



## **STAR CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho  
Tuesday, September 7, 2021  
7:00 PM

**Agenda Item 1) CALL TO ORDER** – Mayor Chadwick called the meeting to order at 7:00pm.

**Agenda Item 2) INVOCATION** – Bryan Howard of The Cause Church led the invocation.

**Agenda Item 3) ROLL CALL** – Present: Mayor Trevor Chadwick, Council President David Hershey; Councilmembers; Michael Keyes, Jennifer Salmonsens and Kevin Nielsen; City Attorney Chris Yorgason, Public Information Officer Dana Partridge, City Clerk Jacob Qualls, City Planner Shawn Nickel, and Assistant City Planner Ryan Field.

### **Agenda Item 4) – PRESENTATIONS**

**Agenda Item 4A) – Hayden Homes/Star Outreach** – Moved to October 5, 2021

### **Agenda Item 4B) – Fiscal Year 2019 / 2020 Audit – Zwygart & Associates**

Jordan Zwygart with Zwygart John & Associates presented the fiscal year audit review. Jordan walked the Council through the pages of the audit and financial documents. It is his opinion that everything was fairly and properly stated, and they did not find any discrepancies in reporting. The audit was clean with no findings. He suggested the City look at moving away from Quick Books, which the city is already in the process of doing.

### **Agenda Item 5 – PROCLAMATIONS**

#### **Agenda Item 5A) – Elevate Our Heroes Day**

Chadwick proclaimed September 11, 2021, as Elevate Our Heroes Day and read the proclamation.

#### **Agenda Item 5B) – Constitution Week**

Chadwick proclaimed September 17 through September 23, 2021, as Constitution Week and read the proclamation.

### **Agenda Item 6) – CONSENT AGENDA**

- Keyes moved to approve the consent agenda and read each item.
  - 6A – Approval of Claims Provided & Previously paid.
  - 6B – Final Plat – Rosti Farms #5.Hershey seconded the motion; voice vote indicated all members present signifying aye. Motion carried.

### **Agenda Item 7) – PUBLIC HEARINGS & ACTION ITEMS**

#### **Agenda Item 7A) – Canyon Highway District 4 / City of Star Impact Fee Ordinance**

- Keyes moved to approve Ordinance 342-2021 Canyon Highway District 4/City of Star Impact Fee Ordinance. Keyes read the entire title, providing the third reading of the ordinance. Nielsen seconded the motion. Roll Call Vote: Hershey-aye, Keyes-aye, Salmonsens-aye and Neilson-aye. Motion Carried.



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Yorgason advised that this ordinance becomes effective thirty days from its passage, as Idaho code requires impact fees to be published before they become effective.

### **Agenda Item 7B) PUBLIC HEARING – Grace Assisted Living Facility Annexation and Zoning, Development Agreement and Conditional Use Permit (AZ21-13/DA-21-19/CU-21-04) – Tabled from August 17, 2021.**

Chadwick opened the Public Hearing and read the rules for hearings. Chadwick asked the Council if they had any ex parte communication. All members present indicated that they did not.

### **APPLICANT PRESENTATION**

#### **Mary Wall with Breckon Land Designs, 6661 N Glenwood Road, Boise, Idaho**

Grace Assisted Living Facility and a Transitional Living Facility will be located at Bent Lane and Hwy 44. This will have a memory care unit and independent living quarters on site and built in two phases. Phase 1 will include road improvements and the Assisted Living Facility. Phase 2 would include the backage road and additional frontage along Bent Lane. The independent living cottages would be part of phase 2.

Wall presented several pictures of current Grace facilities. She presented images of the independent living cottages. They are all one level and connected units. There are no other facilities in the area. Wall said they agree with all the suggested conditions of approval from all the agencies that have provided input.

Commercial lots on the property would come to the City under separate applications.

Keyes asked for the height of the building. Wall stated she did not have that information. Keyes stated the city code has a 35-foot-high maximum height. He also asked about private roads in the development and why they are not building to city street standards. Wall said this is a private development and given the intended use, larger roads are not necessary.

Salmonsens asked about parking. Wall indicated the units will have garages and there will be parking in the driveways. Wall said there was not any on-street parking planned and parking around the facility could be used for visitors.

### **PUBLIC TESTIMONY**

#### **Chris Spallino 22009 Bent Lane**

Said the applicants have been easy to work with and very professional. He is a little concerned about all the annexation around him and hopes that will be cleaned up at some point. He is concerned that he has weak internet, and the building may impact that. He does not like the proposed backage road being next to his property.



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Nielsen asked him to clarify his annexation concern. Mr. Spallino expressed concerned about all properties adjacent to him being annexed into the city and what confusion there would be about his property being an island that is not part of the city.

### **Mark Crohn 6808 Saddleman Ranch Court**

Mr. Crohn wanted to see the project before he made any decisions. His property is directly west of the site. He felt the public hearing sign was not placed well. His house faces the site, and he has concerns about parking and lights on the facility. He was also concerned about how HB 389 impacts the ramifications of growth and infrastructure.

Chadwick referred Mr. Crohn to his budget proposal and how growth is paid for. Chadwick advised Mr. Crohn of the sewer lift station and how policing works within Ada and Canyon County.

### **Tammy Crohn 6808 Saddleman Ranch Court**

Mrs. Crohn raised concerns about placement of the public hearing sign. He is generally positive about the development since they have had family members use these types of facilities. She would like to keep the area as rural and uncongested as possible. She is concerned about zoning rules and small side yard setbacks.

Chadwick advised Mrs. Crohn to keep her comments to this hearing only. Chadwick suggested she contact him directly about her concerns not relating to this hearing.

### **Dustin Helmick 6375 Bud Lane**

Mr. Helmick's family has owned the property south of the applicant for some time. He is concerned about congestion, the roads leading in and out of town, the rezone, and if this gets approved and not built, could another multi-family development come in.

Chadwick described the traffic improvements planned for Highway 16 and he proportionate share agreements in place. This is the first time a zoning has come before the city, anything else would have been done through the county. Chadwick, Nielsen, and Keyes explained the City's Comprehensive Plan and planned traffic improvements.

## **APPLICANT REBUTTAL**

Mary Wall offered rebuttal. The back property line will be fenced and dust during construction will be mitigated as much as possible. The backage road will be built to CHD4 requirements and the lights will be built to City of Star requirements and comply with the dark sky initiative. Parking requirements will be met and if they can add extra, they will do that.

Chadwick asked if the fence could be a part of the Development Agreement. Chadwick stressed the need for dust control and for the applicant to work with City staff on lighting styles and locations.



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Nielsen agreed with Chadwick the project should adhere to the City's Dark Sky initiative.

Keyes asked that the mitigation of fugitive lighting be included in the Development Agreement and wanted the ability to re-open the Development Agreement when the commercial property is developed. Chadwick asked Yorgason how this could be done, Yorgason said it could be done by having a place holder that could amend this agreement when the commercial property was ready to be developed. Keyes asked that the roads marked A and B be built to city standards and dedicated as public roads.

Salmonsens asked about parking and if the common lot could be turned into extra parking space. She is concerned about the lack of parking spaces and wants to see at least five additional spaces. Salmonsens pointed out how close the fire station was and how this location is very ideal for this type of facility.

### **COUNCIL DELIBERATION**

Hershey said he is for the development with the conditions stated. Nielsen said this is in compliance with our comprehensive plan and a great addition to our city.

- Nielsen moved to approve with conditions; Roads A and B to be public roads and built to City of Star standards, the Development Agreement will include a fence along the backage road, no fugitive lighting allowed, the development agreement can be re opened when future commercial uses are identified, and five additional parking spaces will be added. Hershey seconded the motion. Voice vote indicated all members present signifying aye. Motion carried.

### **Agenda Item 7C) – PUBLIC HEARING – Cherished Estates Subdivision Rezone, Development Agreement and Preliminary Plat (RZ-21-01/DA-21-07/PP-21-08) Tabled from July 6, 2021.**

Chadwick asked the Council if they had any ex parte communication. All members present indicated that they did not. Mayor Chadwick reopened the public hearing.

### **APPLICANT PRESENTATION**

Louis Parsons – Project Manager with Sterling Development – 1159 E Iron Eagle Drive – Eagle Idaho

Mr. Parsons introduced the revised site plan, with 100 lots, below 2.5 units per acre. They have left the park and detention pond in the previous locations and the street configuration as was originally presented.

The applicant has reduced the number of lots and made them larger. The original plan submitted started with 180 units, was reduced to 153. The applicant proposed 136 units to the neighbors, but after a July 6th discussion with them, they are proposing 100 lots. The average lot size is now 9,900 square feet. They have 19.87% of the site in open space and 14.69% in qualified open space, both exceeding current city code. They meet or exceed all tree requirements. They have two large parks proposed. Average lot size in the Lobo Creek



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Subdivision to the north is approximately 8,030 square feet; Hunter's Creek to the west is 7,776 square feet; Waterview to the south is 9,200 square feet and Crowfoot to the east is 10,280 square feet. They are proposing 9,900 square feet as the average lot size. They feel this development fits well with the surrounding developments.

Mr. Parsons presented a slide depicting all of the amenities being proposed and stressed the connectivity with other developments and the community.

Sterling Development acknowledged they have received input from all agencies and accept the terms of their comment letters. They agree to all the findings in the September 7, 2021, Staff Report presented by City Staff.

Sterling Development continues to monitor ground water and data is being incorporated into their civil design. They received agency letters that were not previously included as directed by the Council. They have agreed to match product on the south side and the east side to ensure proposed single-story homes will be adjacent to existing single-story homes and proposed two story will match current two-story homes. The proposed setbacks for homes on the south and east side of the development would create space between existing homes. The current property will sit about a foot lower than the developments to the south and east.

The applicant agrees to block off construction access to W. Shumard Dr and N. Cygnus Place until construction activities are completed to help with the neighbors traffic concerns.

The homes will be between 2,000 and 3,000 square feet and probably more single level given the larger lot sizes.

Nielsen thanked the applicant for making changes to their previous presentations. Nielsen asked about blocking off roads with City approval. Mr. Parsons explained how they can route traffic for construction and try to prevent traffic in the neighboring developments. Nielsen asked if the City has the ability to provide this type of approval. Nickel advised that until the roads are dedicated to the county, the developer can control access. Chadwick asked about emergency access and Nickel stated the developer would have to work with Star Fire on access. Salmonsens asked about the "No Construction" traffic signs she has seen in other developments. Nickel said the developer can put them up but are not enforceable. Hershey asked why the two lots that face Shumard Drive cannot be combined into one lot; they look out of place with the others. Parsons said they can accommodate and would have the access off Cygnus Way be the same as the other four lots on that block.

### **PUBLIC TESTIMONY**

#### **Larry Tavares 1321 N Red Ash**

Mr. Tavares asked if there would be a walkway in the back for property residents, or will they use the walkways



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in Lake Pointe. Would like the applicant to move the park and pond to the west and away from the front of the development. Tavares explained he is concerned about parking and traffic. He came from a small town in California and feels Star is growing too fast.

### **Dennis Wells 10355 W Shumard**

Mr. Wells wanted to talk about safety. The main amenity is in the north of the development which leaves most of the homes to the south, and traffic will flow out to the east through Lake Pointe and will bring cars by the playground in Lake Pointe causing a safety concern. He suggests that the parks be moved to the south so residents would go out through their own development to the north.

### **Barry Pasco 1285 N Red Ash**

Mr. Pasco thanked Sterling Homes for bringing down the density. He feels the park location is a safety concern and should be moved. He would like all single-story homes on the south and east boundary. He is concerned about pathways and having people from outside of their community getting injured and being a liability to Lake Pointe. He would like to see the elevations and landscape plans for the proposed homes. He does not agree to rezoning this area to a higher density.

Salmonsens asked if liability wasn't an issue, would he be ok with the connections. Mr. Pasco stated that if these pathways were connected, he would not use the Cherished pathway.

### **Deanna Johnson, 1345 N Glen Aspen Avenue**

Mrs. Johnson requests the rezone be denied, citing density. Johnson read from a prepared statement, which was given to the City Council, Mayor and Applicant; among other things the rezone is not harmonious with the surrounding developments. Mrs. Johnson stated this development is not aligned with the comprehensive plan. She wants to see product examples, elevations, and designs etc.

Keyes mentioned the future land use map and noted not one person objected to the future land use plan and asked about why no one objected to the comprehensive plan when it was discussed. Ms. Johnson stated that Lake Pointe was not here yet. Keyes stated that the future land use map is in the public domain and the Lake Pointe realtors/buyers could have accessed it to make decisions before they bought in Lake Pointe.

Salmonsens asked about the harmony of the surrounding neighborhoods and questioned how this does not match. Nielsen also asked what is inconsistent with the plan.

Ms. Johnson stated Lake Pointe is R-2, so the application should remain R-2. Salmonsens noted that the zoning of the subdivision to the north is R-4, to the south is R-4, and to the west is R-2. She stated she is still confused how about how this development is not in harmony with the surrounding subdivisions.

### **Rick Anderson – 10205 W Golden Rain Street**



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Mr. Anderson thanked the developer for the work they did and feels they are very responsive. Anderson pointed out two lots that he believed could be combined into one lot along the stub into Lake Pointe. These are the same two lots that Hershey noted earlier. Anderson wants a speedbump on the connection between the two developments. He asked about a right in and right out to limit traffic in and out from Cherished Estates. Anderson stated he appreciates the conversations that have taken place and the developer has done what they were asked. He would like to see an option with lower density. Anderson asked if all of these homes would be for sale or rent?

### **Kate Bartles – 3509 W Bovaria**

Mrs. Bartles said she is representing several Lake Pointe residents. Bartles feels the developer did listen to their issues and made adjustments. She would also like to see the lake moved farther south, and the covenants, conditions, and restrictions (CCR's) for the development. Nielsen stated that the Fair Housing Act governs rental properties and if someone buys a home and decides to rent it, the city cannot prevent the property owner from renting the property. Nielsen also asked about the travel of Lake Pointe residents through the Yellowstone development and if she was aware how many of her clients used that access. Bartles explained she did not have details on that.

### **APPLICANT REBUTTAL**

Parsons believes pedestrian connectivity is important, and they would allow the community to connect, regardless of the connectivity of the Lake Pointe development. At the July 6th meeting, there was not much discussion about the location of the pond and park. They chose the location to create a nice entry to the development. Parsons does not see how the location will dictate trip distribution. They used the Traffic Impact Study and staff recommendations. They presented elevations at the last meeting and did not present new elevations at this current meeting because the lot sizes increased considerably. The developers plan to do elevations that will fit on larger lots. They have examples of custom homes in the Legacy Development in Eagle. The product will be designed based on the lot sizes approved. The proposed density of 2.5 is at the low end of the 3-5 units allowed in the city's comprehensive plan so he feels it is appropriate. The developer is not building homes for rent and plans to sell the units. They cannot control if someone buys a home and then chooses to rent it. CCRs are done at the final plat and are premature at this point. The developers will disclose everything and follow all conditions of approval.

Nielsen asked if the developer could address the speed bump question. Parsons answered by stating that traffic calming would have to be approved by ACHD, but they would explore any options available. Since the existing development has a stubbed road, ACHD will more than likely want that road connected. Nielsen explained he desires the developer to explore any traffic calming measure that can be done at the development.

Hershey asked if the four-way intersection in the development is required to have a four-way stop. Parsons said he believed Hershey was correct however, this is an ACHD requirement. Keyes stated that in his subdivision a 3-way intersection became a 4-way intersection and stop signs were added.



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Keyes addressed concerns about parking along Floating Feather Road. He wonders why the park cannot be moved farther south and asked if the developer is willing move the park farther south and suggested he would make it a condition of approval. Parsons said he would have to get approval to make this change. Nielsen wants the tree lined entrance to remain even if the park is moved.

Chadwick asked about life safety stations, Parsons said they have been added to the ponds.

Salmonsens asked if the developer was asking for setback waivers. Parsons said they were not. Salmonsens supports moving the park south and asked about the Floating Feather frontage being weed abated.

Chadwick closed the public hearing.

### **COUNCIL DELIBERATION**

Nielsen thanked the public for providing testimony. He feels this is a good addition to the area. The developer could have developed the project as an R-2 without any input from the city, but they chose to come before the Council, and they were able to collaborate on a design that is ultimately better for the City of Star. He would prefer to see the larger setbacks that are required on two-story homes even on one-story units. Keyes talked about the importance of the development agreement and what the community gets when a development agreement is in place.

- Nielsen moved to approve the Cherished Estates Rezone and Preliminary Plat with conditions; the developer will work with City Staff to move the park, the developer combines lots 1 and 2 of block 8 into a single lot, the developer will work with ACHD on traffic calming measures on the road that connects to Lake Pointe, the developer will match single story homes on the south of the property with neighboring developments, the developer will provide a pathway easement on the south and west boundary of the property and construction traffic is controlled and / or limited to the developments to the east and south. Nickel will create a condition for the southern pathway in the findings and facts for the Council to approve. Keyes seconded the motion. Voice vote indicated all members present signifying aye. Motion carried.

The Council took a 5-minute break at 9:21 pm.

Chadwick reconvened the meeting at 9:26 pm with all previous members being present.

### **Agenda Item 7D) – PUBLIC HEARING - Whitener Property Development Agreement Modification (DA-20-16)**

Chadwick asked the Council if they had any ex parte communication. All members present indicated that they did not. Mayor Chadwick reopened the public hearing.

### **APPLICANT PRESENTATION**

Jeff Likes with ALC Architecture at 1119 E State Street, Eagle, Idaho. Representing 10206 West State Street LLC  
Applicant requests a modification to the development agreement in place on this parcel. Original agreement



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called for 20 residential units on the north side of the property. They are proposing an increase of residential units to 30 total. Commercial would remain on the southern portion of the property along State Street. They would like all property north of the proposed backage road to be residential. Studies and experience show that commercial that far from a main road is hard to lease. Residential units will be two story townhomes with enclosed garages. The units will be approximately 1900 square feet in size. Developer intends to start the two commercial buildings along State Street as soon as the entitlement process is complete.

Keyes asked if they had tenants lined up for the commercial units. Likes said they are in discussion with several, but no one is in contract. Keyes read from the comprehensive plan about live/work and having a residential component in the Central Business District zone. He asked how increasing the residential is beneficial for Star. Likes said he is offering more commercial along State Street than the current development agreement and is asking for the additional residential as a tradeoff.

Nielsen said the original development agreement was a compromise and asked about putting residential on top of the commercial buildings along State Street. Likes said the developer is already over the residential/commercial mix and that Nielsen's asking for more residential would further skew that proportion. Salmonsens asked about the whole property being commercial on the bottom and residential on the top.

Nielsen said having an empty lot in our downtown core is not desirable and many developers have passed on this property given the constraints of the development agreement. Likes said units that get farther from State Street lack visibility and are harder to lease. If all first story was commercial, then the economics would not make sense. Likes clarified that all of the townhomes would have live/work capability, but the units that face First Street would have a separate entrance off First Street.

Salmonsens said a workshop had been held on this property and the desire was to have more commercial as called for in the current development agreement calls for.

Hershey said he likes the footprint of the current proposal better than the original presentation. Hershey asked what was driving the addition of the second floor to the commercial space. Likes said they are seeing an increase in clients wanting two-story offices or restaurants with roof top dining options. Not all four building will be two-story, the goal is to pick up an additional 10,000 square feet of commercial space.

Chadwick asked if the original development agreement included proportionate share. Nickel said it was in place before that agreement was approved, however it does include building First Street and \$25,000 towards the cost of the light at Seneca Springs.

Salmonsens asked about the status of First Street. Chadwick said this would be the initial development to build the first phase.



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Keyes asked about parking along First Street and if ACHD has weighed in on this. Likes stated he has not yet talked to ACHD, but in his experience this is an allowed use.

Salmonsens asked if the residential portion would come back as a preliminary plat review. Nickel stated it would.

### **PUBLIC TESTIMONY**

No one signed up to testify publicly. Five members of the public signed in support of the application. Chadwick asked if any of them wished to testify. They all declined.

### **APPLICANT REBUTTAL**

Keyes asked what the final commercial square footage would be. Likes said 33,300 square feet. Keyes liked that this project would increase our commercial to residential ratio and thinks the Central Business District is a good location type of project.

Chadwick spoke about the architectural overlay and if the development would agree to work within the city's proposed standards. Likes said they have already talked about using the materials that Star is proposing and the developer would work with Staff on the materials and new guidelines.

Nickel said if the city were to put a condition of approval with a minimum commercial square footage, the applicant could always increase the bottom commercial and top residential as long as the commercial space is the same.

Nielsen wants the development to be consistent and believed it looked really good given the high visibility of the location. Likes said if the Council wanted to require two buildings to be two-story commercial, he asked if it could be the back two buildings to keep the front buildings visible. Nielsen is concerned that the proposal does not meet the Central Business District goals.

Salmonsens believes it does meet the goals of the Central Business District and the density being close to services makes sense.

Keyes asked if adding ten residential units would require another amenity. Nickel said it would not, and the applicant is actually providing more open space than originally proposed. Nickel this developer is providing a clearer vision and more detail than previously presented.

Chadwick closed the public hearing and moved to Council Deliberation.

### **COUNCIL DELIBERATION**

Keyes feels this application fits within the Central Business District goals and is happy to make a motion to approve.



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Nielsen feels that this proposal is not in alignment with the comprehensive plan for the Central Business District zone and this proposal is not any better than the original one.

- Keyes moved to approve the Whitener Property Development Agreement Modification Application with conditions; commercial space will be no less than 33,300 square feet, homes that face First Street will have a separate commercial entrance, the developer will follow the architectural overlay guidelines even if not in place, and the two front commercial buildings will get started right away. Hershey seconded the motion. Voice vote indicated Hershey – aye, Keyes – aye, Salmonsens - aye, Nielsen - nay. Motion carried.

### **Agenda Item 7E) – PUBLIC HEARING - Fountain Park Subdivision Annexation and Zoning, Development Agreement and Preliminary Plat (AZ-20-19/DA-20-24/PP-20-17).**

- Salmonsens moved to table the Public Hearing on Fountain Park Subdivision until October 12, 2021, which will be a special meeting. Hershey seconded the motion. Voice vote indicated all members present signifying aye. Motion carried.

### **Agenda Item 7F) – Public Hearing – Moon Valley Townhomes Preliminary Plat and Development Agreement Modification (PP-21-12/DA-21-13-MOD).**

- Salmonsens moved to table the Moon Valley Townhomes Preliminary Plat and Development Public Hearing until October 12, 2021, which is a special meeting. Keyes seconded the motion. Voice vote indicated all members present signifying aye. Motion carried.

### **Agenda Item 7G) – Ordinance 340 – Stonebriar Subdivision**

- Hershey moved the rules requiring the reading of the Stonebriar Subdivision Ordinance be read three times be dispensed with. Keyes seconded the motion. Voice vote indicated all members present signifying aye. Motion carried.
- Keyes moved to approve Ordinance 340 and read the ordinance by title once. Hershey seconded the motion. Roll call vote: Hershey– aye, Keyes – aye, Salmonsens – aye, Neilson – aye. Motion carried.

Ordinance 340 was read by title.

### **Agenda Item 8) ADJOURNMENT**

Chadwick adjourned the meeting at 10: 19 pm.

/s/ Trevor A. Chadwick

/s/ Jacob M. Qualls

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Trevor A Chadwick, Mayor

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