

Approved July 1, 2014

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JUNE 17, 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, 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; John Eining, Deputy Police Chief; and Garth Smith, Human Resource Director

EXCUSED: Councilmember Jeff Stenquist

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**Study Meeting**

**1.0 Dinner**

[5:53:12 PM](#)

\*\* Riley Pilgrim, Unified Fire Authority (UFA), talked about the non-disturbance areas in the city. He asked the City Council to allow the residents to work in those non-disturbance areas to make them more fire resistant. The UFA has received a grant to do the work, so it would not cost the City anything. He asked the City Council to amend the City ordinance to allow this to happen.

Doug Ahlstrom, City Attorney, indicated the non disturbance areas are in private backyards and were created by the developing engineer; not the City. There is nothing in the City Code that addresses the non disturbance areas. The City owns large areas of open space on the mountain, which should not be disturbed. However, the City Council has told the residents it is fine for them to weed whack five to ten feet behind their property to allow for a fire break.

Mr. Dobbins noted the City can adopt a policy that would allow for fire prevention measures on these areas, so the residents have some assurance that they will not get in trouble.

Mr. Pilgrim then briefed the City Council on the wildfire from the previous week. He stated they were lucky. Those houses might not have been so lucky if the fire would have occurred three weeks later.

## 2.0 Budget Work Session

### 6:11:10 PM

2.1 David Dobbins, City Manager, reviewed the changes that are being proposed to the FY 2014-15 Budget. The changes included:

- **Staffing Changes** (all costs covered within existing budgets except Passport position)
  - **Passport Position:** Make passport position full-time. Additional revenue will cover the increased costs. Will allow us to keep the passport office open a few more hours each day.
  - **Special Events:** Make Special Events Coordinator full-time by reducing one Code Enforcement position to part-time.
  - **IT Technician:** Change this position's title to Network Administrator. No change in pay grade.
- **Miscellaneous**
  - **Mayor & Council Salaries:** Utah Retirement Systems (URS) has set a minimum wage for elected officials. This new amount is \$988 a month which is a \$35 a month increase for council and giving the Mayor the same \$35 a month increase.
  - **Officer in Charge Program:** URMMA has recommended that we adopt an OIC program for the times that shift supervisors are not available (training, vacation, sick day) to reduce our liability. Annual cost would be \$5000
- **CIP**
  - **Park school Demolition:** Estimated costs for demolition are \$250,000.
  - **Wind Study:** The next step in the "wind farm" project is to do a wind study that is estimated to cost \$150,000 - \$200,000.
  - **Deer Ridge Drive:** Re-building deer Ridge Drive will cost \$3,000,000. There is \$1.6 million available from the TRSSD.
  - **Traverse Ridge Road:** Slurry seal would cost \$150,000. Chip seal would cost \$325,000.
  - **Dog Park:** Building a dog park on 300 East is estimated at \$383,000. I would highly recommend you go through a public process before making a final decision or the neighbors will be very unhappy. But you should budget for it now if you want to move the process ahead.

### 6:38:20 PM

\*\* **Councilmember Summerhays moved to adjourn to a closed door meeting to discuss litigation and property acquisition. Councilmember Vawdrey seconded the motion.**

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

## **Business Meeting**

[7:00:45 PM](#)

### **1.0 Call to Order**

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

[7:00:52 PM](#)

### **2.0 Comment/Prayer and Pledge of Allegiance**

[7:01:23 PM](#)

2.1 The prayer was offered by Imam Shuaib Din from the Utah Islamic Center.

[7:03:29 PM](#)

2.2 The pledge was led by Russ Fox.

[7:04:05 PM](#)

### **3.0 Citizen Comments**

[7:07:31 PM](#)

3.1 Jeremy Jensen, 13039 South 1300 East, indicated Draper is a great place to live. He grew up in Bluffdale, and the cities have kind of grown along with each other. He stated he is an electrical contractor, and he has the unique job of going into people's homes to do electrical work. When he tells people where he lives, they all say Draper is an awesome place. There is nowhere in Salt Lake Valley that resembles what they have in Draper as far as crime rate, noisiness, police cars, etc. He said it is really nice here. He expressed appreciation to the Council for their time this evening.

[7:09:19 PM](#)

3.2 Sharlene Wardrop, 68 East Saddle Villa Drive, advised she loves Draper. She grew up in Sandy, but she loves Draper. She stated the property just south of her has new townhomes going in, and to the north of the townhomes is a piece of land where there are older existing homes. They have some really tall cottonwood trees that are starting to die. She noted she is concerned that the trees will fall on her property. She then asked who she could talk to about changing the intersection of Minuteman and 12300 South. She said it should be turned into a roundabout. There are near accidents almost every day.

[7:12:26 PM](#)

3.3 Lindsay Goeckeritz, 727 Old English Road, noted she would like to present some information to the City Council as they determine the future of the historic Park School. As she stated in a previous City Council meeting, she is a proponent of preserving the school as a community arts center, which would be privately funded. The Park School has served as the anchor of the city for 103 years and has been utilized in several different capacities. It is her understanding that the school would be demolished because it would not be economically beneficial to rehabilitate the building. In a study

commissioned by the Utah Heritage Foundation, it was found that the historic preservation of buildings is almost always more cost effective than new construction. In a feasibility study completed by CRSA in 2001, the cost per square foot for existing remodel work would be \$80-100. The cost for new construction was \$210-230 per square foot. CRSA has confirmed that the costs would have changed in the last thirteen years, but the fact that there would be a significant cost savings is still there. In addition, there are many grants and tax credits that further increase the viability of preservation. She asked the City Council to delay demolition for at least six months to allow time for fundraising. And to procure grants. She thanked the Council for their time.

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3.4 Karen Goodfellow, 13327 Ranchero Drive, indicated she has lived many different places in the United States. She is from West Chester County, New York, and she grew up in Miami Beach, Florida. She has seen various stages of growth and development in all of the areas she has lived. The thing that most people value about living in Draper is the value of their property, the value of the land around them, and the way they value the pastoral parts of the community. That is also part of the mission statement of the City. She wanted to go on record to advise that the City needs to maintain the half-acre lots in the central part of Draper. Any development that happens that are less than one-half acre should happen in the outskirts of the city so they do not compromise the inner parts of the existing residences. She said they want to bring other people in, and have affordable housing, but they do not want to turn into some of the other places she has lived that have allowed this to happen in a very patchwork way. She asked the Council to think about the Master Plan and what the residents want in living here.

[7:16:43 PM](#)

4.0 **Consent Items**

- a. Approval of June 3, 2014, Minutes
- b. **Agreement #14-100**, Awarding the South Fork Park Project to S & L, Inc.
- c. **Amending Agreement #13-183** with Think Architecture – Adding Additional Funds for the Police Department Building
- d. Resolution #14-44, Adopting Jordan Valley Water Conservancy District Conservation Goal of Twenty-Five Percent Reduction in Per Capita Water Usage

[7:17:21 PM](#)

4.1 **Councilmember Summerhays moved to approve the consent items. Councilmember Colbert seconded the motion.**

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

[7:17:59 PM](#)

5.0 **Action Item: Ordinance #1103, On the request of Matt Lepire for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential**

**Agricultural) to R3 (Residential) on approximately 2.33 acres located generally at 13322 South 1300 East. The application is otherwise known as the Bechard Estates Zone Change Request.**

[7:18:31 PM](#)

5.1 Keith Morey, Community Development Director, indicated the City Council heard this item at the last meeting and held the public hearing. He reviewed the request for the Council.

[7:20:31 PM](#)

**5.2 Councilmember Colbert moved to deny Ordinance #1103, which would change the zoning designation from RA1 (Residential Agricultural) to R3 (Residential) on approximately 2.33 acres located generally at 13322 South 1300 East. Councilmember Rappleye seconded the motion.**

[7:20:52 PM](#)

5.3 Councilmember Colbert stated in listening to the applicant and the neighbors and looking at the General Plan for the area, he feels R3 is too dense for this area. He noted at some time half acre lots might be appropriate, but R3 is not appropriate for this area. It sets a bad precedent. One of the values of the community is driving down 1300 East, Pioneer Road, and Boulter Avenue and having the open feeling. Some of the residents live in smaller lot subdivisions, which is good, but he enjoys seeing the larger lots and having the open feeling in the Town Center area. It is what makes Draper special. R3 is contrary to those plans.

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5.4 Councilmember Rappleye concurred with Councilmember Colbert's finding on this. It is important to recognize the Zoning Map and the zone of the surrounding properties. R3 is not the right zone for this property at this time.

[7:22:16 PM](#)

5.5 Councilmember Summerhays noted there is a need for one-third acre parcels in the city; however, this area has all half acres, so he thinks it is appropriate to keep the lot size at one-half.

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5.6 Councilmember Vawdrey agreed. She stated this would also interfere with animal rights issues when they change an area like this.

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

[7:23:26 PM](#)

**6.0 Action Item: Ordinance #1104, On the request of Matt Lepire for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential Agricultural) to R3 (Residential) on approximately 5.5 acres located generally at 13000 South 1300 East. The application is otherwise known as the Dun Roamin Estates Zone Change Request.**

[7:23:31 PM](#)

6.1 Mr. Morey advised this is the Dun Roamin zone change. He reviewed the request for the Council.

[7:24:47 PM](#)

**6.2 Councilmember Rappleye moved to deny Ordinance #1104, which would change the zoning designation from RA1 (Residential Agricultural) to R3 (Residential) on approximately 5.5 acres located generally at 13000 South 1300 East. Councilmember Vawdrey seconded the motion.**

[7:25:17 PM](#)

6.3 Councilmember Rappleye commented that this is the same situation as the last item. Most of the parcel size in the area is one acre. There are also animal rights associated with this property. He expressed that it is too drastic of a change to go to R3 on these properties.

[7:25:45 PM](#)

6.4 Councilmember Summerhays noted he spoke with some of the neighbors about this item. He can see going to half acre lots on the back property but not the two front ones. It does not make sense to him on 1300 East.

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

[7:27:56 PM](#)

**7.0 Public Hearing: For Approval of a Limited Service Alcohol License for Sushi Ya Draper, Inc. Located Generally at 177 West 12300 South #103.**

[7:28:14 PM](#)

7.1 Mr. Morey advised this is a limited alcohol license. Draper currently has four of these licenses, and this will make number five. He then reviewed what the license would allow. Mr. Morey advised this application meets all of the requirements.

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

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**7.3 Councilmember Rappleye moved to suspend the rules. Councilmember Colbert seconded the motion.**

[7:30:00 PM](#)

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

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**7.5 Councilmember Rappleye moved to approve a limited service alcohol license for Sushi Ya Draper, Inc. Councilmember Colbert seconded the motion.**

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

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**8.0 Action Item: Agreement #14-99, 1300 East Widening Project - Parcel 124 Right-of-Way Contract and Termination of Deferral Agreement.**

[7:31:35 PM](#)

8.1 Glade Robbins, Public Works Director, advised the City has a project defined to widen and improve 1300 East from the roundabout to the new Draper Middle School. As part of the work, the City is acquiring right-of-way to widen the road. In that effort, the City discovered there is a deferral agreement on one of the properties. The property owner had agreed to put the improvements in and donate the property for the additional right-of-way to do that. The property owner has requested that the deferral agreement be terminated and that they be treated as the rest of the property owners. Staff is recommending that the deferral agreement not be terminated.

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8.2 Councilmember Colbert asked the amount of the deferral. Mr. Robbins replied it is \$12,000. The applicant is willing to donate the property; however, she would like the improvement costs waived.

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8.3 Mr. Dobbins noted this is the only deferral agreement the City has on 1300 East.

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8.4 Mayor Walker asked the Council whether or not they wanted to allow the applicant to speak on this issue. The Council agreed to let her speak; however, it was determined that the applicant was not present at the meeting.

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8.5 Councilmember Colbert questioned if the request tonight was to terminate the deferral agreement. Mr. Robbins stated it is.

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**8.6 Councilmember Colbert moved to deny Agreement #14-99, 1300 East Widening Project – Parcel 124 Right-of-Way Contract and Termination of Deferral Agreement. Councilmember Summerhays seconded the motion.**

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8.7 Councilmember Colbert questioned whether there are ways to arrange payment terms if this presented a financial problem to the applicant. Mr. Dobbins stated the deferral agreement does not anticipate that; however, he thinks they could work something out. The terms say that if it is not paid within ninety days, the City can put a lien on the property to recoup the cost.

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

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**9.0 Public Hearing: Resolution #14-42, Amending the FY 2013-14 Budget.**

[7:37:36 PM](#)

9.1 Mr. Wiley explained the budget amendments as follows:

- FY2014-040 Claims & Ins. - Move budgeted amounts for Claims and Liability insurance to the Risk Management Fund from the Legal Department's budget.
- FY2014-041 Bellevue - Establish and set-up capital budget for the Bellevue Subdivision. Ivory Development who is the developer has completed the improvements. The funds include \$262,334.66 from Transportation Impact Fees and \$36,639.14 from B&C Fund Balance for a total of \$298,973.80.
- FY2014-042 City Bldg Parking Lot - Expansion of city office building parking lot that is located on the south side of the city building. Funding for this project will be transferred from the Parks Department operating budget in FY2014. Amount of budget amendment is \$74,738.
- FY2014-043 GAP Project - This budget request amendment is for the UDOT I-15 widening betterments. This item is to increase the water pipeline from 16-inch to 24-inch at 14600 South. Engineering estimates for this project is \$70,750 and the funding will come from the Water Fund, fund balance.
- FY2014-044 Salz Cove - Establish a budget for the Salz Cove Subdivision storm drain project. The estimated cost for this project is \$65,000. The funding for this will be transferred from an existing storm water project (Coyote Hollow).

Amount of budget amendment is \$120,000.

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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 Summerhays moved to suspend the rules. Councilmember Vawdrey seconded the motion.**

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

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**9.5 Councilmember Summerhays moved to approve Resolution #14-42 which amends the FY 2013-14 Budget. Councilmember Vawdrey seconded the motion.**

[7:42:05 PM](#)

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

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**\*\* Council/Manager Reports**

[7:42:42 PM](#)

**\*\* Councilmember Rappleye indicated he received an email advising him that Draper is in the top 40 for safest cities in Utah.**

Councilmember Rappleye then noted a gentleman that lives by the historic park has had some problems with the evening festivities. People have randomly parked on the lane, and the owners could not get their truck out. The property owners are requesting the City put a sign at 900 East 12650 South that advises people that it is not a through street and there is no parking allowed.

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**\*\* Councilmember Vawdrey noted she was at the concert in the park last night, and the children were playing in the fountain. She expressed concern with allowing this. She asked whether they could address the issue with signage. The children were told to get out of the fountain, but they were squirting water all over the park. It is a liability issue.**

Doug Ahlstrom, City Attorney, noted if the children get injured playing in the fountain, the City will be liable. It would help a little to post signs prohibiting them from playing in the fountains. Many Cities have splash parks, and they post signs saying to play at their own risk.

Mr. Dobbins indicated staff will look into putting signs in the park.

7:46:20 PM

\*\* Councilmember Summerhays noted he has been thinking about individuals that could be the grand marshal for Draper Days. He gave a few suggestions for the City to consider.

7:49:28 PM

\*\* Mr. Fox reviewed the construction schedule for the new Public Safety Building. He advised the entrance to City Hall from Pioneer Road will be closed starting next week.

Mr. Fox then indicated Verizon Wireless is interested in doing a cell tower by the animal shelter and another one east of City Hall. He asked the City Council if they are interested in pursuing a lease agreement with them. The Council asked Mr. Fox to bring back concepts.

7:53:08 PM

\*\* Rhett Ogden, Recreation Director, stated the City has their first two City events at the amphitheater this weekend. There is a free band and movie on Friday, and the Nathan Pacheco concert on Saturday.

Councilmember Rappleye advised the brochure they sent out about the programs in the amphitheater this year was very well done. The City has a good line up this year.

7:53:40 PM

\*\* Mr. Robbins noted the City has received a request from the Utah Geological Survey to do some trench excavations along the Wasatch fault line. He displayed a map showing the areas. They will excavate the material and then fill it back in when they are done. They are also requesting the City waive the land disturbance permit and the fees involved.

Mr. Robbins indicated there has also been a request for no parking signs at the trail head at Coyote Hollow Court. There are already no parking signs along the one side of the street. The Council agreed to prohibit parking from the driveway to the intersection.

7:59:07 PM

\*\* Mayor Walker commended the Unified Fire Authority on their timely work to get the fire out last week on the east hillside. They did a great job. He reminded the public that they are going into the fire season. A major catastrophe can happen really quickly just from being careless and not paying attention.

Mayor Walker expressed appreciation to Mr. Ogden and Stefania Wilkes for their efforts with the Daddy Daughter Dance held at the Day Barn. He was able to attend with his youngest daughter. The event was sold out, and it was a lot of fun.

Mayor Walker noted he met with some residents who live near Kimballs Lane. They brought him a petition signed by the residents in that area. They have a speeding problem from Kimballs Lane to the outlet area. They would like the City to address their concerns

with enforcement and speed bumps or other traffic calming devices. Mayor Walker asked that the officers patrol the area more if possible.

Mayor Walker asked for an update on the 13200 South Widening Project. Councilmember Summerhays noted he drove through the Fort Street area on his way to the meeting tonight, and the roadway is looking incredible.

Mr. Robbins advised the project is coming along really well. They are hoping to get the intersection paved within one week. They are making good progress. The storm did cause some delays; however, it is moving along on schedule.

Mayor Walker reminded everyone about the fireworks restrictions. He noted everyone needs to use caution with fireworks so they do not have to deal with fires.

Mayor Walker then asked the Councilmembers if they are interested in discussing the Park School plans. A demolition cost is being included in the budget next week.

8:06:45 PM

\*\* Councilmember Summerhays advised the Council has had many discussions about the Park School. They have had one referendum about the Park School, and seventy percent of the residents were in favor of tearing it down. He has talked to many people about the issue. He said he went to school there, and his friends did as well. Since they can no longer play basketball in the building, they have no love for it. The costs to save the building are astronomical. He noted he would like to allow Mrs. Goeckeritz a month or two to try to come up with \$10-12 million to save it; however, he does not see that happening. Since the building was empty, the City has paid over \$1 million to keep it heated and to pay for electricity. The costs add up really quickly. They also still have vandalism problems with the building.

8:10:01 PM

\*\* Councilmember Rappleye expressed appreciation to Mrs. Goeckeritz for her enthusiasm for the project. One of the problems he sees is the difficulty in generating enough money to restore the building as well as maintain it on an annual basis. He stated it has been approximately three months since the Council approved the study for the school. The idea at the time was that the Council is not going to wait another year to do something with this building. He sees the end date about seventy-five days out. One thing that has changed since the last study is the condition of the building. The City has brought a lot of people with money through the building, and they do not want to touch it. If this was a private building, it would have come down a long time ago. There is just no public money to take care of it. He worked in the building for almost a year after the City offices moved out, and there are a lot of problems with it. He expressed the need to come up with a deadline to determine what will happen with the building.

[8:13:35 PM](#)

\*\* Councilmember Colbert stated he has been on the Council for fourteen years. In the beginning he supported every feasible renovation project that came before the Council. He has tried to be optimistic when it appears that something can be done. In this case, there have been many proposals come to the City, and none of them have worked out. The City is just wasting time, and it is getting worse than it was fifteen years ago. The money is not there, and he does not see it being feasible.

[8:14:45 PM](#)

\*\* Councilmember Vawdrey indicated there were lights on in the upstairs area of the building last night. Mr. Dobbins indicated there is a little bit of stuff left in the building, and people have been escorted into the building to remove the items.

Councilmember Vawdrey then advised she is concerned about the usage of the building. She thinks it has to be something they want in the Town Center. She is concerned with the ongoing maintenance costs of the building. She has never heard that it is cheaper to restore a building than to do new construction.

[8:17:11 PM](#)

\*\* Mayor Walker said with respect to the usage of the building now, there was clear direction from OSHA that the building was not to be used. The reason it is fenced in 100 percent is due to liability.

Mayor Walker then indicated if there is the ability to restore the building, it has to be a use that is wanted, needed, and is cohesive to the Town Center zone. With respect to the property, there are a lot of possibilities for that property in bringing people down town. There are a myriad of ideas, and he has some of his own. With the building there, they do not have the ability to have a different type of use. He understands the desire to save the building; however, if the building is gone, it opens the area up for other options. The next thing he wants to bring up is the use of public money. The renovation of the Day Barn has been a good thing; however, the City ended up paying \$75,000 of taxpayer dollars into the building. The City was not going to put any money into it. He voted no every time it came up to put taxpayer money into that facility. There was a need to do engineering work to make it safe for use. There are also maintenance costs associated with the building. He said he remembers when he was first elected that heating cost for the building was \$10,000 per month. The Community College went somewhere else, because even though the City was allowing them the use of the building rent free, they could not afford the heating costs.

Mayor Walker asked the Council what they were thinking in terms of a timeline for the building. The consensus was to have the deadline for the plan and money to be the end of August.

Councilmember Colbert indicated he still wants to start the bid process for demolition, so they do not end up in the winter. Mr. Dobbins advised staff will start the process, and the Council can still consider other options.

Councilmember Colbert questioned whether there are any materials of value in the building. Mr. Dobbins noted they will go through and make that determination prior to the demolition.

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**10.0 Adjournment**

[8:31:16 PM](#)

**10.1 Councilmember Summerhays moved to adjourn the meeting. Councilmember Rappleye ended the motion.**

[8:31:25 PM](#)

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

The meeting adjourned at 8:31 p.m.