

Approved 6.7.2016

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MAY 17, 2016, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

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

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Russ Fox, Assistant City Manager; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Bryan Roberts, Police Chief; and Bob Wylie, Finance Director

4:30 p.m. Tour: Hog Hollow Trailhead

6:00 p.m. Dinner

Study Meeting

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1.0 Discussion: City Beautification Options

1.1 Rhett Ogden, Recreation Director, reviewed the list of areas in the City needing beautification. He asked the City Council to rank them in order of priority. Subsequent to Council and staff discussion, the top four priorities were as follows:

- 200 West Galena – triangle piece
 - The developers in that area have agreed to partner with the City in order to clean up that parcel
 - Staff will look at surplus the property first to see if that is an option
- Historic Park
 - Perimeter and flower beds
- Vestry/Highland Drive
 - Southwest and northeast corners of intersection
- 1300 East Pioneer
 - Roundabout and medians

Staff will put together a cost estimate for each project and bring it back for Council review. There is currently \$250,000 funded for the beautification projects. If these projects come in under that amount, the Council will determine the next priority. Mayor Walker indicated if the triangle piece is sold, the money from that sale could be used for beautification as well.

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2.0 Discussion: 600 East to 900 East Road Project - Town Center Cross Section

- 2.1 David Dobbins, City Manager, indicated the City Council recently allocated \$2.5 million for Pioneer Road. In 2007, the City Council adopted a cross section for Pioneer Road. He displayed the cross section for the Council. The design had angle parking on one side, medians, and angled parking in the center. He advised if the City Council is going to do the standard cross section, it is already in the budget. However, if they wanted to do the cross section that was adopted in 2007, they will have to come up with a cost. He guessed it would be significantly more than what has been budgeted. He asked the City Council what they wanted to do. The consensus was to have staff obtain a cost for the 2007 cross section design.

Business Meeting

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1.0 Call to Order: Mayor Troy K. Walker

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2.0 Thought/Prayer and Pledge of Allegiance

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- 2.1 The prayer was offered by Riley Pilgrim, Unified Fire Authority.

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- 2.2 Mike Kelsey, Unified Fire Authority, led the Pledge of Allegiance.

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3.0 Recognition: Trevor Smiley for Being Accepted into the United States Air Force Academy

- 3.1 Mayor Walker recognized Trevor Smiley. Trevor is one of the few people that were accepted into the United States Air Force Academy. There are only six or seven applicants chosen from Utah each year. This is a great achievement.

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4.0 Proclamation: Public Works Week - May 15-21, 2016

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- 4.1 Mayor Walker read a proclamation for Public Works Week. He thanked the Public Works Department for their efforts on behalf of the residents of Draper. He recognized Brad Watson from the Public Works Department and asked him to give his appreciation to the rest of the Public Works Employees.

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- 4.2 Councilmember Rappleye indicated Mr. Watson serves on the Emergency Preparedness Committee and has taken on a very important role. Councilmember Rappleye expressed appreciation to Mr. Watson for his efforts.

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5.0 Public Comments

To be considerate of everyone attending the meeting, public comments will be restricted to items not listed on this or a future agenda and limited to three minutes per person. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.

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5.1 Clair Ashby, resident, thanked the City Council for passing the ordinance to protect the water shed. She said she likes clean water, she likes feeling healthy, and she likes having a clean drink.

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6.0 Consent Items

- a. **Approval of May 3, 2016, City Council Meeting Minutes**
- b. **Approval of Resolution #16-28, Appointing Melinda Van De Graaf as a Youth Council Advisor**
- c. **Approval of the Dowland Assessment-in-Lieu Agreement**

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

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

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7.0 Public Hearing: Ordinance #1208, Sherland Court Rezone, Request for Approval of a Rezone from RA1 to RA2 on 5.26 Acres Located Generally at 1266 East 13400 South

7.1 Keith Morey, Community Development Director, noted the City Council had this item on their agenda towards the end of last year. This piece of property is just south of 13400 South and 1300 East. It is the privately owned equestrian piece of property. The Land Use Map anticipates the future density as Residential Low to Medium Density. It is currently zoned RA1. The application last year was to convert that parcel into quarter-acre lots. The neighbors were concerned about the small lot size. The Planning Commission and City Council heard that, and the request was denied. The applicant has come back to the City with a different request. He indicated there is no site plan, as this is simply a request for a rezone to half-acre lots. The Planning Commission voted 4 to 1 to approve this zone request. They felt it was in harmony with the Land Use Map. The surrounding property has half-acre lots. He displayed photos of the property.

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7.2 Councilmember Summerhays asked how many units they were asking for when they applied previously. He said he thought there were approximately fourteen units on 4.86 acres.

Mr. Morey replied he cannot remember the number of units. He just remembers that they were asking for quarter-acre lots. This parcel is 5.26 acres

Jennifer Jastremsky, Planner, indicated the previous rezone did not include the triangle piece, which is the difference. They were going to deed that piece to the City for trail or street improvements. The current applicant is including the entire property in the rezone.

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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 Chris Roth, applicant, indicated there has been some questions about how they will work with the neighbors. He has spoken with some of them, and he is trying to keep this development semi-low impact to the area. They will have lower roofed houses to maintain the integrity of the property. They will keep all of the exterior trees and any other tree that is not within the footprint of the houses. He stated he plans to live there.

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7.5 Councilmember Stenquist moved to approve Ordinance #1208. Councilmember Summerhays seconded the motion.

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7.6 Councilmember Summerhays indicated the applicant has met the requirements, and he is confident in the Planning Commission's recommendation. This is the right decision to approve the half-acre lots.

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7.7 Councilmember Stenquist stated half-acre lots conform to the Land Use Plan, and this is a reasonable request and fits in nicely with the surrounding areas and lot sizes.

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7.8 Councilmember Weeks indicated she is sad to see the Equestrian Center go, but she thinks the half-acre is in tune with the neighborhood.

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7.9 Councilmember Rappleye agreed that this fits with the Land Use, which was one of the issues with the last request. This is a good way to hold the lower density in the area.

[7:24:02 PM](#)

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

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8.0 Public Hearing: Ordinance #1199, Amending the Appeals Provisions in the Land Use Code in Order to Comply with State Law, Ensure Consistency in Appeals Procedures and Clarify the Appropriate Appeal Authority for Various Land Use Decisions

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8.1 Mike Barker, City Attorney, reviewed the proposed changes to the Appeals section of the City Code. The specific changes are as follows:

- 2-4-060 Constitutional Takings Issues
 - Conform language to state law (63L-4-101)
- 3-1-280 Planning Commission
 - Hear matters as designated by City Council
 - Appeals from PC go to City Council or AV Hearing Officer
- 9-3-030 Rules of Construction
 - “Days” means “calendar days” unless otherwise specified
- 9-4-050 Appeals and Variance Hearing Officer
 - Clarifies CC hears site plan and CU appeals
 - Appeals from ZA re: nonconforming status
- 9-5-180 Appeal of Administrative Decisions
 - Clarifies appeal procedure, standard of review and effective date of appeal decision.

Mr. Barker advised these changes bring the City Code into compliance with State law. The Planning Commission recommends approval of this change.

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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 Weeks moved to approve Ordinance #1199. Councilmember Vawdrey seconded the motion.

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8.4 Councilmember Rappleye stated he is in full support of the actions of the staff being proactive with this change and finding the areas in the Code that are not matching the State statute. He complimented staff on their efforts.

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

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9.0 Public Hearing: Ordinance #1206, Request for Approval of a Text Amendment to the Land Development Code to Create Regulations Concerning Protection Strips

[7:33:21 PM](#)

9.1 Mr. Morey stated in the past the City has had issues with the protection strips. They serve a significant purpose. If a developer installs the infrastructure for a development, the protection strip is the only way they can insure they will get reimbursed for their improvements by an adjoining development connecting to their improvements. The new developer is not allowed to cross until a mutual agreement has been made. There have been some problems with a developer holding another property owner “hostage” by asking for a high amount to cross the protection strip and connect. The purpose of this change is to fix that issue and make it fairer for all parties involved. The reimbursement will be for fair market value. The Planning Commission recommends approval of this ordinance. He expressed appreciation to Ms. Jastremsky for her work on this. She did a lot of research on how other cities have handled this issue.

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9.2 Councilmember Summerhays asked what would happen if they do not finish the landscaping on the protection strips. Mr. Morey noted there are still City Code requirements that require anyone putting in a subdivision to complete their landscaping.

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9.3 Councilmember Weeks asked whether this is from now on so anyone who has them in the past would not be held to this new ordinance. Mr. Morey stated that is correct. They cannot do anything about the older ones.

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

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9.5 Councilmember Vawdrey moved to approve Ordinance #1206, creating regulations concerning protection strips. Councilmember Summerhays seconded the motion.

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9.6 Councilmember Summerhays indicated this is another good catch by the staff.

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

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10.0 Public Hearing: Ordinance #1200, Galena Park Zone Change, Request for Approval of a Zone Change from CC to RM1 on 0.36 Acre Located at Approximately 538 West Fox Chase Drive

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10.1 Mr. Morey noted the City Council has seen this application before. Rocky Mountain has a substation in this area, and they have to expand it. They went back and forth with DR Horton about this, and during that process the property was rezoned to RM1. There was a small parcel that was left in the CC zone; however, there are now three homes on that parcel, which makes those home non-conforming uses. This action is to clean up that zoning.

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

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10.3 Councilmember Rappleye moved to approve Ordinance #1200. Councilmember Weeks seconded the motion.

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10.4 Councilmember Rappleye said this appears to be an oversight when they were selecting the zoned area. The homes have been built as residential, so this is just a correction.

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

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11.0 Action Item: Ordinance #1204, Amending DCMC 7-5-180 Clarifying the Definition of Animals Permitted in the Watershed

[7:44:41 PM](#)

11.1 Mr. Barker noted this is another “clean up” item on the agenda tonight. Section 7-5-180 of the Draper City Code has been in place for many years. The Council recently passed an ordinance that would prohibit dogs in the water shed area. The whole discussion at that time focused on areas which the dogs would be allowed. This action clarifies that the issue Water Pro had with the watershed only involved dogs. The changes are as follows:

- (b) Watershed Area. It shall be unlawful for any person keeping, harboring or having charge or control of any ~~animal dog~~ to allow said ~~animal dog~~ to be within any watershed area so designated by ordinance or otherwise legally appointed, either now existing or to be defined in the future. Animals Dogs shall be allowed in a designated watershed area on and downhill from the Bonneville Shoreline Trail from Hidden Valley Park in Sandy to the junction of Potato Hill Trail and on and downhill from the Potato Hill Trail to the junction of Ann’s Trail. This subsection shall not apply to dogs specially trained for and actually assisting a person with a disability, or dogs used in law enforcement or search and rescue work.

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11.2 Councilmember Summerhays asked whether they would be okay with the dogs in the wilderness area. Mr. Barker noted there is really only one trail that goes up there to access the wilderness area. The City can only enforce the City property not Forest Service Land. It is difficult to access that area up there.

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11.3 Councilmember Vawdrey moved to approve Ordinance #1204. Councilmember Summerhays seconded the motion.

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11.4 Councilmember Vawdrey noted it was the original intention of the Council to have it work this way. This is a good fix.

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11.5 Councilmember Summerhays agreed that this was what he thought they had originally intended.

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11.6 Councilmember Weeks asked for clarification that this is basically changing the word animal to dog, which is what they agreed on a few months ago. Mr. Barker advised that is correct.

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11.7 Councilmember Summerhays noted the Animal Control Officer is getting a lot of push back from the dog people saying that her horse is an animal and should not be allowed up there.

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11.8 Councilmember Rappleye said he has done a lot of research on case law in California over the horse versus dog. There is a lot of scientific data supporting the fact that the horse does not create the problem. It is a different type of waste product in the feces.

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

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12.0 Action Item: Amending the Edelweiss Development Agreement

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12.1 David Dobbins, City Manager, advised the City has been working with the developer of the Edelweiss development for some time. There has been a delay in the development due to geological issues. This request is to allow the developer the ability to install some basic infrastructure improvements such as a portion of the sewer line and a portion of the storm water line.

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12.2 Councilmember Summerhays asked whether they have received approval from South Valley Sewer District. Mr. Dobbins explained the agreement states they would need to obtain that approval prior to the work being started.

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12.3 Councilmember Rappleye said it is his understanding that the preliminary plat will be coming to the City Council soon. The reason they are allowing this work to be done in advance is the fact that the piping and infrastructure has to settle so they can get the correct compaction on it. Mr. Dobbins noted that is correct. The agreement states that if the alignment needed to change through the platting process, the developer would need to make the change. However, due to the location, it is unlikely that it would have to change.

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12.4 Councilmember Summerhays stated his concern is that they do not have a preliminary plat on it.

Mr. Dobbins explained this does not affect the adjacent property because where they are doing the work it does not go into that area. There will be public hearing on the platting process, so anyone with concerns can come and voice their opinions to the Planning Commission and City Council.

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12.5 Councilmember Rappleye moved to approve the amendment to the Edelweiss Development Agreement. Councilmember Stenquist seconded the motion.

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12.6 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Vawdrey, and Weeks voting in favor. Councilmember Summerhays voted no. The motion carried with a majority vote of 4 to 1.

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13.0 Action Item: Approval of Agreement for Construction of Infrastructure Improvements for Hidden Canyon Estates

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13.1 Mr. Dobbins noted this development is up in SunCrest. He displayed the area on the map. There is a piece of property up there that is owned by the City. The area functions as a detention basin at this time. The developers intend to put a platted right-of-way that will eventually be a road to access a part of Hidden Canyon Estates. The developer would like the City's contractor that is already working on the detention basin to install the first portion of the road across the City's property since they are already there. The developer would pay all of the cost to do this work, and the contractor would then be under the City's direction to complete that work.

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13.2 Councilmember Summerhays asked what happened to all the detention water that flowed into 7a. Mr. Dobbins explained this detention basin is almost functional, and it is taking all of the water. There is no piping and no utilities in this road. All of the utilities would come through the different parts of the subdivision.

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13.3 Councilmember Weeks asked whether there was always plans for the City to put in a road to help the development. Mr. Dobbins explained when the City worked with the developer, he had told the City he planned to build this road. This was not always City property, it became City property and the developer dedicated the right-of-way for the road all the way from SunCrest Drive to this location. The developer is now asking that the City's contractor install the road across the property at the developer's cost. There is no cost to the City to do this, and it is at the alignment the road has always been. There are some technical details that need to be resolved in the platting process as to how they hook up with the roads adjacent to the City's property. Mr. Dobbins pointed out that the agreement stated the City will do the work but if there is ever a discrepancy, it defaults to the City's decision. If there are any cost overruns, the City will withhold permits and plats until the payments are made.

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13.4 Councilmember Stenquist moved to approve the agreement for construction infrastructure improvements for Hidden Canyon Estates. Councilmember Rappleye seconded the motion.

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13.5 Councilmember Stenquist reiterated that this is being done at the cost of the developer.

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13.6 Councilmember Weeks questioned whether this would disrupt any area where the elk graze. Mr. Dobbins explained it will not affect it because this green space is now a detention basin.

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

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14.0 Action Item: Approval of a Contract for Vegetation Removal in SunCrest Area by Goats and Approval of Agreement with Utah Division of Natural Resources for Partial Funding Grant

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14.1 Scott Cooley, City Engineer, indicated this is an agreement for \$31,250 to clean up some hot spot areas in the SunCrest area by using goats. The City set aside \$10,000 for this.

The remainder of the cost will be paid by a grant from the Division of Forestry, Fire, and State Lands. He displayed the four areas on the overhead map.

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14.2 Councilmember Rappleye asked whether that is enough funding to clean these areas up. Mr. Cooley explained it is. They need to work fast because they need to be out of there by June 30th.

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14.3 Councilmember Weeks asked whether they have already chosen the goats. She said she is curious as to how the staff selected them. Mr. Cooley explained this contractor has a lot of goats, and they take them all around. Some of their contracts are over \$200,000, so they must have a lot.

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14.4 Councilmember Summerhays asked whether the goats will eat the oak brush at all. Mr. Cooley stated he believes they do.

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14.5 Riley Pilgrim, Unified Fire Authority, stated from his experience the goats literally eat everything they can reach. They have used them at Camp Williams. The goats will be placed in the areas they have already been working on clearing to deter wildfires.

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14.6 Brianna Binnebose, Utah State Division of Forestry, Fire, and State Lands, stated the goats are the preferred chosen alternative. The oak brush loves disturbance, and it grows back very quickly. Some other alternative is to have hand crews come in and thin it by hand or the application of herbicides which kills other vegetation too. The vegetation can grow to waist high in three to five years. That increases the fire risk in those areas.

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14.7 Councilmember Weeks asked how many goats will be working in the SunCrest area. Ms. Binnebose indicated there will be approximately 100.

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14.8 Councilmember Weeks moved to approve the contract for vegetation removal in the SunCrest area by goats. Councilmember Rappleye seconded the motion.

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14.9 Mr. Barker questioned whether the motion includes the approval of the second contract for the funding. Councilmember Weeks and Councilmember Rappleye stated it does.

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

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15.0 Action Item: B&C Funded Road Project Priorities

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15.1 Mr. Cooley presented the staff plan for the 2016-17 Pavement Preservation Program. For this summer, the projects include the following:

- Draper Parkway from the Trax line to 1300 East
- 300 East from 13400 to 13200 South
- Manilla Drive from Manti to Traverse Ridge
- Bangerter Parkway from Jiffy Lube to 13800 South
- Deer Hollow 2

Mr. Cooley then reviewed the various projects and stated the total cost is \$1.6 million. He clarified that these are the B&C Road Fund projects and not the major projects. He indicated for 2017 they will be doing quite a bit of preventative maintenance. They will also finish Bangerter Parkway, Draper Commercial Parkway from Minuteman to the end, and Willow Springs Road. These projects will cost approximately \$1.6 million. Staff is trying to keep their good pavement good so they do not have to do a complete rebuild.

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15.2 Mr. Dobbins explained staff put this plan together with the data they collected from the condition of the road. They look at what is the best use of the money. If they can spend a dollar today that will save a dollar tomorrow, that is a good use of the funding. Spending a dollar today that will still necessitate spending ten dollars next year does not make a lot of sense in terms of the value they get.

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15.3 Councilmember Weeks moved to adopt the B&C Funding Road Project Priorities. Councilmember Vawdrey seconded the motion.

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

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16.0 Council/Manager Reports

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16.1 Councilmember Weeks stated she had some questions about the dog park and how the water feature and grassy areas have been closed for the past couple of weeks. She asked what is going on and if there has been a problem.

Mr. Dobbins noted the water for the water feature comes from the fields across the street to the east. When they irrigate their land, the excess water runs through that area. It has been such a wet spring, so they have not had to use the irrigation water, and there has not been any extra runoff. The water was just sitting there rather than getting flushed out, so

the City was getting complaints about the water being dirty and dogs getting sick. Until that runoff water starts to come this spring, the City closed it off for a while. The grass area in the large section of the dog park was not established enough when the park opened, so that has been closed off to allow it to grow.

Councilmember Weeks asked when he thinks it will be open. Mr. Dobbins explained as soon as it stops raining, so hopefully within the next two weeks.

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16.2 Councilmember Vawdrey reminded the City Council about the Heritage Banquet and stated if they are interested in attending, to let Kellie know as soon as possible so she can purchase tickets.

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16.3 Mayor Walker commended the Police Department on their traffic enforcement and for giving the ages of the speeders in their reports. It is interesting

Mayor Walker noted he has had a few people try to get him to fix their tickets. However, he stated for the record that he has not fixed any tickets.

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17.0 **Adjourn to a Closed-Door Meeting to Discuss Property Acquisition, Litigation, and/or the Character, Professional Competence, or Physical or Mental Health of an Individual**

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17.1 **Councilmember Vawdrey moved to adjourn to a closed-door meeting to discuss property acquisition and litigation. Councilmember Rappleye seconded the motion.**

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

17.3 The meeting adjourned at 8:21 p.m.