

Approved August 4, 2015

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JULY 21, 2015, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH.

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

STAFF PRESENT: David Dobbins, City Manager; Russ Fox, Assistant City Manager; Rachelle Conner, City Recorder; Tracy Cowdell, City Attorney; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; and Garth Smith, Human Resource Director

EXCUSED: Councilmember Bill Colbert

Dinner

Study Meeting

[6:03:51 PM](#)

1.0 Discussion: Food Trucks

1.1 Keith Morey, Community Development Director, stated staff reviewed what other cities in the area do in terms of regulating the food trucks. The regulations included requiring a business license, temporary use permits, limiting locations, and limiting number of days. He advised it is difficult to enforce a lot of regulations, so it might be better to start off with a few and add to it as needed.

Subsequent to Council and staff discussion, the Council asked staff to draft a basic ordinance to bring back for consideration.

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2.0 Discussion: Trail Crossing at Highland Drive and the Equestrian Center

1.1 Scott Cooley, City Engineer, noted there are a few trail crossings in the city where the trail users have to cross busy roads. Staff was asked to look at this one specifically. This location is a problem because it is steep for vehicles, and the sight distance is not good. Staff proposes to use the existing tunnel for the crossing. There would have to be trail improvements done. Sometimes there is water in the tunnel, so that would have to be addressed with Water Pro. Staff would like to put a fence up to deter people from crossing at the crosswalk and using the tunnel instead. There will be a gate placed there, so it can be used when there is water in the tunnel. That is the safest route to take, and would not take a lot of money. Questar is doing a pipeline project in the area, so the City will do the work in conjunction with them. Questar plans to grade the trail, and the City will come back through and put the asphalt in. That cost will be reimbursed by Questar.

Subsequent to Council and staff discussion, they decided to place flashers on the street to make the traffic aware of the crossing. They will also coordinate efforts with Questar for the trail improvements.

3.0 Council/Manager Reports

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

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Adjourn to a Closed-Door Meeting to Discuss Litigation

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Councilmember Summerhays moved to adjourn to a closed-meeting to discuss litigation. Councilmember Vawdrey seconded the motion.

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

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 Comment/Prayer and Pledge of Allegiance

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2.1 The prayer was offered by Rhett Ogden.

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2.2 The pledge was led by Daniel Conder.

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3.0 Presentation: Draper Justice Court Annual Report

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3.1 Daniel Bertch, Justice Court Judge, reviewed the status of the Draper City Justice Court. He touched on the following topics:

- E-filing
 - Police Department already doing E-citations
 - Courts will follow soon
 - Transition to electronic records
 - Old case files will have to be scanned

- Judicial Performance Evaluation Commission
 - Judge Bertch is up for re-election in 2016, so he is in the re-evaluation cycle
 - The report will be out prior to the 2016 election
 - He invited the Council to attend a court session when they are available
- Monthly Reports
 - Electronic case management provides a monthly report that shows how quickly they are handling things
 - The report shows there were some record keeping items that needed to be up-to-date
 - Draper City compares very well to the other cities across the state
- Video Arraignments
 - Judge does not like to do sentencing without having a face-to-face meeting

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3.2 Mayor Walker asked what the schedule is for lawyers to be able to file motions and pleadings online. Judge Bertch indicated that is driven on the State level, and they have not given a date for that.

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3.3 Councilmember Vawdrey questioned what days they hold court. Judge Bertch advised regular court is held on Tuesdays and Thursdays, and Wednesday they have jury trials. The case load is weighted and calculated at the State level. This court is able to handle a good load in a short amount of time.

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3.4 Judge Bertch indicated one of the weaknesses with the justice court system is the amount of time between the issuing of the citation and the closing of the case. His goal is to accurately assess what the problems are and see how he can help them.

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4.0 Public Comments

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4.1 Daniel Conder, resident, said he is not sure how the road maintenance projects are prioritized, but the roads in his area are torn up right now, and he did not think they were in that bad of shape. He stated he would like more notice of the road work that will be done in his area. He received a two-day notice stating he would not be able to get out of his driveway. It would have been nice to have a longer notice so he could plan appointments better. He then observed that the Utah State flag in the Council chambers needs to be updated. It should have the white shield on it.

[7:32:04 PM](#)

5.0 Consent Items

- a. **Approval of July 7, 2015, Minutes**

- b. Approval of Adding Section 7025 "Elected Officials Benefits" to the Personnel Policies and Procedures Manual**
- c. Approval of Communities That Care Agreement with the National Interscholastic Cycling Association**
- d. Approval of Police/Sheriff Multi-Jurisdictional Mutual Aid Agreement**
- e. Approval of the Deed of Dedication for Parc at Day Dairy**
- f. Approval of Agreement with Terracare Associates for Lawn Care Services**
- g. Acceptance of \$10,000 Grant from Parents Empowered for Communities That Care Programming**

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5.1 Councilmember Rappleye moved to remove Item C from the Consent Calendar for discussion. Councilmember Vawdrey seconded the motion.

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

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5.3 Councilmember Rappleye moved to approve the Consent Items without Item C. Councilmember Vawdrey seconded the motion.

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

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5.5 Councilmember Rappleye explained he is not familiar with Item C, so he is interested in having Deputy Chief Eining brief the Council on this agreement.

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5.6 Deputy Eining stated Communities that Care is asking for \$4,000 to sponsor a bike race on September 11, 2015, in Association with the Utah High School Cycling League. There are a lot of benefits the Communities that Care will be getting from the program, including banners and an information booth. The goal of Communities that Care is to get their information out with a good outreach program. This is the first step in doing this. The \$4,000 fee will be taken from the \$10,000 grant given to the program from Parents Empowered. The message they are trying to get out with this event is "Parents Need a Tune Up". They are collaborating with the Parents Empowered campaign. It is anticipated that there could be 3,000 parents and 1,000 youth that will participate in this race.

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5.7 Councilmember Vawdrey asked whether this is an event the City would have already been funding.

Councilmember Stenquist indicated that due to the work that the Police Department and Communities That Care is doing, they were awarded the \$10,000 grant from Parents Empowered. They approached the Peer Leadership Team at Corner Canyon High School to get ideas of what to do, and they were told to do a bicycle/mountain bike race. When they asked Councilmember Stenquist about it, he suggested they not try to do this on their own but rather partner with someone due to the amount of work involved. The money for the sponsorship is coming from the Parents Empowered grant the City received. The Police Department wanted to have an event anyway, so this was a great solution. This is a fantastic opportunity to get the word out on underage drinking.

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5.8 Councilmember Rappleye said the numbers are good. He was concerned with the sponsorship amount, but it looks like they will be getting a lot for that amount.

Councilmember Stenquist stated Parents Empowered will have a lot of media and public officials in attendance, and there will be great coverage of the event.

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5.9 **Councilmember Rappleye moved to approve Item C. Councilmember Stenquist seconded the motion.**

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

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6.0 **Action Item: Snow Crest Subdivision Preliminary Plat, Request for Approval of a Preliminary Plat for a Four-Lot Subdivision on 2.98 Acres in the RA2 Zone, Located Generally at 13000 South 1300 East**

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6.1 Keith Morey, Community Development Director, stated this item was on the agenda two weeks ago. Due to a concern with the easement, the Council wanted more time to consider this application. The Planning Commission voted 4 to 1 to approve this item. After careful review, staff has determined that the applicant has met the requirements of the City Code for the development.

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6.2 **Councilmember Summerhays moved to approve the Snow Crest Subdivision Preliminary Plat on 2.98 acres in the RA2 zone located at 13000 South 1300 East on the zoning of four-lot subdivision only with no right-of-way. He stated he does not want to get into any kind of litigation but wants to vote on the four lots.**

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6.3 Tracy Cowdell, City Attorney, noted Councilmember Summerhays can make the motion without weighing in on a legal conclusion on the outcome of the easement. It is the

opinion of the City Attorney's office that the applicant has met their burden sufficient for plat approval as presented. A motion similar to that might be appropriate. If the parties have questions about what this means, it is up to them to resolve.

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6.4 Councilmember Rappleye asked whether this would mean they could not subdivide unless they had reasonable access.

Mr. Cowdell replied staff does some analysis to determine whether or not various subdivisions have access to the public rights-of-way. Staff has analyzed this, as well as outside counsel, and it is their opinion that it meets the requirements. There is some disagreement on this. The parties involved can go to a court to try to negate the easement. If that occurs, the developer would not be able to develop this property. There is a civil issue that will need to be sorted out. The City does not feel that the concerns raised by the parties involved rises to the level that the Council should delay their decision if they feel this is a good use of the property. Council approval does not mean they are weighing in on the civil matter.

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6.5 Mayor Walker expressed concern that the motion on the table does put the City in the middle of this dispute.

Mr. Cowdell voiced his opinion that the Council should not weigh in to those questions. Staff has made a determination, and the applicant has complied with the ordinance. He would not like to have language in the motion that would involve the City in an issue that has been going on with this property for forty years.

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6.6 Councilmember Summerhays said he was trying to make a motion that would keep the City out of court. He does not want to get involved in litigation.

6.7 The motion failed for lack of a second.

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6.8 Councilmember Stenquist moved to approve the Snow Crest Preliminary Plat request by Mark Richards, application 150109-13000S, based on (1) the findings listed in the planning commission staff report dated May 29, 2015; (2) the project meets the requirements of the Draper City ordinance, including having provided sufficient proof of access to the property; and (3) having met the requirements of the Draper City ordinance the applicant is entitled to approval. This approval is subject to the conditions listed in the Planning Commission staff report dated May 29, 2015. Councilmember Rappleye seconded the motion.

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6.9 A roll call vote was taken with Councilmembers Rappleye, Stenquist, and Vawdrey voting in favor. Councilmember Summerhays voted no. The motion carried with a majority vote of 3 to 1.

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7.0 Public Hearing: Providing Local Consent for a Dining Club Alcohol License for Toscano. The Restaurant is Located Generally at 11450 South State Street

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7.1 Mr. Morey displayed the subject property on a map. This restaurant moved to Draper from Sandy last year. They are interested in obtaining a dining club license. He read the requirements for the license, which Toscano has met. He indicated Draper currently has three dining club licenses, and the City has a limit of four. If the Council is interested in increasing the number of dining club licenses allowed, staff will have to bring back an ordinance to the Council for consideration. Otherwise, if this license is approved, no other business will be able to have a dining club license in Draper.

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7.2 Jeremy Ford, applicant, noted the restaurant has been in operation for six years. They moved to the Draper location last year. They currently have three other restaurants, and two of them have dining club licenses. They have never had a violation. They are pursuing the dining club license to pull some of the clientele from other cities. They do not operate as a bar. They are getting larger parties wanting to come to their facilities, and they want to have a bartender available.

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

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7.4 Councilmember Stenquist moved to provide local consent for a dining club alcohol license for Toscano. Councilmember Vawdrey seconded the motion.

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7.5 Councilmember Stenquist commented that it is interesting that they are at the maximum number of licenses allowed.

Mr. Morey commented that he is not sure why there was a limit placed on the number of licenses, but the way the City is growing, he is sure they will have more requests.

Councilmember Stenquist stated he would not want this to be an arbitrary limit.

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

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8.0 Public Hearing: Ordinance #1160, Harrington Rezone, Request for Approval of a Rezone for Property Located at Approximately 12938 South 1300 East From RA1 to RA2

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8.1 Mr. Morey indicated there was an error in the internal GIS system in 2007 when the property owner came in and asked what the zoning was on their property. They were told the zoning was RA2 when it was actually RA1. After receiving the determination from the City, they wanted to move forward with development. Due to the City's error, staff has initiated a rezone request to fix the error. This land is land-locked. The gap in the GIS was only there for a couple of months, but this happened during that gap.

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

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8.3 Councilmember Rappleye moved to approve Ordinance #1160. Councilmember Summerhays seconded the motion.

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

[8:02:19 PM](#)

9.0 Public Hearing: Ptarmigan Pointe II Lot 209 Plat Amendment, Request to Amend the Ptarmigan Pointe II Plat by Dividing Lot 209 Into Three Parcels. The Subject Property is Zoned RA2 and is Located at 13133 S. Grouse Pointe Cove

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9.1 Mr. Morey said the Zoning Map shows the zoning is RA2. He displayed an aerial view of the area. The applicant would like the plat amended to show three lots. This is a pretty straight forward request.

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

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9.3 Councilmember Vawdrey moved to approve the Ptarmigan Pointe II plat amendment. Councilmember Stenquist seconded the motion.

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

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10.0 Public Hearing: Vista Station Office Park Plat Amendment #2, on the Request of Mark Murdock, Representing BG Vista Station for Approval to Amend Lots 123-129 of the Draper TOD Plat in the TSD (Transit Station District) Zone. This Application is Otherwise Known as the Vista Station Office Park Plat Amendment #2 Request

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10.1 Mr. Morey stated the Planning Commission voted 5 to 0 to approve this request. When the project was originally platted, they did not know where the buildings would be built. Now that the developer is moving forward, they are finding it is difficult to build in those lot lines. It is easy to have lot lines removed, but it is difficult to add them. They are trying to find a way to consolidate those into one corner, so if they need to use them some day, they can.

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10.2 John Bankhead, applicant, stated they are working with great tenants, and this will allow them flexibility when laying out the project.

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

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10.4 Councilmember Rappleye moved to approve the Vista Station Office Park plat amendment. Councilmember Summerhays seconded the motion.

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

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11.0 Action Item: Approval of the First Amendment to Master Reimbursement Agreement for Vista Station

[8:08:44 PM](#)

11.1 Mr. Dobbins indicated the City has an existing reimbursement agreement for Vista Station that is several years old. That agreement anticipated that the developer installed improvements from the Capital Facilities Plan that were impact fee eligible would be reimbursed with impact fees. There is also a CDA that reimburses them for other improvements. The City anticipated that the City would share the reimbursement for the CDA at twelve percent. The City wanted to mirror that with the impact fee reimbursement. This amendment reflects that change. This is an agreement between the City, the Redevelopment Agency, and the current developer. This agreement is on the RDA agenda as well.

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11.2 Councilmember Vawdrey moved to approve the First Amendment to the Master Reimbursement Agreement. Councilmember Summerhays seconded the motion.

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

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**** Council/Manager Reports**

[8:10:36 PM](#)

****** Councilmember Rappleye thanked staff for their work on Draper Days. He said he has heard a lot of comments that the City is getting back on track. It is still a little bigger than he wants it, but it was great this year.

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****** Councilmember Vawdrey said the Council has talked about the Brickerhaven Trail west of the freeway. She went and looked at it, and it is difficult to find. The City needs to either get rid of the trail or do something with it. She said they need to quit ignoring the neighbors' requests.

Councilmember Rappleye suggested they study it and come up with a solution for it.

Councilmember Vawdrey noted some people have built fences on the trail, so it is not an easy solution. It is a trail that could be used by the neighbors, because it goes right down to the park. It will take a lot of work to make it usable.

Councilmember Vawdrey echoed what Councilmember Rappleye said about Draper Days. She noted there is a need for changing stations in the restrooms at the Equestrian Center. She suggested they could put a fold down changing table in the handicapped stall and asked staff to look into it.

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****** Councilmember Summerhays agreed with the other Councilmembers about Draper Days. It was very good this year. He noted changing stations are a must in all of the park restrooms.

Councilmember Summerhays then indicated the City has a big problem with the lack of advertising in Draper with Draper Days, the Arts Council events, and similar things. They do not have any signage in front of City Hall, at the park, or the fire station for the special events. Councilmember Summerhays expressed his opinion that the City should do something about better advertising for the City events.

Councilmember Rappleye asked whether it would be off-site advertising if the City were to place an electronic sign at the fire station. Mr. Morey noted the City can put an

electronic sign up if they wanted to advertise City events; however, the concern in the past has been consistency in how the sign ordinance is applied to private parties versus how it is applied to the City. The thing the Council has to consider is that the City events happen all year long. He questioned whether the Council really wants to create corners in the community that are non-stop advertising posts for the different events.

Mr. Cowdell indicated it would depend on the type of event being advertised. There could be a set of circumstances where the City could be found negligent. That is why they go through the permitting and application process.

Mr. Dobbins indicated they typically handle it by zone and not property type. The Council needs to consider that the sign would only advertise City events. Anything the Foundation does is not a City event. If the City allows them to advertise, they will have to allow every other non-City organization to use that sign. The first time they say yes to one and no to another, they are setting themselves up for a lawsuit. If the Council wants staff to look into it they will.

Councilmember Rappleye agreed to have staff study it since they are already looking at electronic signs on 12300 South.

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** Mr. Dobbins indicated Councilmember Summerhays suggested the City put up flyers about the Vote-by-Mail election this year. Staff has designed a flyer that will be placed at City Hall, the Library, and other locations, as well as the City's website.

Mr. Dobbins then advised Councilmember Colbert had brought up the issue of the SunCrest burglaries. Mr. Dobbins asked Deputy Chief Eining to explain what the Police Department plans to do in the area.

Deputy Chief Eining stated on July 15, 2015, about 4:00 a.m., they had three homes that were broken into. Entry was made by removing a screen and pushing open the window. The suspect did enter the home while the homeowners were sleeping, which is quite alarming. The Crime Specialist had heard of comments being made on the SunCrest HOA Facebook account, so he contacted a leader on this account. He spoke with her about the issues occurring up there and set up a meeting to discuss the problem and some prevention techniques. They will be meeting on Thursday at 6:00 p.m. Deputy Chief Eining indicated that out of 1,700 criminal offenses the City has had in Draper this year, only 82 have occurred in SunCrest, which equates to 4 percent. There is not a significant crime issue up there, but this intrusive type of crime has understandably caused a concern for the residents. The Police Department does have a suspect, and they have located a stolen laptop on the pawn database.

Councilmember Rappleye stated Councilmember Colbert wanted a City Councilmember to attend that meeting since he would out of town. Deputy Chief Eining indicated if Councilmember Rappleye wanted to attend he was welcome to be there. It will not change what the Police Department plans to present.

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** Mr. Robbins advised the City has received several requests for streetlights in various locations throughout the city. He displayed a map of the areas requested. The City has a contract with Black and McDonald for the street light installation. Staff has asked them for a cost estimate. The breakdown was as follows:

- Three lights on 1300 East
 - \$15,035
- Two lights on Mike Weir
 - \$9,320
- Two lights at Dunning Court
 - No cost estimate yet

Mr. Robbins asked the Council how much lighting they want. The current development standard is somewhat vague. The developer will propose lights, and if staff is okay with them, they will give their approval. He asked whether the Council was in favor of installing the requested street lights at the amount shown, and whether they would want more specifics on the type of lighting required in the City. Staff could bring it back to the Council for their approval.

Councilmember Summerhays indicated the City is pretty dark. It would be a good idea for the City to start looking at areas. Mr. Robbins noted if the Council wants more lights in the City, they need to require the developer to put them in.

Councilmember Vawdrey asked whether staff has researched solar powered lights. Mr. Robbins noted they can look into that option.

Subsequent to Council discussion, these street light requests will be brought back with the next budget amendments.

Mr. Robbins then advised that two of the replacement speed bumps have been installed on 1700 East. They are smoother than the previous design because they were done with a template, but they are the same dimensions.

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** Mr. Fox noted he talked about the T-Mobile request for cell tower at the last meeting. He displayed the proposed design for those present. The building will match the restrooms. The lease rate is \$1,500 per month.

The Council agreed to move forward with the cell tower lease with T-Mobile. They asked that this be brought back as an agenda item.

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** Mayor Walker expressed appreciation for Draper Days. He stated the Police Department did a wonderful job. They had to diffuse situations and handled them with professionalism. He also noted Rhett Ogden went above and beyond to fix a contract

issue with the band America. It was not a City issue, but Mr. Ogden took care of it so America would be willing to play.

Mayor Walker noted he would like to recognize the Draper Community Foundation members in a Council Meeting to thank them for their efforts. He heard many comments that this was the best Draper Days ever.

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12.0 Adjourn to a Redevelopment Agency Meeting

[8:41:57 PM](#)

12.1 Councilmember Rappleye moved to adjourn to a Redevelopment Agency Meeting. Councilmember Vawdrey seconded the motion.

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

12.3 The meeting resumed at 8:44 p.m.

12.4 Adjourn to a Closed-Door Meeting to Discuss Litigation and Property Acquisition

[8:44:23 PM](#)

12.5 Councilmember Vawdrey moved to adjourn to a closed-door meeting to discuss litigation and property acquisition. Councilmember Summerhays second the motion.

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

12.7 The meeting adjourned at 8:44 p.m.