worth it for the surrounding residents.

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7.10 Michelle Henderson, 14087 South Stonehenge Place, emphasized the Eagle Crest is at the bottom of a hill and this proposal is at the top of the hill. She stated the City needs to independently do a traffic study or seriously review the one submitted. Striping the turn lane should not even be an option. It should be a requirement. Traverse Ridge Road has always been a huge issue, and it will not get any better adding in all these homes, especially if they will be adding another 350 homes with another development. She expressed concern that in the event of an emergency, 380 people will be leaving the area on 3 small roads. The emergency access on Deer Park Lane has a 9.9 percent grade, which will be very interesting if they have a major catastrophe. It is very steep, and there is no way they will get emergency vehicles coming in and people going out, which will only leave two street to evacuate over 380 people. She suggested the City wait to rezone this property until the utilities are in place since they cannot do anything until they are installed any way.

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7.11 Hans Lundgren, 2019 Stoneleigh Drive, read a statement listing his concerns with the proposed development, which included:

- Requiring a 100-yard buffer to preserve the views and wildlife in area
- A left-hand turn lane is a must if this moves ahead as planned

- Stoneleigh Drive is not suitable as a main access road to this development
 - Dead-end street is not designed for heavy traffic or heavy car traffic
 - Road is too narrow at 25 feet wide
 - Street is curvy, which reduces visibility
 - Children play in street and cross street
 - Expected diesel exhaust and noise will make living conditions for those in close proximity very uncomfortable and unhealthy
- Move the high-rise townhomes to a lower elevation to reduce negative effects

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7.12 Anthony Peck, 2020 Stoneleigh Drive, stated he is not against development. The concern is there is no direct access off Traverse Ridge because DJ Investments owns the access. Having all the traffic going through Stoneleigh Heights is a problem. Right now there are only twenty town homes on his street. This road might be listed as a public road, but it is essentially a private road. His HOA fees pay for snow removal on the roads. The roads are narrow, and it is worse on garbage day. There is no way to widen the street because the setbacks are only about fifteen feet. He suggested they require the developer to work with the other property owner to provide a different access.

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7.13 Kevin McMillan, 14776 South Deer Park Lane, indicated he has heard so many good things this evening. He thanked Mr. Shipp for his presentation. He likes that the emergency access would be closed off to normal traffic. He has lived in this location for five years. They have a hairpin curve that is extremely dangerous in the wintertime. If the emergency access was open to traffic, they would have a bottleneck situation that could turn into a death trap in an emergency situation.

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7.14 Cindy Kambourian, 2022 Stoneleigh Drive, stated the demographic of Stoneleigh Drive consists of mostly townhomes, and there are a ton of kids that live here. The safety of the children is the most important thing the City Council needs to consider in making this decision. The roads are too narrow, and people do not slow down because the roads are narrower. The parking is an issue, and it is worse in the winter. She asked the City Council to do an extensive study of the roads during the wintertime.

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7.15 Joe Orlet, 15077 S Eagle Crest, noted he does not have a direct stake in this, and he respects the developer's right to develop his land; however, the property was purchased at a low density. He said this request is a dramatic change from the current zoning, and this is a small area for the requested density. There is not a great access, and it will be difficult to build a proper access. He suggested they leave the density at eighty units rather than the proposed density. It is a more realistic goal for this area.

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7.16 Rebecca Moore 14781 Castle Cove, pointed out that most of SunCrest and Stoneleigh Heights residents work in Salt Lake County, so they are coming up the hill to access the

development. The quickest access would be through Stoneleigh Heights. Kids will be playing in the road on skateboards and bikes, and on garbage day it is a one lane road. In the winter it is basically a one lane road as well because of the snow piled on the side of the street.

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- 7.17 Nate Reginato 1893 Summer Oaks Lane, stated in the spring and summer they go on the bike trails a lot, and he would like a safe way to access the trailheads. The streets are very narrow already. He would also like a vending machine placed by the restrooms.

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- 7.18 Lindsey Vessey, 14798 Deer Park Lane, stated she is a single mom of a two-year old and four-year old. She has experienced that the dump trucks take up the whole street when they drive by. The kids play in the street a lot. She invited the City Council to consider how they would feel if they lived on this street or if their grandkids did. There is also no place to park on the street. The driveways only have room for two cars if they are lucky. This limits the residents' social abilities. The only place for people to park is at the dead end or in the parking lot of the local church. She asked the City Council to consider how they would feel if this were their community.

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- 7.19 Steve Maddox, Edge Homes representing DJ Investments, stated they like the project and the density as a whole. There is a lot of connectivity. He did not do a traffic study, but he did call a traffic engineer. If they were to have between 500-600 trip counts, there would be a large portion that would spill into this project and, as a result, would exacerbate the problem rather than enhance it. He said he would like to come up with a connectivity partnership with the Shipp's to enhance the projects.

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- 7.20 David Bentley, 14794 Deer Park Lane, noted at the Planning Commission meeting Nate Shipp stated he bought the project in 1994 and has worked on this with Hamlet Homes from the beginning. Mr. Shipp's statements tonight are contradictory. If he has worked on this with Hamlet Homes, he questioned why the narrow streets were not resolved at that time. When he purchased his home, he asked the representative from Hamlet Homes what would be built on the property in question. He was told it was open common space that was owned by the property owners of Stoneleigh Heights, and the property owners would decide what they wanted to use the land for. He even showed him the property plat that was signed and dated in 2007. There was no mention of any emergency access road on that plat. Since the August 28th Planning Commission meeting, he has obtained a 2012 amended plat that mentions the emergency access and water easement. This access road goes through their private property and is access to their privately owned and maintained street. The disconcerting thing to him is how this emergency access road came into existence without any of the homeowners knowing anything about it. On October 14, 2014, he and Kevin McMillan met with the Draper staff, and they were told that the emergency access would have come about in a public meeting held in December 2011. They were shown a document that listed a plat amendment. The document made no

mention of the emergency access road. He asked if the emergency access could have been approved at this meeting without it being a part of the original request and was told that it could because things like this come up. He was advised by an attorney friend that he should obtain the audio from the December 2011 meeting. Utah has a law requiring governments to be open and transparent regarding their actions, and if there was no discussion or mention of the emergency access road during the public meeting, it would be invalid and illegal. He obtained the disk, and nothing was mentioned in that meeting. He stated they have an emergency access easement that was added to the 2012 amended subdivision plat unlawfully. It appears that the Open Meetings Act was disregarded and the residents of Stoneleigh Heights have been misled. At this particular time, Mr. Shipp has no legal right to build any access road through Deer Park Lane to his proposed development. For the reasons he has presented, he asked the City Council unanimously vote against the proposed amendment. This project should not be allowed until DJ Investments and Nate Shipp get a new road built.

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7.21 Shaun Michel, 2056 East Cobblemoor Lane Sandy, noted he owns the shoebox on Traverse Ridge and he used to own this property nearly eleven years ago. He understands the concerns of all the neighbors. It is nice to live in a place with a dead end road. However, when Stoneleigh Heights was approved ten years ago, it was approved with the idea that there would be development behind that. The covenants that exist for the Stoneleigh Heights residents, it shows there is a road going through, including the access road. When he owned the property, they had a zoning that would have allowed them over 400 units along with a commercial zone. DAI is proposing something much less. They are not asking for complete approval tonight. They are asking for a zone change, and they will have plenty of time to do the requested studies to address the concerns of the adjacent neighbors. DAI has the right to make this proposal to the City Council, and Mr. Michel expressed his opinion that it is a reasonable proposal.

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7.22 Amy Baird, 2181 Village Vista, stated she thought all of the roads in Stoneleigh Heights were private roads and that the City did not plow them at all. Now she hears that those two streets are public roads. She questioned why the City has not been plowing them and why the residents have a special HOA to pay for a private snow removal company.

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7.23 Paul Scott, 14741 South Blue Sky Drive, noted he and his wife recently moved to this area, and he is concerned with the traffic, water rights and access to water, and children safety. He stated the studies should be done before the zone change. He asked the City Council to consider this very carefully.

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7.24 Scott Steadman, 14953 South Winged Bluff Lane, clarified that the two roads Ms. Baird mentioned are being plowed by the City. However, Draper City does not get to them before the company Stoneleigh Heights hired does. That is a valid point for them to look into. He stated in order for the access road to have a gate, there is a need to acquire an

additional four feet from Stoneleigh Heights. There is currently no on street parking allowed in Stoneleigh Heights. It was poorly laid out and having additional traffic is a problem.

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7.25 Mayor Walker closed the public hearing.

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7.26 Councilmember Colbert noted he would like to make the traffic study available to the residents. Mr. Dobbins noted staff will take all the questions the public has brought up and the Council has asked and prepare a response to those. It would be part of the packet that goes out when this item is addressed next.

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7.27 Councilmember Stenquist said he is curious about the snow plowing. Mr. Morey noted the City is responsible for the main roads in the subdivision. There are arterials that come off of them that are not public.

Councilmember Stenquist noted it would make sense if those two roads were made public in anticipation of this development going in.

Mr. Dobbins advised he will follow up with the snowplow drivers in reference to the snowplowing. A lot of time it is a road priority issue. They plow the main roads first, and they may not get to the smaller side roads in sufficient time.

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7.28 Mr. Dobbins reiterated that staff will prepare a response to all of the questions that were brought up this evening for the next meeting.

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7.29 Councilmember Colbert stated another safety issue is the children walking to the school bus in the winter. They have to walk on the street. The traffic is already a challenge in this area, and it will be worse when they quadruple the number of homes.

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7.30 Councilmember Vawdrey noted she would like to have the trailhead added to Phase 1. Mr. Morey noted this approval has a few components, which include the text amendment, zone change, and development agreement. He said there are a few things in the development agreement that would have to be addressed. It would be helpful to amend the development agreement to show that the trailhead would be constructed in Phase 1 of the project. There has been some discussion regarding at what point the lots get entitled or sold. Right now the development agreement states the City will not issue any building permits until the water is available. They may want to work with the developer to add that the lots cannot be sold until water is available. This is due to what happened in Saratoga Springs. Mr. Morey noted he does not believe it is the developer's intention to do that, but this clarification would help.

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- 7.31 Councilmember Colbert questioned whether the emergency access needs an additional two feet. Mr. Dobbins noted staff will follow up on that. If this is a private easement, the City cannot get involved in that nor do they approve them. The property owners will grant private easements across properties without the City's knowledge or approval. As far as he understands, State law does not require the City to approve private easements.

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- 7.32 Mr. Dobbins clarified that the City is constructing the new pump station at this time. It has been funded, the contract has been awarded, and the project is moving forward right now.

Councilmember Colbert asked whether that pump station would service this development at full capacity, the Mast property, and any additional property Mr. Mast may acquire. Mr. Dobbins stated it will.

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- 7.33 Councilmember Rappleye stated he would like the engineering department to look into the feasibility of the turn lane. He expressed his opinion that there is a need for that. He would like them to take into account the inclement weather.

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- 7.34 Mayor Walker noted the interesting thing about the SunCrest development is that it is fairly unique in the way it was built. The things that were done up there were done pursuant to the development agreement that the SunCrest Corporation entered into with the City of Draper. This predates every person currently on the Council and even ones before them. It is difficult to see that the roads are narrow, but there is nothing that can be done about that. The City Council does not have the ability to go back in time and redevelop the development. One of the things the residents need to keep in mind is that this development actually planned for an additional 3,900 homes on that mountain. The City purchased this development in a settlement with Zions Bank. They purchased 2,400 acres of the property. That property will remain as open space, so the City eliminated nearly 4,000 that would have gone on that mountain. They purchased the land for \$5.6 million, and it was probably the best land deal they could have possibly made. That being said, there are pieces of property up there that are not owned by the City. The City does not have the power or ability to control those properties, nor do they have the money to buy them. The homes that are coming have always been coming. They were coming regardless of SunCrest. The Council does care about open space, and they do care about the community up there. They have demonstrated that quite clearly with the purchase of that property and the dedication in going forward as keeping it as open space. It will still be one of the most unique communities in the State of Utah because of that purchase. They have almost 5,000 acres of dedicated open space in Draper. He is not sure there are any other Cities in the State that has that much. He asked the residents to think about what could have been built up there. The traffic and construction traffic would have been much worse. With respect to the water issue, the City does not have the Saratoga Springs water issue. There is water available; they just need a way to get it to the spot.

There are a couple of parcels up there belonging to private developers and the City owns a couple of parcels they have talked about selling, but after that there is no more development. These folks have the right to come in and make these applications. He just wanted to clarify what has happened up there and what has been done to preserve the community up there.

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7.35 Councilmember Stenquist stated it will be good to consider this for a while.

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7.36 Mayor Walker noted according to the new rules, unless there is a motion, this will carry over to the next meeting. He thanked everyone for coming and making their comments.

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7.37 Mr. Dobbins noted the next City Council meeting is November 4th.

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7.38 Mr. Morey noted the City Council meeting is scheduled for election night, and the Council wanted to keep that meeting short. He asked whether they would prefer to have this continued to November 18, 2014. The consensus was to hear it again on the 18th.

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** *The City Council took a break at 8:53 p.m.*

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** *The meeting resumed at 9:07 p.m.*

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8.0 Public Hearing: Ordinance #1133, Request for Approval of a Zone Change from CI to CR on 6.5 Acres Located at 12450 S. Pony Express Rd. Also Known as the Smith Partners Zone Change

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8.1 Mr. Morey advised this is the Smith Property. The property owners have had a desire for some time to find a new use for this property and to do some development. The most useful thing to look at is the table that shows the uses allowed in the two zones. The Land Use Map shows the future zone as Community Commercial. The applicant does not have a use in mind at this time; however there are more options available in the CR zone.

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8.2 Sylvia Anderson, Newmark Real Estate Services, noted she has been the agent for this property for a number of years. The property has some challenges with access, configuration of the property, and the existing business that employs over 100 people. There are more uses allowed in the CR zone, and she indicated most of the properties in the area are zoned CR.

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

[9:12:43 PM](#)

8.4 Councilmember Summerhays moved to approve Ordinance #1133. Councilmember Rappleye seconded the motion.

[9:13:20 PM](#)

8.5 Councilmember Rappleye said this is a difficult area because of the way the freeway is designed in the area. Allowing a different zone might attract the right type of development that will be beneficial to the City and the property owners.

[9:13:49 PM](#)

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

[9:14:02 PM](#)

9.0 Public Hearing: Ordinance #1132, Request for approval of a Text Amendment to make various changes to the Land Use and Development Code and the Subdivision Ordinance

[9:14:19 PM](#)

9.1 Mr. Morey noted he is going to turn the time over to Jennifer Jastremsky to review the changes. She has spent a lot of time working on these amendments, and there was a lot of work involved. He indicated she will present an overview of the changes rather than going through each one individually. He said staff is fine with the City Council taking their time going through this if they want to. They are not in any hurry to get this done. Mr. Morey then advised one of the proposed changes has to do with removing the option for deferral agreements. There is currently one property owner that is requesting a deferral agreement, and this would eliminate that opportunity. A person could still do an assessment-in-lieu if they wanted.

[9:16:52 PM](#)

9.2 Jennifer Jastremsky, Planner, reviewed the changes as follows:

- Zoning Map Amendments
 - Crafted some findings of fact that take in the citywide overview

[9:18:29 PM](#)

9.3 Councilmember Summerhays asked how the Mayor wants the City Council to proceed with this discussion in reference to asking questions. This is a lot of changes, and he does not want to vote on this tonight because he wants to have a better understanding of all of the changes. Mayor Walker responded the Council can handle this however they want.

[9:19:58 PM](#)

9.4 Ms. Jastremsky noted she plans to go through all of the highlighted changes tonight; however, she is not anticipating any approvals tonight. She plans to take a few meetings to go over the changes with the City Council.

[9:20:28 PM](#)

9.5 Ms. Jastremsky then continued with the proposed changes, which included:

- Development agreements
 - Creates application standards that must be met
 - Determines what benefit the City will get from the development
 - Timelines for the agreements
 - Provisions for enforcement
- Protection Strips
 - There is nothing in the current Code that prohibits this
- Recording of Plats
 - Brings options for recording up-to-date with State Code.
 - Developer can put in all improvements and then record the plat; or
 - Developer can do an improvement agreement with the City, record the plat, and then put in the improvements
- Deferral Agreement
 - Will remove this option from the Code
 - Option to do an assessment-in-lieu
- Building Materials
 - Add some new material to both primary and secondary lists
 - Changed percentages around a little bit
 - City will still get a quality building, but it makes it easier for the architects to actually meet the standards
 - New Materials include:
 - Primary Materials
 - Wood or concrete fiber composite siding
 - Metal composite material
 - Architectural precast concrete
 - Secondary
 - EIFS, including specialty finishes
 - Metal, excluding corrugated sheet metal
 - Copper
 - Aluminum
 - Zinc
 - Shake Shingles
- Landscape Buffers
 - Current Code is different to use as there are three different tables involved
 - Difficult for applicants and Planners to use
 - Change will make this more straightforward and easy to understand and enforce
 - 20-foot buffer between commercial and office and residential

- 30-foot buffer between industrial and residential
- There will be tree requirements within those areas and a 6-foot wall\
- Adding new materials for the fencing:
 - Masonry
 - Precast concrete
 - Lightweight precast fiber reinforced concrete
 - Lightweight steel reinforced polyethylene plastic wall
- Parking Standards
 - Staff is proposing to increase the natural deviation from 10 percent to 25 percent without the necessity of requesting a formal modification
 - Deviations from the Planning Commission
 - Allows the Planning Commission to increase or decrease the parking as allowed by Code

[9:32:07 PM](#)

9.6 Councilmember Summerhays asked what types of office buildings the deviations would be allowed in. There is a place in town that does not have enough parking right now. It is a 12,000 square foot building and a 5,000 square foot building with approximately 12 parking spaces. That is not enough.

Ms. Jastremsky explained there is a set of standards required to get a deviation from the Planning Commission.

Councilmember Summerhays noted he does not want the parking requirement to go too low so it causes a parking problem.

Mr. Morey clarified the City Code establishes the parking requirement. If someone can come in with a study or traffic analysis that they do not need the required parking, they can deviate up to twenty-five percent from the standard. Staff has found there is a need for more flexibility, for both more or less parking, in the Code. The change needs to be justified.

Mr. Morey noted the difficulty is what to plan for. They can plan for the couple of times a year when there is a big influx of people, or they can plan for the rest of the year when there is too much parking.

[9:37:52 PM](#)

9.7 Councilmember Colbert indicated transit is becoming more and more available in the community. As time goes on, the City does not want to encourage people to drive their old cars if they are living near a transit station.

[9:38:36 PM](#)

9.8 Ms. Jastremsky indicated one of the criteria for a deviation would be whether it is next to a transit station or transit stop. She noted the Assisted Living Center parking standard is one space per two residential units. They also have an Institutional Care Zone, which requires a parking study as it does not have a set standard.

[9:39:50 PM](#)

9.9 Mr. Dobbins indicated the City can have a really strict Code, or they can allow some flexibility. It is all a matter of how comfortable the City Council is with this.

[9:41:47 PM](#)

9.10 Councilmember Summerhays stated this is a good one to try to figure out, and that is where staff comes in. He just remembers visiting his mother and having to walk her one block down the street in her wheelchair to get to his vehicles. There were about ten parking places for the entire building, and the employees used those.

[9:42:35 PM](#)

9.11 Ms. Jastremsky stated the key to take away from this is that the City is trying to provide more flexibility because they have seen a need for it. However, the developer does have to justify it with data that shows what they want to provide is adequate for what they are doing.

[9:43:22 PM](#)

9.12 Councilmember Colbert indicated this is really complicated and the Council has a lot of other issues tonight.

[9:43:28 PM](#)

9.13 Councilmember Colbert moved to table this item tonight and continue it to a subsequent meeting. Councilmember Rappleye seconded the motion.

Mayor Walker questioned when this item would be brought back. It was the consensus of the City Council to review the changes in subsequent meetings, and bring it back for approval in January.

[9:44:41 PM](#)

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

[9:45:01 PM](#)

10.0 Public Hearing: Resolution #14-64, to Declare a Portion of Parcel #28-29-377-014 as Surplus and Authorize the Exchange of the Same

[9:45:22 PM](#)

10.1 David Dobbins, City Manager, noted when the City Hall was built, the City built the road from Fort Street on the adjacent property owner's land. The property owner has proposed that the City swap 902 square feet of property along the south property line with him.

[9:47:11 PM](#)

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

[9:47:33 PM](#)

10.3 Councilmember Rappleye moved to approve Resolution #14-64. Councilmember Vawdrey seconded the motion.

[9:47:59 PM](#)

10.4 Councilmember Colbert asked whether there are any City utilities that will cause a problem for Mr. Staker. Mr. Dobbins said he does not think there are any problems; however, staff will double check.

[9:48:16 PM](#)

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

[9:48:35 PM](#)

11.0 Public Hearing: Sales Tax Revenue Bond Series 2014, to Allow Public Input Regarding the (1) Issuance and Sale of not More Than \$5,000,000 Aggregate Principal Amount of Sales Tax Revenue Refunding Bonds, Series 2014 and Any Potential Economic Impact that the Refunded Bonds Described Herein to be Financed with the Proceeds of the Series 2014 Bonds May Have on the Private Sector

[9:49:09 PM](#)

11.1 Bob Morey, Finance Director, noted the City has the opportunity to refund one of its outstanding Municipal Building Authority Bonds, Series 2005. The City has the opportunity to refund this from a lease revenue bond into a sales tax revenue bond, which will allow the City to take advantage of a few more basis points in the ratings. This action will not extend the term of the bond, and today the savings is approximately 10.5 percent. The cash savings is approximately \$415,581 with today's pricing. They plan to do the bond pre-pricing on November 4th and the final pricing on November 5th. There will be an average savings of \$39,000 each year for 12 years.

[9:50:45 PM](#)

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

[9:51:38 PM](#)

12.0 Action Item: Resolution #14-63, Consideration for Adoption of a Resolution of the City Council of Draper City, Utah (The "Issuer"), Authorizing the Issuance and Sale of Not More Than \$5,000,000 Aggregate Principal Amount of Sales Tax Revenue Refunding Bonds, Series 2014; and Related Matters

[9:52:02 PM](#)

12.1 Councilmember Stenquist moved to approve Resolution #14-64. Councilmember Rappleye seconded the motion.

[9:52:15 PM](#)

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

[9:52:27 PM](#)

- 13.0 **Action Item: Resolution #14-62, Appointing five members to serve on the Traverse Ridge Special Service District Advisory Committee**

[9:52:45 PM](#)

- 13.1 Mr. Dobbins advised the City Council created an Administrative Control Board for the TRSSD. There is some conflicting language in the State Code to how the initial board appointments would be made. To be conservative, the City has decided to follow the more lengthy process to make those appointments. Between now and when the appointments will be made in December, the City has created an advisory committee that has no authority. They will assist the City in the transition to the control board. This action would approve five individuals to be appointed to this advisory committee. The five individuals are: Amy Baird, Blaine Carlton, Nathan Lunstad, Greg Nuzman, and Sharon Ullman. The creation of the committee was done in the last Council meeting. It requires the Mayor to appoint these individuals with the Council's advice and consent and requires to Mayor to appoint one of the individuals to be the chair of the committee. The City's intent is to meet with them on a regular basis and start the transition over to the Administrative Control Board.

[9:54:16 PM](#)

- 13.2 Mayor Walker noted this might be the first time in his six years of being on the City Council that Councilmember Colbert has asked to move the meeting along. Mayor Walker wanted the record to reflect that.

[9:54:42 PM](#)

- 13.3 **Councilmember Vawdrey moved to appoint Amy Baird, Blaine Carlton, Nathan Lunstad, Greg Nuzman, and Sharon Ullman to the TRSSD Advisory Board. Councilmember Summerhays seconded the motion.**

[9:54:58 PM](#)

- 13.4 Mayor Walker indicated the City is making the right step and this is moving them in the right direction. These folks are all very qualified, and he appreciates their willingness to serve. He said this is a great opportunity for the residents to see the issues, and he is confident some better solutions will come out of it.

[9:55:41 PM](#)

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

[9:55:56 PM](#)

- 14.0 **Action Item: Snow & Ice Control Policies & Procedures**

[9:56:34 PM](#)

14.1 Glade Robbins, Public Works Director, reviewed the Snow and Ice Control Policy with the City Council. The priority for snowplowing is as follows:

- Arterial and Major Collector Streets
- Minor Subdivision Collector Streets and Residential Through Streets
- Cul-de-sac and Other Dead-End Streets
- Private Lanes and Private Streets are not Plowed by Draper City

Mr. Robbins noted one thing to remember is if they have a snow event that lasts for more than twenty-four hours, they have to continue on the arterial streets, so the other streets are put even further behind.

[9:59:05 PM](#)

14.2 Councilmember Stenquist noted he likes how the snowplowing is done now, and he likes the map they use to show the priority roads. He questioned how this document is different from what they are currently doing. Mr. Robbins explained the map is still in effect the only clarification he is trying to make now is that if they have a huge snow event, some of the lower priority roads would be delayed in order to keep the high priority roads clear.

Councilmember Stenquist stated the current practice has been that they do prioritize roads that have steep grades. Mr. Robbins replied that is correct. That has not changed. They are priority two roads, and the steep ones are cleared before they get to the flatter roads.

[10:01:01 PM](#)

14.3 Councilmember Colbert stated they have not had a really bad snow season for many years. The time will come, and people will just have to realize that they need to stay home. Mr. Robbins noted there will be events where the people would be better served by staying home until the storm passes.

[10:01:33 PM](#)

14.4 Councilmember Stenquist asked whether this action is just taking the current practices and just documenting them. Mr. Robbins noted that is what they are doing with this.

[10:02:06 PM](#)

14.5 Councilmember Summerhays said it is a good idea to have the policy written down for the residents to see and understand how the priorities are set.

[10:03:34 PM](#)

14.6 Mr. Dobbins noted depending on the resources the City has available this winter, it could be different than it has been in years past.

[10:03:01 PM](#)

14.7 Mr. Robbins advised Draper has a good history of having the best plowed roads.

[10:03:31 PM](#)

- 14.8 Mr. Dobbins asked the City Council to take the language referring to the priority three streets to say they may be plowed within seventy-two hours rather than they shall be plowed. There might be extenuating circumstances where they cannot plow within the seventy-two hours.

[10:04:06 PM](#)

- 14.9 Councilmember Colbert moved to adopt the Snow and Ice Control Policies and Procedures with the change in the paragraph addressing priority three streets that they “may” be plowed within seventy-two hours. Councilmember Summerhays seconded the motion.

[10:04:36 PM](#)

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

[10:04:51 PM](#)

- 15.0 **Action Item: Amending Sections 3-1-270 and 3-1-270.5 Draper City Municipal Code, *Emergency Preparedness***

[10:05:18 PM](#)

- 15.1 Garth Smith, Human Resource Director, advised this change will allow the committee to have some standing positions that are allowed to vote as well as some non-voting Community Subcommittees associated with that. There are also come clarifications dealing with the District Representative Committee in regards to the area leaders, and block captains. The review process included the Emergency Preparedness Committee, Gary Vaughan, and the Draper City Attorney.

[10:06:46 PM](#)

- 15.2 Councilmember Vawdrey moved to approve Ordinance #1127. Councilmember Summerhays seconded the motion.

[10:07:16 PM](#)

- 15.3 Councilmember Rappleye stated Garth Smith, Gary Vaughan, and Mr. Ahlstrom worked very hard on these changes. This was a group effort, and quite a bit of thought went into it.

[10:07:42 PM](#)

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

[10:07:53 PM](#)

- 16.0 **Council/Manager Reports**

[10:08:05 PM](#)

- 16.1 Councilmember Colbert questioned whether the TRSSD equipment could be used before the referendum vote is taken. Mr. Dobbins stated they can use the equipment, but there are no funds to pay staff or to purchase sand or fuel. That would have to come from the City General Fund. There is no TRSSD budget right now.

Councilmember Summerhays recommended they keep track of all of the hours and the costs involved. Mr. Dobbins noted they will provide some basic snowplowing between now and when the vote is taken.

Councilmember Colbert noted the City should think this through and let the residents know what will happen upfront

Councilmember Summerhays recommended they have a chain up area for both sides of the mountain.

[10:13:11 PM](#)

- 16.2 Councilmember Rappleye advised the Council of the dates for the upcoming ribbon cuttings:

- NCR – Thursday, October 23, 2014
 - Open house from 4 to 6 p.m.
 - Ribbon cutting at 4:30 p.m.
- Sweet Arleen's at 11:30 a.m. Saturday, October 25, 2014

He reminded the City Council that the community awards for the Chamber of Commerce is on November 12, 2014, from 6:00 to 9:00 p.m. at Millennial Falls. They are having the tables at \$260 or \$35 per plate. The awards will be called the spirit awards now.

[10:14:56 PM](#)

- 16.3 Councilmember Vawdrey indicated the Draper Community Foundation was impressed with staff during Draper Days. They could not stop talking about how helpful every department had been. She thanked the staff and let them know it had been noticed and appreciated.

[10:15:22 PM](#)

- 16.4 Councilmember Summerhays noted there had been a question about why they took the Haunted Hollow out of the Park School basement. He noted when it would rain, the water would seep into the basement and make the floor slick.

[10:16:24 PM](#)

- 16.5 Mr. Dobbins indicated they need a closed session for litigation and property acquisition.

17.0 Adjourn to a Closed-Door Meeting

[10:16:37 PM](#)

17.1 Councilmember Summerhays moved to adjourn to a Closed-Door Meeting to discuss litigation and property acquisition. Councilmember Rappleve seconded the motion.

[10:16:52 PM](#)

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

The meeting adjourned at 10:17 p.m.