

**CITY COUNCIL REGULAR MEETING MINUTES**City Hall - 10769 W State Street, Star, Idaho  
Tuesday, February 01, 2022 at 7:00 PM**1. CALL TO ORDER – Welcome/Pledge of Allegiance**

Mayor Chadwick welcomed those in attendance and led the Pledge of Allegiance. 7:00 PM

**2. INVOCATION – Dylan Austin of Life Springs Church provided the invocation****3. ROLL CALL – Elected Officials Present: Council President Hershey; Mayor Chadwick; Council Member Salmonsens; Council Member Nielsen. Council Member Wheelock was excused. Staff Present: City Planning Administrator Shawn Nickel, Planning Administrator Assistant Ryan Field; Public Information Officer Dana Partridge; City Clerk Jacob Qualls (Via Zoom); City Attorney Chris Yorgason (Via Zoom).****4. PRESENTATIONS:****A. Treasurer Reports / Bank Balances (Report Only)****B. Building Permit Report (Report Only)**

City Clerk/Treasurer Jacob Qualls noted the attached Bank Balances and were snapshots and the city will be seeing more of as we migrate to Black Mountain Software. Qualls also noted the Building Permit Report, which will be included in monthly meetings.

**5. CONSENT AGENDA (ACTION ITEM)****A. Approval of Claims Provided & Previously Approved****B. Final Plat - Greendale Grove 2**

- Council President Hershey moved to approve the consent agenda; Council Member Nielsen seconded the motion. **ROLL CALL VOTE:** Hershey – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

**6. ACTION ITEMS:****A. Ordinance 350-2022 Milestone Subdivision & Development Agreement**

- Council Member Salmonsens moved to introduce Ordinance 350- 2022 (Milestone Subdivision and Development Agreement); Council Member Nielsen seconded the motion.  
**ROLL CALL VOTE:** Hershey – aye; Salmonsens – aye; Nielsen – aye. Motion carried.
- Council Member Nielsen moved to suspend the rules requiring three separate readings on three separate days and read once by title only; Council President Hershey seconded the motion.  
**ROLL CALL VOTE:** Hershey – aye; Salmonsens – aye; Nielson – aye. Motion carried.
- Council Member Nielsen read the title of Ordinance 350-2022 and moved to approve the ordinance after this first reading; Council Member Salmonsens seconded the motion.  
**ROLL CALL VOTE:** Hershey – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

**B. Ordinance 351-2022 Fountain Park Subdivision & Development Agreement**

- Council President Hershey moved to introduce Ordinance 351- 2022 (Fountain Park Subdivision and Development Agreement); Council Member Salmonsens seconded the motion.  
**ROLL CALL VOTE:** Hershey – aye; Salmonsens – aye; Nielsen – aye. Motion carried.
- Council President Hershey moved to suspend the rules requiring three separate readings on three separate days and read once by title only; Council Member Salmonsens seconded the motion.

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**ROLL CALL VOTE:** Hershey – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

- Council Member Salmonsens read the title of Ordinance 350-2022 and moved to approve the ordinance after this first reading; Council President Hershey seconded the motion.

**ROLL CALL VOTE:** Hershey – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

### C. Pathways Plan Adoption

Council Member Salmonsens mentioned the committee has been looking at the Pathways Plan for quite a long time. They presented it last December and it is now ready for approval.

- Council Member Salmonsens moved to adopt the Master Pathways Plan with five changes they wanted to add. First, complete the pathway connection from Floating Feather to Hunter's Park; second, add highway paths along Highway 16 to connect Chinden south of the Phyllis Canal; third, add a river crossing between Kingsbury and Star Road; fourth, add a pathway from the river to Highway 44 east of Bent Lane; fifth, add a pathway from Hillsdale subdivision west to Kingsbury. Council President Hershey seconded the motion. Council Member Nielsen wanted to verify the city is not approving any funding, only the plan and determining how the impact fees could be applied.

**ROLL CALL VOTE:** Hershey – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

Mayor Chadwick noted that the Pathways Plan will be part of the Comprehensive Plan and some of it will be paid for by the development community as they build projects.

## 7. PUBLIC HEARINGS with ACTION ITEMS:

- A. **PUBLIC HEARING: Star River Meadows (Previously Tabled 1/11/2022):** The applicant is seeking approval of an Annexation and Zoning (R-3) for the annexation of the existing Star River Meadows Subdivision into the City of Star. The Annexation of the subdivision includes a total of 13 existing residential lots and associated common lots. The properties included in this annex are located on River Ranch Lane in Star, Canyon County, Idaho, and consists of approximately 4.8 acres. Oral testimony may be offered at the hearing. Written testimony may be submitted up to the time or at the hearing.

Mayor Chadwick read the rules and processes of the hearing and encouraged everyone to sign up if they wish to speak. The Mayor opened the public hearing and asked the Council Members if they had any ex parte contact. All members confirmed they had none.

### **Applicant Presentation**

Nicolette Womack, 950 W Bannock St, Boise ID

Applicant Ms. Womack gave a brief overview of the Star River Meadows project, mentioning the subdivision was recently approved in the county and they are proposing an R3 zoning to match what was previously approved. A neighborhood meeting held on October 12, 2021 and the goal is to bring it into the Star River Ranch subdivision HOA for consistency between the two developments.

Mayor Chadwick stated this was unique as there are already 7 homes built on the property. Council Member Nielsen asked about the utilities, public land and irrigation facilities that are shared with the Star River Ranch HOA and Womack replied that they are separate but will have similar CC&Rs and have consistency with the current development.

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There was no public input.

Council Member Nielsen asked to confirm the roads meet ACHD and CHD4 requirements. Mayor Chadwick said that they would have to do it through CHD4 and there was a discussion that it would have to be built to ACHD standards at a minimum and the width of the roads and right of ways. City Planning Administrator Shawn Nickel added that the development was already built with curbs, sidewalks and streetlights, with sewer and water already in place. He said that as the applicant stated, this should have been developed in the City of Star but it was the last one before the city initiated the agreement with Star Sewer and Water that they had to annex into the Star Sewer and Water when annexing into the City of Star. Nielsen asked if the streetlights were in compliance with the dark sky ordinance and Nickel replied yes.

Council Member Salmonsens asked about an inconsistency in the staff report about the subdivision not including fire hydrants or streetlights. Planning Administrator Assistant Ryan Field explained that the report was written prior to doing an inspection and verified the fire hydrants, streetlights are all properly located and meet the requirements. Salmonsens also asked about a sidewalk along Bent Lane and Womack said that it is a public road built to public road standards.

Mayor Chadwick closed the public hearing at 7:20 pm and moved to Council deliberations.

- Council President Hershey moved to approve. Salmonsens seconded the motion. There was a discussion about including a sidewalk at Bent Lane to be a condition of approval, but it was determined that the sidewalk was already in and did not need to be included in the motion to approve. **ROLL CALL VOTE:** Hershey – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

- B. **PUBLIC HEARING: Josh Kinney Annexation / Zoning / Planned Unit Development (AZ-21-19; DA21-27 & PUD-21-002):** The applicant is seeking approval of an Annexation and Zoning (R-3 / Mixed Use) with a Development Agreement to include future residential and non-residential uses including retail, office and event center, farmers market, restaurant, winery, bed & breakfast and garden center. The property is located near the southwest corner side of West Floating Feather Road (Old) and State Highway 16 and extends west to the southeast corner of North Pollard Road and West Floating Feather Road in Star, Ada County, Idaho and consists of a total of 25.15 acres. Oral testimony may be offered at the hearing. Written testimony may be submitted up to the time of or at the hearing.

Mayor Chadwick opened the public hearing and asked the Council Members if they had any ex parte contact. All members confirmed they had none.

**Applicant Presentation**

Josh Kinney, 8675 W Floating Feather Road, Star ID.

Mr. Kinney stated that he owns a little over 25 acres that are just south of Floating Feather Road and spans from Pollard Lane to Highway 16. He is requesting to annex three parcels into the City of Star. Kinney explained in detail the history since 2017 of his and his wife's dreams of buying some property for her retail store and then adding a coffee shop, café, bakery, space for nonprofit and community space. They came across a piece of

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property on the southwest corner of Highway 16 and Floating Feather but it was zoned residential. Kinney went to the neighbors individually, shared their vision and asked if they would be willing to release it to use for commercial. They eventually got signatures from the lot owners in the development to release it and it allowed them to make modifications to the CC&Rs so that particular parcel could be used for commercial. Later they decided to annex all three parcels and worked with staff at the city to come up with a plan that matched up with the comprehensive plan, that met with their dreams and fit in the the HOA and CC&R guidelines. Kinney talked at length regarding residential, commercial, mixed-use, zoning, their plans and layouts.

Council Member Nielsen asked if they had discussions with ITD about the portion they own and the plans for improving the access. Kinney explained his plan for maintaining the access, further purchases, paving, resurfacing, drainage and cleaning up the area, as well as working with an architect to add to the buildings.

Mayor Chadwick pointed out the high probability that Kinney would lose the connection on Highway 16 due to ITD making that an entire expressway with access points only every two miles. He mentioned the Rosti Farms mixed use to the south of his property and encouraged Kinney to create access down to the south. There was a discussion about Kinney's plans for access points and timeline for his project. The Mayor mentioned a modified interchange from ITD and suggested that if Kinney was going to go with one acre lots, that lot 8 should be lost and split to become part of lot 9 and lot 7 so there was no worry with the fire department regarding a turnaround. Kinney agreed that he may have to lose a lot to keep it at full acre parcels and reminded that it was all conceptual at this point.

Council Member Salmonsens asked about Lot 1 Block 1 and the neighbors releasing it from the CC&Rs. Kinney confirmed the CC&R's stated it was residential, but they released it to commercial residential and listed specifically which commercial uses were permitted and not permitted.

Council President Hershey confirmed that Kinney was willing to accept an R1 zoning for all parcels.

Council Member Nielsen expressed that his concern that the CC&Rs don't allow for anything but residential and zoning it mixed use could create a scenario where legally you have a right to mixed use that is in conflict with CC&Rs and contract. Nielsen would prefer to honor what is in the contract and in the future being able to adjust that contract and come back and request a different zoning. Kinney was agreeable to that. He then outlined his ideas for the open space to become a farmer's market and creating community spaces so if it was not zoned mixed use, he would have to come back to request it when he was ready to go forward with those things.

City Planning Administrator Shawn Nickel said to keep in mind that through the Development Agreement and PUD, any conditions could be established which would address any scenario. Having a mixed-use zoning would allow both commercial and residential so flexibility could be built in based on what Kinney gets back from conversations with the neighbors and HOA.

Council Member Nielsen referred to the R1 designation and the contract saying it needed to be residential and mentioned that it would be great as long as the Kinneys lived there but if it sold, it would be a lot for someone to take on and with the R1 designation, there would be no room for additional lots for that contractual

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residential to take place. Nielsen would like to see at least a potential plan to address that. Nielsen asked what actual density was and Nickel answered that it was less than one unit per acre. There was discussion regarding density and additional lots, re-zoning and codes regarding storage within commercial area. Kinney outlined plans for additional structures, accesses, landscaping, aesthetics and doing what they can to protect existing landowners.

City Planning Administrator Shawn Nickel added a few things he had talked with the applicant about. One being the potential of having a pathway from Pollard eventually down toward Rosti Farms and providing a cross-access easement to line up with the commercial to the south, and also maintaining our sidewalk system by establishing a sidewalk along the south side of Floating Feather and eventually around the corner down Pollard.

Mayor Chadwick clarified that the intent to put the pathway on the south side of the berm to keep privacy going toward the north. He added that having the pathway provides pedestrian access to the commercial component and adds another amenity for walking. Mr. Kinney asked about the accessing the ditch banks and having gravel as opposed to having a pathway for the ditch rider and large equipment. Council Member Nielsen mentioned the issue of cleaning the ditch with a pathway there, and Kinney said they would need to have an understanding or agreement with the ditch company.

Council Member Salmonsens asked if they would be the main developer of the homes for that area and Kinney replied that he probably would be but said they had no plans to move forward on development right away. Salmonsens asked if he was willing to pay for a sidewalk along Floating Feather and on Pollard. Kinney explained the timelines and plans for the sidewalks and making sure they were in compliance when the property was plated. There was further discussion explaining the plating process and potential development. It was noted that Mr. Kinney was given a 3-year time frame to build the sidewalk.

**PUBLIC TESTIMONY**Kelly Kinney – 8675 W Floating Feather Road, Star ID

Mrs. Kinney is in favor of annexation of their property and expressed excitement to see their dream come to life in this capacity. She is a native of Idaho and Grew up in rural Nampa. She is a small business owner and loves the concept of bring jobs to Star through moving her business as well as creating a coffee shop café and farmer's market and the concept of community and being in harmony with their neighbors. They are open to what the city and their neighbors want and are very excited about the future and potential of the property will offer.

Jeff Robbins – 8866 West Floating Feather Road, Star ID

Mr. Robbins lives directly cross the street from the development. He's been in his home for over 6 years and has seen a lot of development proposed and approved. He likes the thought that has gone into this and it's refreshing for him to see one acre lots with a nice home and a lake and feels it will improve the value of his property. He welcomes and looks forward to it.

Michel Prenn – 1875 N Mountain Vista Lane, Star ID

Mr. Prenn lives on the southwest corner on lot 6. He wanted to address the expansions and lot splits and was particularly concerned about the lot expansion of Lot 1, the proposal to move it and split it, and how it would

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affect zoning requirements and the amendment. He mentioned coming to an agreement between the four neighbors and the Kinneys and revisiting the zoning.

Mayor Chadwick confirmed that they were talking about keeping the mixed use where lot 1 currently resides and making sure the R1 went right up to it. Council Member Nielsen also confirmed it would not be creating a conflict if they went with the mixed-use as it's part of the planned unit development and development agreement.

Council Member Nielsen also inquired about the first plan with the vineyards and orchards around the properties and why that was not acceptable. Mr. Prenn replied that it seemed like a deviation from other plans that they had been shown. He likes the one acre lots and feels they keep with the spirit and aesthetic.

Council Member Salmonsens asked about the partial annexation of the subdivision and Mr. Prenn explained that not everyone is sure they want to be annexed in and Mr. Haws would address that further.

Mo Haws, with Morris Bower and Haws PLLC, 1305 12<sup>th</sup> Ave Road, Nampa, ID

Mr. Haws represented four of the residents and expressed appreciation for the thoughtfulness of the application but asked that the application be tabled indefinitely due to the strict language of the CC&Rs and a condition precedent established in the re-subdivision section R of the CC&Rs. Mr. Haws read several passages of the CC&Rs and there was a discussion regarding sub-dividing and amending the CC&Rs.

Council Member Nielsen mentioned that aside from CC&R requirements, neighborhood consensus or conditions, the contract is the biggest hurdle, and he does not believe that giving approval would be assisting in a breach of that contract.

Mr. Haws was concerned that if they got approval for this project or a different zoning than is approved by or allowed under the CC&Rs or if they're allowed to subdivide their lots by virtue of this body giving them that permission it is assisting them in a breach of the contract. He asked that this be tabled because he thinks the Kinney's should come back to the City Council having come to an agreement with the neighbors, requiring 75% consensus, within the terms of the CC&Rs before the City Council makes any preliminary approval of this plan.

There was further discussion between the Council, Mayor and Mr. Haws regarding this concern with the Council giving assurance that nothing would be done without approval and adhering to guidelines.

Tony O'Neil 1910 N Mountain Vista Lane, Star ID

Mr. O'Neil lives on Lot 4 and mentioned that he and the four homeowners bought those lots with the understanding that they would be acre lots forever and they want to protect that. He pointed out that from February 2020 through August 2021, there were three different proposals for Mr. Kinney's vision. Mr. O'Neil briefly described some of the proposals, particularly the one that had in writing that there would be no houses built. He understands that there is a lot of land and opportunities, but his concern is having the homeowners sign off on something that is not clear and doesn't have their support and does not have the CC&Rs in place.

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Council Member Nielsen asked Mr. O'Neil what he thought his role was in the development, what he thinks should happen with the property and what should go there. Mr. O'Neil reiterated that he wanted to see a well thought out plan with one acre lots that follow the CC&Rs. There was a discussion to clarify Mr. O'Neil's thoughts and input from the Council and Mayor regarding processes including annexations, CC&Rs, development agreements, lot sizes, approvals, etc., and Mr. O'Neil was assured that there would need to be a more defined plan that met all the requirements before it could be submitted for approval.

Mayor Chadwick asked if anyone else had anything else to add that hadn't already been discussed.

Randy Haverfield 1015 Heartland Dr, Nampa ID

Randy and Lori Haverfield are the parents of Kelly Kinney, Randy is the architect that was mentioned and serves on the Nampa City Council as president. He is familiar with growth and development and has helped the Kinney's with their plans, making sure they are cognizant of the neighborhood and consistent with the comp plan. Haverfield praised and supported the quality of work and their vision of creating a rural urban transitional zone and live work opportunities.

Teresa Prenn 1875 N Mountain Vista Lane, Star ID

Her main concern is the entrance where Floating Feather will be turned into a cul-de-sac. It is already dangerous going in and out and she is concerned that it will get worse with the increase in traffic and it may be used as a short cut. Ms Prenn also expressed that she wished the Kinney's would have had a conversation with the four neighbors.

Council Member Salmonsens asked about the cul-de-sac and Mayor Chadwick and Shawn Nickel explained the process and requirements with ITD.

Michelle Standford – 1876 N Mountain Vista Lane, Star ID

Ms. Standford is the owner of lot 5 and has lived there about 19 years. She mentioned that her property backs up to the property and would be the most affected by building homes on the property. She mentioned a few areas of concern – not having a solid plan on what the development will be, and the cars that are being stored on the property. She respectfully asked that the application be tabled until the application and CC&Rs could be addressed between the homeowners and subdivision and making the development agreeable to everyone concerned.

**Applicant Rebuttal**

Josh Kinney clarified that he was keeping the commercial lot within the two and a half acres, he was told by the HOA that the having the vineyards was not in accordance with the HOA because it would be considered commercial use. He cited several examples where he feels the communication with the neighbors has been miscommunicated and mentioned that the CC&Rs have been confusing and seem to contradict themselves, particularly when it comes to subdividing the land. Mr. Kinney stated that he has tried to create a plan that fits with the city's requirements, follows the CC&Rs and is fair to the neighbors, while trying to create their own dream as well.



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There was discussion regarding zoning, commercial vs agricultural use and whether Mr. Kinney would like to go ahead with the annexation or keep it in the county for now. Mr. Kinney wanted to annex while there were still only a few neighbors to work with and reiterated that he was fine keeping the commercial for the time being and if they have a plan to do something more, they can come back to the HOA to talk about it.

Mayor Chadwick asked for questions from staff and council members.

Council Member Salmonsén asked what Mr. Kinney was asking for in the way of uses and there was a discussion on specific uses and conditions of approval. They discussed a multi-use pathway.

Mayor Chadwick closed the public hearing at 9:41 pm and moved to Council deliberations.

Council Member Nielsen expressed support for the annexation and zoning, that it exceeds our comprehensive plan and encouraged Mr. Kinney to start fresh with the neighbors and design something acceptable for all. He also urged Mr. Kinney to extend the mixed-use zone to build a significant buffer away from the highway.

Council Member Hershey was also supportive of the application, that it does not violate any established CC&Rs and reiterated that it could not go beyond an R1 designation even if the property was sold in the future.

Council Member Salmonsén appreciated both sides of the testimony and is also in support of the application, as it meets all the requirements. She also mentioned limiting to one acre lots.

Mayor asked to clarify the R1 designation in the motion due to come inconsistencies in the packet. Council President Hershey confirmed that it was a voluntary annexation, and any existing neighbor will not be involved in the annexation.

- Council Member Salmonsén moved to approve the Josh Kinney Annexation Zoning Planned Unit Development with the conditions as listed by City Planning Director Shawn Nickel; Sidewalk along the south side of Floating Feather to meet ACHD requirement and location at the time of development of the commercial use; Cross access easement to the south to Rosti Farms; Gravel pathway with a public easement along the southern boundary of the property; berm; limit of a minimum of one-acre residential lots; Lot 1 zoned mixed use, remaining property will be zoned R1 with minimum one acre lots; Adopt the uses requested by the applicant and adopt prohibited uses that were part of the CC&Rs that were agreed upon by the applicant and the neighbors within the development agreement; Council Member Nielsen seconded the motion. **ROLL CALL VOTE:** Hershey – aye; Salmonsén – aye; Nielsen – aye. Motion carried.

Mayor Chadwick called a five-minute recess at 9:59 pm.

Mayor Chadwick called the council meeting back to order at 10:05 pm.

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- C. **PUBLIC HEARING on the Rezone State Street / Union Street Development (RZ-21-07; DA-21-25 & ZC-21-19):** The applicant is seeking approval of a Rezone (c-1 to CBD), a Development Agreement and a Zoning Certificate for a proposed commercial use considering of 4,000 square foot retail building. The property is located on the northwest corner of North Union Street and West State Street in Star, Ada County, Idaho and consists of 0.48 acres. Oral testimony may be offered at the hearing. Written testimony may be submitted up to the time of or at the hearing.

Mayor Chadwick opened the public hearing at 10:06 pm and asked the Council Members if they had any ex parte contact. All members confirmed they had none.

**Applicant Presentation**

Applicant Jeff Likes – 1119 E State Street, Eagle, ID

Mr. Likes stated he was there for a rezone and a design review for the northwest corner of State St and Union, rezoning to the Central Business District which is consistent with the surrounding zone and comprehensive plan. He presented an overview of the site plan, including elevation, access and entrances, parking, noting that these were approved by ACHD. He also mentioned the design and other residents.

Mayor Chadwick asked if there were any questions of the applicant and then asked if this plan followed the new architectural overlay guidelines. It was submitted prior, but Mr. Likes has seen the guidelines and believes that it fits within them.

Council Member Salmonsén asked about the parking lot, fire access, streetlights, and sidewalks. Mr. Likes replied that they meet the requirement for the Fire Department and the parking lot is still being worked out. They will put in a sidewalk, curb and gutter and make sure they follow whatever is required from ITD and ACHD. Salmonsén asked if the parking space met the codes of square footage in the building, whether they would have adequate parking and expressed concerns with overflow parking and having pedestrians cross over State St. The parking does meet the requirements and there will be flags for crossing the street on designated crosswalks. Mr. Likes would like to create more walkability as well, as sidewalks and connections are made.

Council Member Nielsen asked if there were any items that did not meet our architectural overlay guidelines since the development came in prior to having the requirements in place. Assistant City Planner Ryan Field said that he would do a thorough search, but he is comfortable that they meet the guidelines.

City Planning Director Shawn Nickel added that staff is recommending in the development agreement that in addition to the future cross access to the west, that the applicant coordinates with ITD and our City Engineer on the placement and timing of the sidewalk.

Mayor Chadwick asked the anticipated timeframe for completion, and it was agreed that Mr. Likes would work with City Engineer Ryan Morgan and get it started as soon as they can. Nickel mentioned that they are short four parking spaces for insurance purposes and Mr. Likes formally requested a reduction in parking for 4 spots since they are in the CBD zone. Nickel said they could build that into the development agreement.



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Mayor Chadwick closed the public hearing at 10:23 pm and moved to Council deliberations.

- Council Member Nielsen moved to approve the rezoned State Street, Union Street development with conditions that allows reduction of four parking spaces according to what is allowed by our CBD zone, to work with ITD on the cross access and timing and all other conditions as specified in the staff report. The rezone is consistent with our comprehensive plan, the zoning requirement and all things applicable to the property; Council President Hershey seconded the motion. **Roll Call Vote:** Hershey – aye, Salmonsens – aye, Nielsen – aye.

### 8. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 10:24 pm.

/s/ Trevor A Chadwick

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Trevor A Chadwick, Mayor

/s/ Jacob M Qualls

ATTEST: \_\_\_\_\_  
Jacob M Qualls, City Clerk - Treasurer