

Approved 8.16.2016

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, AUGUST 2, 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 (joined the meeting via telephone for the Study Meeting at 6:24 p.m. and left the meeting at 6:55 p.m. She joined the Business Meeting at 7:10 p.m. and left the meeting at 7:40 p.m.)

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

5:00 p.m. Draper Safety Days at Draper Park

Dinner and Study Meeting

1.0 Discussion: Traverse Ridge Special Service District (TRSSD) Boundary Line

[6:07:54 PM](#)

1.1 Russ Fox, Assistant City Manager, briefed the City Council on the request of the Traverse Ridge Special Service District Administrative Control Board to remove Little Valley and Ridgewood subdivisions from the TRSSD and to annex in the property owners above 5,500 feet. Staff has been looking at the process involved in removing the properties and adding the properties. The City cannot force the property owners into the District, and if twenty-five percent of the people refuse to come in, the annexation would fail. The property was brought into the TRSSD because the South Mountain Development Agreement required it. Mr. Fox indicated that Little Valley has private roads, so they do not utilize TRSSD funds for services. The Ridgewood subdivision has public roads.

Subsequent to Council and staff discussion, Councilmembers Summerhays, Vawdrey, and Rappleye were not interested in changing the boundary. Councilmember Stenquist was fine to remove Little Valley from the District but felt that Ridgewood should stay in because they receive the services.

** *Councilmember Weeks joined the meeting via telephone at 6:24 p.m.*

[6:23:58 PM](#)

2.0 Discussion: 13200 South to Highland Drive Extension

2.1 Glade Robbins, Public Works Director, displayed the proposed cross section for the 13200 South to Highland Drive Extension, and the plan to shut off Boulder Street. Staff is

planning to hold an open house to provide information to the residents about the project. The plan is to start the property acquisition this year and begin construction next spring. Councilmember Weeks expressed concern about the pedestrians losing the area on Boulder Street for trail access. Mr. Dobbins noted staff will speak with the Utah Transit Authority to see if they can keep the walkway open until the Trax line is extended to that area.

Councilmember Weeks, Councilmember Vawdrey, and Councilmember Rappleye wanted to remove the third landscape option.

[6:41:05 PM](#)

3.0 Adjourn to a Closed Meeting

Closed meeting to discuss litigation, property acquisition, and/or the character and professional competence or physical or mental health of an individual.

[6:41:15 PM](#)

3.1 Councilmember Summerhays moved to adjourn to a closed meeting to discuss property acquisition. Councilmember Vawdrey seconded the motion.

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

Business Meeting

[7:00:32 PM](#)

1.0 Call to Order: Mayor Troy K. Walker

[7:00:37 PM](#)

2.0 Thought/Prayer and Pledge of Allegiance

[7:00:38 PM](#)

2.1 The prayer was offered by Brandon Watson.

[7:01:11 PM](#)

2.2 Scott Cooley led the Pledge of Allegiance.

[7:01:51 PM](#)

3.0 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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- 3.1 Brandon Watson, Edge Homes, updated the City Council Members on the progress of the Hidden Canyon Estates development. He reported that the South Valley Sewer District recently rescinded their permission to install a sewer lift station on the property. In response, he has been working with Salt Lake County, Draper City, and South Valley Sewer to create an acceptable plan to install a sewer line. Mr. Watson then presented paperwork regarding this issue and the potential for a trailhead on the east side of the dam.

[7:05:22 PM](#)

4.0 Consent Items

a. Approval of July 19, 2016, City Council Meeting Minutes

[7:05:36 PM](#)

- 4.1 Councilmember Vawdrey moved to approve the consent item. Councilmember Summerhays seconded the motion.

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

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5.0 Public Hearing: Ordinance #1222, Vacating a Portion of 13490 South Between Approximately 440 West and 550 West

[7:06:27 PM](#)

- 5.1 Russ Fox, Assistant City Manager, presented information regarding this item and identified the subject property on an aerial map. He explained that Wasatch Properties was developing the nearby property, and they have been in negotiations with the Utah Department of Transportation (UDOT) to obtain a portion of the road for a right-of-way. They recently discovered that this identified portion of 13490 South is in Draper City. As the City no longer needed this right-of-way, staff recommended approval of the application.

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- 5.2 Councilmember Summerhays asked whether the future expansion of the prison property would affect this portion of the road.

Mr. Fox assured him that the road would not be affected in any way.

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- 5.3 Mayor Walker opened the public hearing. There were no public comments, and Mayor Walker closed the public hearing.

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5.4 Councilmember Rappleye moved to approve Ordinance #1222, vacating a portion of 13490 South between 440 West and 550 West. Councilmember Summerhays seconded the motion.

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

** Councilmember Weeks joined the meeting via telephone at 7:09 p.m.

[7:09:46 PM](#)

6.0 **Action Item: 136 Center CSD Text Amendment and Rezone, Request for Approval of a Text Amendment and Rezone to Create a New Zoning District 136 Center CSD and Rezone the Properties Located at Approximately 13705 South 200 West to the New Zoning District**

[7:10:46 PM](#)

6.1 Keith Morey, Community Development Director, presented an aerial map of the property, the zoning map, and the proposed site plan. This item was previously presented to the City Council, but there were some concerns regarding the size and design of the buildings. Mr. Morey stated that he and the applicant were available for questions regarding the proposal.

[7:12:04 PM](#)

6.2 Councilmember Stenquist asked Mr. Morey to explain how the proposed development agreement deviates from the architectural standards of the City Code. Mr. Morey stated that the architectural standards were essentially the same as what is already allowed, apart from the increased height of the buildings. Councilmember Stenquist commented that he was not personally concerned about the height of the buildings, but he wanted to be sure the building materials were appropriate. Mr. Morey confirmed that the building materials allowed in the development agreement were the same as the architectural standards of the zone.

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6.3 Mr. Dobbins stated there may be some deviation from the normal standards.

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6.4 Councilmember Weeks, via telephone, stated that she was concerned that some of the pictures submitted as part of the application did not reflect designs that she wanted to see in Draper City.

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6.5 Councilmember Vawdrey asked for clarification on the architectural standards regarding rooflines. Jennifer Jastremsky, Planner, explained that the ordinance requires the roofline

to have some sort of variation every fifty feet. Councilmember Vawdrey stated that the pictures provided did not show such variation and asked whether the development agreement had changed that particular requirement. Ms. Jastremsky commented that the proposal isn't a development agreement but it is a commercial special district, which is essentially a new zoning district. The proposed district does not have a roofline standard.

Mr. Morey confirmed that the agreement could be altered if the City Council felt that the roofline standard was important to maintain on this property.

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6.6 Councilmember Stenquist commented that the designs for the buildings were quite modern, and it may be that the current architectural designs anticipated a different type of building in the City.

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6.7 Councilmember Weeks stated that she likes the modern architecture.

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6.8 Mr. Dobbins asked whether all of the submitted renderings comply with the design standards in the agreement.

Ms. Jastremsky confirmed that all of the buildings meet the standards. She then explained the differences between the current architectural standards and those in the proposed agreement. In regards to building material, the list of allowed materials is the same with the addition of glass-fiber reinforced concrete. She stated that this material is similar to other materials that are already allowed.

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6.9 Nate Boyer, Boyer Company, explained that he was hesitant to limit their potential designs based solely on the pictures provided in the application. The developer would like to have some flexibility to be able to design buildings that are suitable to potential tenants.

[7:20:18 PM](#)

6.10 Councilmember Weeks worried that the buildings would end up looking like plain warehouses. She wanted to be sure that the intention of the developer and the desires of the City Council Members were the same.

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6.11 Mr. Dobbins stated the text of the agreement refers to the exhibits as examples. He asked whether the developer could design something completely different than what is provided in the exhibits.

Mr. Morey shared Mr. Boyer's concerns about being restricted by the pictures. He suggested the City Council Members examine the language of the agreement and address the architectural standards in that manner. He reminded them that the City Council did

have the ability to amend the agreement. However, he believed that there needed to be some flexibility in the design standards.

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6.12 Councilmember Stenquist agreed that basing the design standards on the pictures was unwise. The pictures are there for a visual support, but the language of the agreement is more important.

[7:24:40 PM](#)

6.13 Councilmember Weeks asked how the City Council could adjust the standards to ensure more modern architecture without restricting the developer. Mr. Morey stated that the Planning Department does not want to be in a position where the City is designing buildings for a developer. He suggested that the language of the agreement be flexible enough to allow the developer to design buildings that are marketable. Councilmember Weeks commented that she did not want to see box buildings on the property and asked how that could be put into the language of the agreement. Mr. Morey stated that the only way to ensure that the City Council gets exactly what they want in a development is for the City to invest in the property. Since the City is not developing this property, the developer will build what he thinks the company can sell and market.

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6.14 Mike Barker, City Attorney, assured the City Council that the Planning Staff would ensure that any building design proposed for this property would meet the requirements of the agreement.

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6.15 Councilmember Vawdrey asked how the other City Council Members felt about the lack of a roofline requirement.

Councilmember Stenquist spoke about the reason why the roofline standard was included in the original ordinance. He explained that the newer big buildings in the surrounding area have straight rooflines and are made of glass, steel, or concrete. Councilmember Stenquist wanted to be sure that the architectural standards in this agreement were relatively current with the market, so as to be profitable to the developer. He also agreed with Councilmember Weeks that the language should prevent large cinderblock buildings.

[7:31:16 PM](#)

6.16 Mr. Morey reminded the City Council that the agreement would only affect the subject property rather than the entire City.

Councilmember Stenquist stated that he felt comfortable with the agreement as proposed.

[7:32:13 PM](#)

6.17 Councilmember Rappleye moved to approve the 136 Center CSD Text Amendment and Rezone. Councilmember Vawdrey seconded the motion.

[7:32:36 PM](#)

6.18 Councilmember Rappleye commented that building designs would have to go through a process and would be reviewed by the City Council. He was confident that the proposed text was sufficient enough to guide both the developer and the City Council.

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6.19 Councilmember Weeks stated that she was uncomfortable with the structures in Pictures 3 and 5 of the packet. There was additional discussion on the matter, as the picture numbers were different on the slide presentation.

[7:35:21 PM](#)

6.20 Mayor Walker questioned whether Councilmember Rappleye wanted to amend his motion. Councilmember Rappleye responded that he did not. He explained that those exhibits mentioned by Councilmember Weeks would likely not be used because they were inconsistent with the language of the agreement. He also reiterated that the City Council would review the building designs before they were approved.

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6.21 Mayor Walker asked Councilmember Weeks if she wanted to make a motion to amend the original motion.

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6.22 Councilmember Weeks moved to amend the motion to remove Exhibits 29 and 31 from the text amendment. The motion failed for a lack of a second.

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6.23 Councilmember Weeks then moved to amend the motion to remove Exhibit 29 from the text amendment. Councilmember Stenquist seconded the motion.

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6.24 A roll call vote was taken on the amended motion with Councilmembers Rappleye, Stenquist, Vawdrey, and Weeks voting in favor. Councilmember Summerhays voted no. The motion carried with a majority vote of four to one.

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6.25 A roll call vote was taken on the original motion to approve the CSD with the amendments with Councilmembers Rappleye, Stenquist, Vawdrey, and Weeks voting in favor. Councilmember Summerhays voted no. The motion carried with a majority vote of four to one.

**** Councilmember Weeks left the meeting at 7:40 p.m.**

[7:40:12 PM](#)

7.0 Action Item: Cranberry Hill #19 PUD Extension Development Agreement, Request for Approval of a Development Agreement to Allow 9,000 Square Foot Lots in the R3 Zone Adjacent to the Cranberry Hill Neighborhood Located Generally at 414 East 11400 South

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7.1 Mr. Morey identified the subject property on an aerial map. He presented a land use map and explained that the property is designated as Residential Medium Density, and is currently zoned R-3. Mr. Morey explained the applicant had proposed a development agreement that would require a 9,000 square foot lot minimum and setback requirements matching those of the Cranberry 18 subdivision. The developer would also provide an improved and dedicated neighborhood trail as part of the development. Mr. Morey then presented the concept plan and photographs of the site.

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7.2 Councilmember Summerhays recalled that PUDs had been removed from the City's General Plan. Mr. Morey explained that the application was not for a PUD, but rather for a development agreement. The existing neighborhood is an older PUD and the proposed development agreement would match the development standards that are in the Cranberry Hill Subdivision.

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7.3 Councilmember Vawdrey moved to approve the Cranberry Hill #19 PUD Extension Development Agreement. Councilmember Stenquist seconded the motion.

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7.4 Councilmember Vawdrey felt that the development agreement would fit the character of the existing neighborhood.

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7.5 Councilmember Stenquist was pleased that a trail access was provided as part of the agreement.

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7.6 A roll call vote was taken with Councilmembers Rapple, Stenquist, and Vawdrey voting in favor. Councilmember Summerhays voted no. The motion carried with a majority vote of three to one.

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8.0 Action Item: Agreement # 16-160, Consideration for Approval, Amendment, or a Counter Offer of a Real Estate Purchase Contract for 110-Acres of Previously Surplused Draper City Property Located Generally at 2900 East 16000 South

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8.1 Mr. Fox presented the background information regarding this item and explained the subject property was 110 acres adjacent to Highland City and Alpine City. Draper City had surplused the property in 2013 and began the process of selling. The City received three offers, and the final bid was now before the City Council. Mr. Fox presented the language of the contract.

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8.2 Councilmember Rappleye moved to approve Agreement #16-160, for the 110-acre parcel located generally at 2900 East 16000 South. Councilmember Summerhays seconded the motion.

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8.3 Councilmember Summerhays believed this was an appropriate action for the City to take, as it would be financially beneficial.

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8.4 Councilmember Stenquist agreed with Councilmember Summerhays's comments.

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8.5 Mayor Walker commented that he would be willing to consider a rezone of the property to increase the density.

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

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9.0 Action Item: Ordinance #1205, Amending the Draper City Municipal Code Regarding Special Events

[7:50:45 PM](#)

9.1 Rhett Ogden, Parks and Recreation Director, explained the purpose of the amendment was an attempt to protect Draper Park and regulate some of the uses currently taking place there. Mr. Ogden reported that there were 61 permitted events in Draper City in the previous year, and 50 events already this year. These events take a toll on the park and are very time-consuming for staff. Mr. Ogden explained the proposed amendment would define "large-scale events" as those with 500 participants or more, and the language would limit the number of these events to 3 per year. The proposed amendment would also create a 90-day application process, and require permits for filming.

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9.2 Councilmember Rappleye moved to approve Ordinance #1205, amending the Draper City Municipal Code regarding special events. Councilmember Summerhays seconded the motion.

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9.3 Councilmember Rappleye commended Mr. Ogden on the thoroughness of the report. He also complimented staff on the good conditions of Draper Park, despite the heat and the number of large events that have taken place there.

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9.4 Councilmember Summerhays echoed Councilmember Rappleye's comments.

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

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10.0 Action Item: Resolution #16-40, Amending the Draper City Consolidated Fee Schedule

[7:57:58 PM](#)

10.1 Mr. Ogden explained approval of the previous item requires an amendment to the fee schedule. Staff had proposed a \$250 application fee for large-scale events, which is consistent with fees imposed by surrounding cities. Mr. Ogden noted the amendment would also include the Park and Trails impact fee that was approved by the City Council several meetings prior.

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10.2 Councilmember Summerhays asked if staff had compared Draper's other impact fees to surrounding municipalities. Mr. Dobbins explained that the impact fees are based on the City's level of service, so they would be different from other cities.

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10.3 Councilmember Stenquist asked whether the Park and Trail impact fees would be used for the construction of new trails and other recreational facilities. It was confirmed that the impact funds could only be used for capital improvement and not for ongoing maintenance or employee wages.

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10.4 Councilmember Summerhays moved to approve Resolution #16-40. Councilmember Rappleye 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.

[8:01:34 PM](#)

11.0 Action Item: Ordinance #1207, Request for Approval of a Text Amendment to the Business Regulations Code Pertaining to Food Trucks

[8:01:46 PM](#)

11.1 Mr. Morey explained that Ms. Jastremsky has worked on the ordinance language pertaining to food trucks since the previous fall season, and she has thoroughly researched the issue. Essentially, the proposal would regulate where food trucks can be located and how long they can be there, require a temporary business license through Draper City, and the business would be required to obtain permission from a private property owner to park their trucks at any location. Currently, there is no language in the City Code that regulates or prohibits food trucks.

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11.2 Councilmember Summerhays stated he was opposed to the amendment because he did not feel that food trucks should be allowed at all. He had spoken with the owners of some permanent restaurants, and the majority of them are opposed to food trucks in general. Councilmember Summerhays was not opposed to food trucks for special events only.

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11.3 Mr. Morey commented that the City was not in a rush to approve this ordinance, and the City Council could take some time to further research the issue if they desired. He reiterated that the proposal would allow the City to regulate the food trucks that are already coming into Draper City. Currently, the City has no control over them.

[8:06:01 PM](#)

11.4 Councilmember Summerhays believed that the City should send Code Enforcement officers to the current food trucks to issue tickets. Mr. Morey stated that the City was currently unable to do so because the Code did not have language regarding food truck regulation. He stated that the City Council could amend the proposal by adding more restrictions, if they believed that the proposal was not adequate.

[8:07:17 PM](#)

11.5 Councilmember Stenquist asked for clarification on the current Code language. Mr. Morey explained the ordinance does not contain any language regarding food trucks, although there is some language about temporary uses. Councilmember Stenquist asked if the City was capturing any sales tax revenue from the food trucks in Draper City. Mr. Morey stated that the City was not collecting sales tax revenue because the food trucks are not currently required to be licensed through the City. This would be resolved with the adoption of the proposed amendment.

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11.6 Councilmember Summerhays stated that the City collects sales tax revenue when food trucks are in the City for special events, such as Draper Days. He was concerned that food trucks are currently parking wherever they want without consequence.

Councilmember Rappleye commented that the City cannot currently cite the food trucks. If Draper City wants to be able to regulate the food trucks, the City Council must adopt an ordinance amendment.

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11.7 Mr. Morey again explained what would be restricted with the proposed amendment.

[8:09:34 PM](#)

11.8 Councilmember Rappleye commented that this was primarily a private property issue.

[8:10:08 PM](#)

11.9 Councilmember Summerhays felt that the proposed language was extremely loose.

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11.10 Mayor Walker agreed that the language was not very restrictive, but it would be more than what currently exists.

Councilmember Summerhays stated that he would like to speak with more business owners about their opinions on food trucks before the amendment was adopted.

Councilmember Rappleye commented that restaurant owners would likely not be in favor of food trucks, but other retail or commercial businesses may welcome food trucks to their property because it would bring in more customers.

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11.11 Councilmember Rappleye moved to continue this item to a future meeting. Councilmember Vawdrey seconded the motion.

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

[8:11:35 PM](#)

12.0 Action Item: Resolution #16-41, Authorizing the Mayor to Sign a Purchase and Sale Agreement to Purchase Real Property Located at Approximately 501 West 12300 South

[8:11:53 PM](#)

12.1 Mr. Ogden explained the City had the opportunity to purchase a portion of property adjacent to Galena Hills Park, which would serve as a Parks Operations Facility. This would allow the Parks and Recreation department to store equipment indoors.

[8:14:51 PM](#)

12.2 Councilmember Summerhays moved to approve Resolution #16-41. Councilmember Rappleye seconded the motion.

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

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13.0 Council/Manager Reports

[8:16:00 PM](#)

13.1 Councilmember Rappleye stated several residents had expressed concerns about Airbnb residences that are starting to crop up in Draper City. He suggested that something be added to the City Code to limit the number of short-term rentals, or require property owners to obtain a license. Mr. Dobbins explained that these residences are considered private property, and a property owner has the right to do what they want with their properties. Other cities are currently going through similar challenges, but current legislation does not allow individual cities to regulate the Airbnb residences. Councilmember Rappleye explained that some owners are advertising homes in communities where other amenities are available, such as clubhouses or pools, and the neighbors are uncomfortable having strangers using these amenities.

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13.2 Councilmember Summerhays expressed a concern for the size of driveways and roads within new developments. Some of the proposed roads are so small that parking has become impossible. He also suggested that parking requirements for assisted living homes be revisited, because there never seems to be sufficient parking for visitors. Mr. Dobbins stated that the size of the road within a subdivision depends upon the number of units that access it.

Mr. Fox explained that a twenty-foot wide road is required for up to five units, and on-street parking is not allowed. The next level is a twenty-six-foot wide road for up to ten units, with on-street parking allowed on only one side of the road. For twenty units or more, a thirty-foot road is required. Councilmember Summerhays stated that people are still parking on the narrow roads.

Councilmember Rappleye suggested the developers be required to post signage regarding parking restrictions.

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13.3 Mr. Dobbins expressed the need for a closed meeting to discuss litigation.

[8:24:11 PM](#)

13.4 Mr. Barker stated that he had received communication from a resident who would like to purchase a portion of City property adjacent to his mother's home so that he could build a residence there. Mr. Barker gave a few details about the property and asked the City Council if they would be willing to sell that property.

Subsequent to Council and staff discussion, the majority of the Councilmembers had no interest in selling the property.

[8:28:14 PM](#)

14.0 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

[8:28:17 PM](#)

14.1 Councilmember Summerhays moved to adjourn to a closed-door meeting to discuss litigation. Councilmember Rappleve seconded the motion.

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

14.3 The meeting adjourned at 8:28 p.m.