

Approved February 18, 2014

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 11, 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; Russ Fox, Assistant City Manager; Doug Ahlstrom, City Attorney; Rachelle Conner, City Recorder; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; Garth Smith, Human Resource Director; and Bob Wylie, Finance Director

Study Meeting

1.0 Dinner

2.0 Harassment Avoidance and Open Meetings Training

[5:57:54 PM](#)

2.1 Garth Smith, Human Relations Director, presented the Harassment Avoidance Training, and Rachelle Conner, City Recorder, presented the Open Meetings Training.

3.0 Discussion – Little Valley Open Space

[6:32:28 PM](#)

3.1 Brad Jensen, Engineer, introduced members of the Parks, Trails, and Recreation Committee and individuals from Healthy Draper. They discussed their plans for a multi-use beginner and intermediate trail at the trail head in Little Valley.

Business Meeting

[7:01:37 PM](#)

1.0 Call to Order

1.1 Mayor Walker called the meeting to order and welcomed those in attendance. He introduced Marsha Vawdrey as the newest Council Member and advised the City is lucky to have her in this capacity.

2.0 Comment/Prayer and Pledge of Allegiance

[7:04:21 PM](#)

2.1 Scout Troop #606 presented the colors and offered the prayer.

3.0 Citizen Comments

[7:07:24 PM](#)

- 3.1 Amber Brosig noted she is the Managing Trustee of Children and the Earth. They are a nonprofit organization that raises money for sick and needy kids. Their biggest event is held in July each year in Draper, and this will mark their 5th year. They are hoping to raise over \$100,000, which will help 40 different children. Part of this event is a 5k run, and they were told they could not do it in July because of Draper Days. She asked the City Council to make them the exception to the rule. They have worked hard to brand their event, and they would really like to keep it in July. They would only need police services for an hour and a half on July 12th.

David Dobbins, City Manager, indicated they have already spoken with Chief Roberts about this issue. Due to other events going on at that same time, they do not have the staff to handle this request.

[7:10:50 PM](#)

4.0 Consent Items

- a. Approval of January 21, 2014, Minutes
- b. **Agreement #14-12**, Assessment in Lieu – Windamere Estates Subdivision
- c. Declaration of Easements, Centennial Heights Lots 201, 202, and 203

[7:11:19 PM](#)

- 4.1 **Councilmember Stenquist moved to approve the consent calendar as listed. Councilmember Summerhays seconded the motion.**

[7:11:33 PM](#)

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

5.0 Presentation: Knights of Columbus Presenting a Check to the Police Department for Domestic Violence Victims.

[7:12:24 PM](#)

- 5.1 Louis Amarosa, Knights of Columbus, indicated they raise funds each year by selling tamales, and they like to donate the proceeds from those funds to the Draper Police Department for Victims of Domestic Violence. He presented a check for \$1,500 to Sergeant Chad Carpenter.

Norbert Martinez recognized Sergeant Evans and other officers for their help in making the tamales.

Anthony Ritoles, Knights of Columbus, introduced himself as well.

Sergeant Carpenter noted the Knights of Columbus have been very supportive of the Draper Police Department and the service they provide to the victims of domestic violence. He advised the Police Department appreciates the relationship they have with this group, and he expressed gratitude for this donation.

Mayor Walker thanked the Knights of Columbus for everything they do for the community. They are a tremendous contributor to the City of Draper.

6.0 Presentation: Popular Annual Financial Report

[7:16:30 PM](#)

6.1 Jared Zacharias, Senior Accountant, presented the Popular Annual Financial Report for Fiscal Year July 2012 to June 2013. The report is a condensed version of the Certified Annual Financial Report. He reviewed the highlights of the report.

[7:24:34 PM](#)

6.2 Mr. Dobbins noted this will be posted on the City website. It is a great source of information for the residents and is a good summary of what the City does.

[7:25:00 PM](#)

6.3 Councilmember Stenquist asked whether this can be made available as a hard copy in the foyer and perhaps the City could mail a copy to the residents. He said he understands it is an expense to mail this out.

[7:25:41 PM](#)

6.4 Councilmember Colbert noted it is helpful to have this information available for youth groups and when the Council meets with other groups.

7.0 Public Hearing: For Approval of a Preliminary Plat for a 44-Unit Townhome Development on 3.9 Acres in the RM2 (Residential Multi-Family) Zone Located at 13433 South Minuteman Drive.

[7:26:47 PM](#)

7.1 Dennis Workman, Planner, noted this request is for preliminary plat approval. Draper Creekside is a 44-unit townhome development located just north of the Bella Monte development. The Planning Commission has forwarded a positive recommendation to the City Council. The final plat will come to the Council for consideration at a later date.

[7:28:57 PM](#)

7.2 Councilmember Summerhays asked whether there is adequate room for snow plows and snow removal. Mr. Workman indicated these are private streets, so the City will not be plowing these roads.

[7:30:00 PM](#)

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

[7:30:13 PM](#)

7.4 Todd Godfrey, Attorney, noted his office represents the adjacent property owner. They forwarded a letter to the City Council earlier that day. They are concerned about the configuration of the project and the elimination of his client's access. The objections are stated in his letter, and he would like that letter to be part of the record.

[7:31:00 PM](#)

7.5 Councilmember Colbert asked what the concerns are with the access. Mr. Godfrey explained the historic access for this property comes off the bowl at the end of Minuteman. It is right next to the existing access for Bella Monte. They were advised by City staff that the access will not be available to them for development access due to their close proximity, and that is what has created this concern. They have tried to negotiate with Mr. Saxey, and they would prefer to not even be here tonight. However, they have not been able to work anything out. The preliminary plat does not show their access. The normal street standards will not allow them to have access, and that is what is causing their concern.

[7:32:27 PM](#)

7.6 Mike Kelly, Attorney for the developer, stated he also sent an email to the City Council, and he would like to make that email a part of the record. He pointed out that the adjacent property owner was at the Planning Commission meeting, and he spoke in favor of this plat. If he wanted to appeal that decision, he had two weeks to do that.

[7:33:34 PM](#)

7.7 Councilmember Summerhays stated it disturbs him that the individual would not have access. Mr. Kelly indicated it is his understanding that there is access; however, it might not be located where the adjacent property owner desires.

[7:34:33 PM](#)

7.8 Eric Saxey, developer, noted Mr. Workman covered his application really well. It follows all of the City's ordinances, and this will not eliminate the adjacent property owner's access. There is a 12.5 foot right-of-way access through the property to the south, and that has been there for decades. It is the same access that was there when the property was purchased two years ago. In reference to having the two access points that close to each other, he has prepared a traffic report that was part of the Planning Commission approval. It shows it would allow another access point at the end of Minuteman as long as traffic was shown where to go. Mr. Saxey stated his application is entitled to approval because it does comply with the ordinance. He then read various emails from Draper City employees in reference to this request.

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7.9 Mayor Walker closed the public hearing.

[7:41:07 PM](#)

7.10 Councilmember Colbert expressed concern about the access. He questioned whether it would prohibit the adjacent property owner from access if this is approved as proposed.

Troy Wolverton, City Engineer, noted the holding strip that is being referred to is a means by which the adjacent property owner can assist in the cost to construct access through those roads. The City is not part of this agreement because they are not public roads. There would need to be a variance request by the adjacent property owner. It is difficult to speak on the adjacent property because there is not an application submitted, and staff does not know what is being proposed. He stated staff directive would be to process the application before them, and when they receive an application for the adjacent property, staff would review that in accordance with the current Code.

[7:43:02 PM](#)

7.11 Councilmember Colbert expressed concern that this application does not have sufficient access for the adjacent neighbor, and the City has no way of enforcing that this property owner would allow access. He asked how the adjacent property owner would gain access without a variance request. Mr. Wolverton said the City is not in the position to deny access for the development of a property. This is a private matter, and they would need to work out the access issues amongst themselves.

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7.12 Councilmember Colbert advised he is not comfortable approving this plat when it hurts the adjacent property owner. He would like this application to run the normal course in order for the property owners to get together to work on the access issues before next week.

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7.13 Councilmember Summerhays asked whether there is enough property for them to have two accesses. Mr. Wolverton indicated he does not have that information available at this time to answer that question.

8.0 Public Hearing: Providing Local Consent for a Dining Club Alcohol License for Shepherd's Allstar Lanes, Inc.

[7:47:48 PM](#)

8.1 Keith Morey, Community Development Director, noted this business meets all of the requirements for the Dining Club Alcohol License. He read what a Dining Club License would allow the business to do. There is not an available license right now; however, the applicant would like to receive local consent now so they are ready when a license becomes available from the State.

[7:49:43 PM](#)

8.2 Mayor Walker opened the public hearing.

[7:49:53 PM](#)

8.3 Brad Shepherd, business owner, noted this is a completely separate area from the bowling alley. This will give them the opportunity to dispense the alcohol in an open space for people to mingle.

[7:51:39 PM](#)

8.4 Mayor Walker closed the public hearing.

[7:51:46 PM](#)

8.5 Councilmember Colbert moved to suspend the rules. Councilmember Stenquist seconded the motion.

[7:52:00 PM](#)

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

[7:52:04 PM](#)

8.7 Councilmember Colbert moved to provide local consent for a Dining Club Alcohol License for Shepherd's Allstar Lanes, Inc. Councilmember Rappleye seconded the motion.

[7:52:20 PM](#)

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

9.0 Action Item: Resolution #14-08, Amending the Consolidated Fee Schedule.

[7:52:49 PM](#)

9.1 Bob Wylie, Finance Director, noted staff is proposing changes to four sections of the Consolidated Fee Schedule, which includes park reservation fees, public improvement inspection fees, records fees and returned check fees.

[7:53:26 PM](#)

9.2 Rhett Ogden, Recreation Director, noted the current pavilion fees have been in effect for many years. He is recommending the fee be increased \$10 for large pavilions and \$5 for small ones. Staff is also recommending a cancellation fee. The current fee is only \$10 within 5 business days. The City has had a problem with people reserving various dates while deciding which date to use. That ties up the facility for anyone else, and there is no penalty for cancellation. Staff is also recommending an increase to the fee for field use and player participation.

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9.3 Councilmember Stenquist asked whether the City is requiring the teams to monitor whether the participants are residents or non residents. Mr. Ogden explained the teams

have already been doing it. He has them turn in a printout each years with the information.

[7:57:59 PM](#)

9.4 Councilmember Colbert questioned whether this is consistent with what other cities are charging. Mr. Ogden noted he has a report that shows what other cities are charging, and Draper is very consistent.

[7:59:10 PM](#)

9.5 Councilmember Summerhays noted he has been talking with Mr. Ogden for years about the need to raise the fees. It takes a lot of work to prepare the fields.

Mr. Ogden noted he has spoken with the various groups about the fee increase. The president of the football program noted she has already increased her fees \$6 from the previous year in order to pay for it. None of the groups have had a problem with the change.

[8:00:15 PM](#)

9.6 Councilmember Colbert questioned whether the City should limit the number of reservations an individual can make. Mr. Ogden explained staff will definitely do that if the cancelation fee is not approved. However, by enforcing a cancelation fee, it should solve the problem.

[8:01:19 PM](#)

9.7 Councilmember Colbert advised he would like Mr. Ogden to report back to the Council if this continues to be a problem.

Councilmember Stenquist noted he would be in favor of limiting the reservations.

[8:01:57 PM](#)

9.8 Mayor Walker requested clarification that they can still reserve multiple dates; however, they would have to pay a fee for all of the dates canceled. Mr. Ogden explained if they were within forty-five days, they would lose fifty percent of each reservation and if they are less than forty-five days, they would not receive any refund.

[8:03:40 PM](#)

9.9 Mr. Dobbins explained part of the reason they have the forty-five day rule is because that would still allow the City to rent it again.

[8:04:25 PM](#)

9.10 Mr. Ogden noted there are several recreation fees that vary from season to season, so this change will allow staff to make those changes as needed.

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9.11 Councilmember Summerhays said Mayor Walker is the liaison to the schools. Councilmember Summerhays asked Mayor Walker to meet with the schools to talk about the fees being charged by the District for the use of facilities. The costs seem very high. Mr. Ogden noted he has already spoken with Rick Conger from the District in reference to meeting this summer to discuss fees. No date has been set, but he would be happy to have the Mayor there as well.

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9.12 Mr. Wolverton explained he is recommending changes to the public improvement inspection fees.

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9.13 Mr. Wiley advised the other changes are in reference to records fees, which brings the City fees in compliance with State law for GRAMA requests, and the returned check fee brings the fee into compliance with what the State allows.

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9.14 Councilmember Rappleye moved to amend the Consolidated Fee Schedule. Councilmember Colbert seconded the motion.

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

10.0 Discussion: 13200 South Project – Derek Coulter

[8:10:30 PM](#)

10.1 Mary Chidsey, 1244 Spring Ridge Drive, noted Mr. Coulter is very ill and has asked that this item be moved to the next Council meeting. The Council agreed to move this item to February 18, 2014.

[8:12:02 PM](#)

** *The City Council took a break at 8:12 p.m.*

[8:21:50 PM](#)

** *The Meeting resumed at 8:21 p.m.*

[8:38:52 PM](#)

11.0 Action Item: Approving City Council Assignments for 2014.

11.1 The City Council went through each assignment and discussed who would serve in each capacity.

[8:39:36 PM](#)

11.2 Councilmember Stenquist moved to approve the Council Assignments. Councilmember Rappleye seconded the motion.

[8:39:40 PM](#)

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

12.0 Action Item: Appointment Mayor Pro Tem for 2014.

[8:40:05 PM](#)

12.1 Councilmember Summerhays moved to elect Bill Colbert to serve as Mayor Pro Tem. Councilmember Vawdrey seconded the motion.

[8:40:39 PM](#)

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

13.0 Council/Manager Reports

[8:41:16 PM](#)

13.1 Councilmember Summerhays said Mr. and Mrs. Tyler Leggett are building a home on 1700 East. They came and spoke to the Council previously to see what could be done about their sidewalk. They could pay the deferral in lieu of putting in the improvements, but that would cost more than just putting in the sidewalk. The City Engineer has expressed concern that if the Leggetts put in the improvements, it would not match up to the neighbors when the City puts theirs in. The Leggetts would prefer to wait on both options to see what the City plans to do with the improvements in that area; however, they will do what the Council wants them to.

Mr. Morey indicated he had this conversation with the Leggetts a couple of weeks ago. A deferral agreement does not make sense in this area because there are already enough improvements in place, so they will be tying into that in the near future. Staff told them they need to put the money up for the City to install the improvements, or they would have to have the improvements installed at the City's standards. They were given all of the requirements for the improvements.

Councilmember Colbert indicated another option would be for the City to take the amount they were quoted for the improvements rather than what the City regularly charges.

Mr. Morey advised he will speak with the Leggetts again and tell them their options.

Councilmember Summerhays noted he would really like Mayor Walker to talk to the Canyon School District about the cost to use their facilities.

8:50:50 PM

13.2 Councilmember Rappleye stated he has spoken with Mr. Wolverton about a street next to the new high school. He had received a call from the residents over there expressing interest in closing that road. Councilmember Rappleye asked who these residents could speak to about this. Mr. Dobbins told him to have the neighbors contact Glade Robbins.

Councilmember Stenquist said he is surprised at how few people use Golden Pheasant. It is probably because of the speed bumps. He thinks most people are going down to Carlquist. He said he is not in favor of closing that road, but if they did, this is the process they would have to go through. Councilmember Rappleye indicated that is what he has told the neighbors, and they know there will be some cost to them.

Councilmember Colbert indicated this would set a precedent. Councilmember Rappleye noted this street was meant to be a cul-de-sac, but somehow it did not turn out that way.

Mr. Dobbins advised he would like to have the neighbors' proposal to present to the City Council for a decision.

Councilmember Rappleye then said he spoke with a resident during his campaign that lives on Inauguration, and she made it sound like there was a detention basin that was not being maintained properly. Mr. Robbins sent staff out to check on it, and there was not a problem. Councilmember Rappleye said he clarified with her that some time in the past they were given the okay for it to be used as a dog park. She is trying to figure out if that is still okay.

Councilmember Rappleye advised if the City decides to buy some of the property next to City Hall, there is a request from the parents at Draper Elementary that the City look at building a second access road there. Councilmember Rappleye indicated the District should probably buy it.

Councilmember Rappleye stated they were talking about updating the Sign Code in reference to the digital upgrade in some areas. He would like to bring that up again. Councilmember Summerhays agreed that he would like to do that as well.

Mr. Dobbins said he would like to meet with those two Councilmembers in order to receive direction on the basic parameters they have in mind.

Mr. Morey indicated Dan Boles, Planner, has already started formulating some basic ideas of how the Sign Code might be amended. It would be helpful to hear the Council's specific ideas.

8:56:09 PM

13.3 Councilmember Colbert indicated it was good to hear that they have leased the Suncrest Market. He asked what is going on with it. Mr. Fox noted they do not have plans as of yet. They are in the process of designing those. Staff does know that it will partially be a

market and partially a restaurant. They will be asking for an off-premise alcohol license and a full-service alcohol license for the restaurant.

Councilmember Colbert asked whether the location of the church is a problem for the alcohol license. Mr. Fox stated they have looked into it, and they are okay.

Councilmember Colbert then noted sometimes they have surprise storms late at night, and the snow plows are slow to respond. Mr. Dobbins noted he spoke with Chief Roberts to make sure they are coordinated with Public Works to make sure they are aware of snow accrual during the night.

9:00:22 PM

13.4 Councilmember Stenquist said he would like to report on the Association of Municipal Councils that he attended this past month. There were some new Councilmembers this time, and they voted in Dennis Tenney from Sandy as the Chair, and Coralee Moser from Herriman as the Vice Chair. They brainstormed some topics for discussion, and one of the topics was the prison relocation. They will be discussing that this month. He invited Mayor Walker to attend since he is on the Prison Relocation Board. His hope is to educate the various Cities about the process and get them on board to support the move. The meeting will be on Monday February 24th at noon.

Councilmember Stenquist noted he sent out an email about the fridge magnets that list the recycling days.

Mr. Robbins responded that the solid waste people decided not to do the magnets this year due to the cost. It is approximately \$7,000 to have the magnets made and mail them out. Instead of the magnets, they have put together a paper calendar. If a resident calls them, they mail a calendar to them. It is also on the web page, but it is difficult to find. Staff is willing to have the magnets made if the City Council wanted them to. It would cost \$3,850 to make them and the mailing cost would be on top of that. There is a thinner magnet option that would be cheaper to make and mail.

Councilmember Stenquist said he is glad they have been doing the magnets because when they first started the recycling they had many discussions about the schedule and they went with the every other week option because of the cost savings. There were a lot of concerns at the time that people would get confused about the schedule. He said he relies on the magnet all year long because he forgets what week it is. He would like something on his fridge. Mr. Robbins noted they have had a few residents call, and they were sent a hard copy schedule. The residents understood when they heard the cost of the magnets.

Councilmember Stenquist indicated he had previously asked about widening Highland Drive at Rambling Road. He received an engineered drawing, and it looks good to him. The cost for this could be a part of a bigger CIP project discussion. Mr. Dobbins asked whether Councilmember Stenquist would like that to be a part of the upcoming budget

for the next calendar year or do it this year. Councilmember Stenquist stated he would like to talk about including it in this year's budget.

[9:09:47 PM](#)

13.5 Mayor Walker noted the Aquarium is making a lot of progress, but there is still a lot of work to do. They would like to have some volunteer groups help to clean and get it ready to open. He suggested having the Youth Council and employees help with this effort. They can have twenty people there at a time to assist.

Mayor Walker then noted the Corner Canyon Little League President contacted him. They have three tractor trailer rigs, and they would like to park them at Galena Park during the summer. Mr. Dobbins noted the City does not allow people to park trailers of that size on their property. This is not a City organization, so the City cannot allow it. Other organizations are watching, and they would want the same treatment if the City were to allow this for baseball.

Mr. Fox stated the schools are not regulated like other properties. He suggested having them try to work out a deal with the schools.

Mayor Walker advised he talked with Brad Jensen earlier, and he reported that it will take about a year to inventory all of the trail systems and roads. One thing the Council may want to think about it giving staff the direction they would like to see the City go in reference to this.

Mayor Walker asked for the status of prohibiting trucks from parking along 700 East. Mr. Robbins indicated they met with the Utah Department of Transportation. They have the same concerns with this issue. They are doing some investigation on their side, and they have suggested possibly striping the road. Draper expressed their desire to prohibit parking along that roadway. It is UDOT's road, so they would need to grant permission for that.

[9:18:49 PM](#)

13.6 Mr. Dobbins advised that Mr. Fox and Mr. Morey have been working on a concept site plan for the prison area.

Mr. Dobbins asked which Council members were planning to attend the ICSC Conference, so staff can make travel arrangements.

Mr. Dobbins then indicated that earlier Amber Brosig had addressed the Council about her special event. Staff would like to put in some parameters when it comes to special events because Draper seems to be the place to go for these types of events. This puts a significant burden on the Police and Public Works Departments. They often have to close roads, which takes a specific number of officers. The City could be liable for any accidents that occur as a result of this. The City has determined that they will allow two events per month that require police assistance, and due to the overtime required during

Draper Days, they will not allow any other events in July. Draper has a small police department, and these events require more overtime than the officers sometimes want. Mr. Dobbins noted he is not comfortable turning Draper City roads over to another police agency. Draper could still be liable because it is their road. Mr. Dobbins noted they try to recommend people have their events in the parks and on the trails, as they do not require road closures or police assistance.

Councilmember Summerhays advised that this group was told last year that they would have to change the date of future events due to the timing of Draper Days. They knew this was going to happen.

Mr. Dobbins stated the City is also only allowing one event per day. He told Ms. Brosig to try to find a date in June or August, but she said that did not work for them. Staff has not asked the City Council to formally adopt an ordinance; however, this will be brought to them within the next month or so. The City Council will probably get more requests like this, but the problem is, the City does not have enough resources to handle all of the requests. The Council agreed that it should be limited.

[9:26:25 PM](#)

13.7 At Mr. Dobbins's request, Keith Morey previewed a concept site plan that could reflect the type of developments that could be done on the prison property.

[9:33:00 PM](#)

13.8 Mr. Wiley presented the City Council with a summary of the monthly financial statements for December 2013. He asked the City Council to provide feedback as to how they would like this information presented.

[9:36:33 PM](#)

13.9 Don Buckley, Unified Fire Association (UFA), invited the Councilmembers to the UFA Banquet on March 8, 2014, from 6:00 to 8:00 p.m. He will be sending invitations next week. He also noted they will be holding their fire school in May.

14.0 Adjourn to Closed Meeting to Discuss the Character and Professional Competence or Physical or Mental Health of an Individual.

[9:37:41 PM](#)

14.1 A motion to adjourn to a closed meeting was made by Councilmember Stenquist and seconded by Councilmember Summerhays. The meeting will be held in the Draper City Hall Administrative Conference Room.

[9:38:01 PM](#)

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