

City Hall - 10769 W State Street, Star, Idaho Tuesday, April 19, 2022 at 7:00 PM

- CALL TO ORDER Welcome/Pledge of Allegiance Mayor Chadwick opened the City Council Meeting at 7:00pm.
- **2. INVOCATION** *Stake President Jeff Graviet with The Church of Jesus Christ of Latter-Day Saints, Star Ward.* President Graviet offered the invocation.

3. ROLL CALL

Elected Officials: Council Member Kevan Wheelock; Mayor Trevor Chadwick; Council Member Jennifer Salmonsen; Council Member Kevin Nielsen. Council President David Hershey was excused. **Staff:** City Clerk Jacob Qualls; City Contract Attorney Chris Yorgason; Star Police Chief Zach Hessing; Public Information Officer Dana Partridge; City Planner Shawn Nickel.

4. PRESENTATIONS & PROCLAMATIONS

A. Deputy Introduction – Deputy Woodcock

Chief Zach Hessing introduced Deputy Jason Woodcock, who was replacing Deputy Mark Merrill after he left to become a K-9 handler. Deputy Woodcock had been with the Ada County Sheriff's Office for over fifteen years. While attending Boise State University, he worked for Ada County in the jail, and graduated in 2013. Since he's patrolled Ada County and worked in several areas, including South County, North County, Eagle, and Star. Previously he was in Star filling in for a deputy in 2015. For nearly three years, Deputy Woodcock was a part of the Crisis Intervention Team, which consisted of two deputies helping people with various crises, including mental health crises.

B. Star Police Monthly Report – *March 2022*

Chief Zach Hessing gave the Star Police Monthly Report for March. There were twenty-two crimes: twelve person crimes, seven property crimes, and three society crimes. There was a total of 241 citizens calls for service via the non-emergency line and 859 proactive policing calls. Among those calls were: eight domestic, a combined seventy-three school checks at Star Elementary and Star Middle Schools, 131 traffic stops, and seventeen crash responses. Code three, when someone calls 9-1-1, response times were three minutes and twenty-two seconds.

C. Proclamation – Sexual Assault Awareness Month & Denim Day Mayor Chadwick read the proclamation declaring April as Sexual Assault Awareness Month and April 27, 2022 as Denim Day. He briefly spoke on the importance of the proclamation and the need for citizens to look out for one another to prevent acts of sexual assault.

5. CONSENT AGENDA (ACTION ITEM)

 Council Member Salmonsen moved to approve the Consent Agenda consisting of: Items 5A. December 7, 2021 City Council Meeting Minutes; 5B. January 4, 2022 City Council Meetings; 5C. Approvals of Claims Provided & Previously Approved; and 5D. Findings of Fact: LifeSpring Church; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsen – aye; Nielsen – aye. Motion carried.



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6. ACTION ITEMS

A. Contract: Plumbing Inspection – John Stocke

Mayor Chadwick spoke on the retirement of the inspector currently contracted for plumbing inspection services and introduced John Stocke for approval as a replacement. Council Member Nielsen sought clarification on any material changes between the previous contract and the proposed one aside from the change of provider of service. Mayor Chadwick confirmed there were no other changes.

 Council Member Nielsen moved to approve John Stocke as the new contracted plumbing inspector. Council Member Salmonsen seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsen – aye; Nielsen – aye. Motion carried.

B. Ordinance 363-2022 & Development Agreement – Josh Kinney Annexation

- Council Member Salmonsen moved to introduce Ordinance 362-2022: Josh Kinney Annexation. Council Member Nielsen seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsen – aye, Nielsen -aye. Motion carried.
- Council Member Salmonsen moved pursuant to Idaho Code Section 50-902 the rule requiring an Ordinance be read on three different days, with one reading in full, be dispensed with and Ordinance 362-2022: Josh Kinney Annexation be considered after reading once by title only; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsen – aye, Nielsen -- aye. Motion carried.
- Council Member Salmonsen moved to approve Ordinance 362-2022: Josh Kinney Annexation and read the title; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsen – aye, Nielsen – aye. Motion carried.

C. Comprehensive Plan – Future Land Use Map

City Planner Shawn Nickel spoke on the Comprehensive Plan Future Land Use Map. Nickel explained that City Staff has been working on Zoning Ordinance revisions along with the Comprehensive Plan Future Land Use Map and text regarding designations throughout the City of Star. New designations being introduced are Low Density Residential (LDR) at one dwelling unit per acre, Estate Residential is becoming Estate Rural Residential (ERR) at one to two dwelling units per acre, and Estate Urban Residential (EUR) will be one to three dwelling units per acre. Rural Residential, Neighborhood Residential, and Compact Residential are to remain at their current designations.

Being proposed and opened for discussion is the removal of most of the Neighborhood Residential with an exception for any development already in process or existing zoned property. Most other developments would be designated EUR. For example, the area along Foothill Boulevard will be LDR on both sides of the road. The area around Hillsdale will be ERR – Willowbrook, which was submitted and accepted under the current Comprehensive Plan, is located there. If developers were to submit any new applications, they would have to do so with the new designations.



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Additionally, the intersection of Pollard and Highway 16 would be commercial, immediately adjacent to the west would be mixed-used, and the recently purchased portion of the school district property would be changed from public to EUR. South of State Street and west of Highway 16, where Landyn Village was, would also be changed from Compact Residential and Mixed-Use to EUR, making it compatible with the Heron River subdivision. To the west, Kingsbury and Highway 44 would extend existing Mixed-Use along the future alignment of Kingsbury south of Highway 44. A transitional overlay for the Layton Lakes subdivision would be created per a request from a developer.

For the recently adopted South of the River Plan area, it would be changed to one solid color with text to reference the specific map in the Comprehensive Plan. This map would break down the individual properties. The majority of the text changes coming on May 3, 2022 would pertain to the South of the River Plan. Specifically, it would have changes to the open space, park section. Other text changes would include the safety section along with updates to the outdated building and open space area maps and graphs.

7. PUBLIC HEARINGS with ACTION ITEMS

Item 7D. was moved up and heard first.

D. Public Hearing – 10206 W. State Street Development Agreement Modification (DA-20-16-MOD) Mayor Chadwick opened the Public Hearing at 7:30pm and asked the City Council if they had any ex parte contact. All members present indicated they had none to report.

APPLICANT

<u> Jeff Likes – 1119 E State Street, Eagle, ID</u>

Mr. Likes spoke on the Development Agreement (DA) modification being sought. Several months before they had gone through a rezone to the Central Business District (CBD) zone and went in for a design review which was approved. They were working on construction drawings and were asking for a DA modification for their height limit to be forty-five feet. Their current height was 43.10 feet. The second modification being sought was a reduction in parking per the CBD zone allowing for a fifty percent reduction.

Giving a brief description of the project plans, Mr. Likes indicated the proposed retail offices and restaurants would utilize the parking at different times of the day, noting the difference between daytime retail and nighttime restaurant use. Council Member Wheelock asked for clarification on the number of parking spaces being lost. Mr. Likes stated there would be a loss of 40 spaces, reducing the number from 138 to 98, along the south side of where First Street would be. Council Member Wheelock proposed losing 20 spaces instead. There was a brief discussion regarding the uses of each space, limited parking in other downtowns to encourage walkability, potential cross-parking agreements with adjacent properties, and the viability of removing one building in favor of having office retail on the second floor of another building.



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PUBLIC TESTIMONY

<u> Michael Keyes – 338 South Long Bay Way, Star, ID</u>

Mr. Keyes spoke on the elevations, noting they weren't in the pack when he downloaded it on Friday and had influenced his decision to sign up as 'undecided.' After having heard the elevations, he stated he was supportive but asked there be a further modification to the DA to ensure their project fit within the new standards for the Architectural Overlay District which was adopted after their initial application was approved. He also asked First Street be built in the current phase. Mr. Keyes' final request was for the City Council to revisit the City's 35-foot height Ordinance, as Mr. Like's request would potentially be the third variance / DA modification done, if approved.

APPLICANT REBUTTAL

<u> Jeff Likes – 1119 E State Street, Eagle, ID</u>

Mr. Likes confirmed they had already designed to the Architectural Overlay District despite having been approved prior to it being adopted, and First Street would be built in the first phase, though the name might not remain First Street.

Council Member Salmonsen posed a question to City Staff regarding a potential parking fund for a future parking lot in downtown, and whether it was feasible. A discussion followed regarding there being nothing currently in the City Code, but it could be added in. City Attorney Chris Yorgason stated there could be impact fees for parking implemented, so anyone building in the Central Business District would pay impact fees as part of their project which could then be used for a parking lot. He also noted Mr. Likes was asking for a reduction in spaces, as allowed by the current code. Because of this, asking for payment for something the City Code allows would be difficult. Further, collecting money for a project that doesn't exist yet or been fully identified would not be advisable. Mayor Chadwick mentioned the City having pursued some grants for a parking study and noted that we cannot collect money for a project that doesn't exist. He stated that we are premature asking for this project, as we don't have the support yet.

Council Member Salmonsen then asked if the height extension was only for the commercial, not the residential units. It was confirmed the townhomes had not been designed yet, and the 45-height limit specific to the commercial buildings could be added into the DA.

Mayor Chadwick closed the Public Hearing at 7:49pm.

CITY COUNCIL DELIBERATIONS

Council Member Nielsen stated he was generally supportive of the modification, and thought it was a good idea to start thinking of putting infrastructure in place to prepare for parking. People have to park somewhere. He stated that while it's not needed for this particular area, parking will be needed somewhere and he was not comfortable moving forward with other projects until the infrastructure was in place but supported moving forward with this one, that we do have opportunity.



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Council Member Wheelock stated he felt the 24-foot-wide roads for the townhomes being built were too narrow. As such, he felt parking for the townhomes would wind up in the parking lot. He wanted to stick to the what the Ordinance stated they should be at, even if it was a sacrifice to size. Mayor Chadwick asked if he would be willing to go with the 20 lots suggested. Council Member Wheelock confirmed he was willing to split the difference.

Council Member Salmonsen noted she had not taken into consideration the townhomes and stated the only way she would be willing to approve was if they split the difference for 20 lots. She said there will be visitors there using that space.

Mayor Chadwick offered a potential solution with splitting in the middle and losing the 3600 square foot future office with the understand if a parking agreement with the cross properties were to be made, the building could be added again in the future. Council Member Salmonsen used Bi-Mart and Napa Auto Parts as an example, where there are different properties with a shared parking agreement. She felt it was a good solution.

There was a brief discussion about the specific wording of the cross-parking agreement and what it would be tied to in terms of allowing them to have the building. Council Member Wheelock stated he would rather it be tied to the neighbor, either to the east or west, over having it tied to a future parking lot. City Attorney Chris Yorgason sought clarification on whether it would be tied to the 3600 square foot building or the specific number of parking spaces. Council Member Wheelock stated parking spaces. Chris Yorgason recommended the number of spaces be made into a condition of the development agreement rather than the building. It was decided the number would be 118 parking spaces. It was also decided there would need to be 20 or more spaces in the cross-parking agreement.

- Council Member Wheelock moved to approve the 10206 W. State Street Development Agreement Modification (DA-20-16-MOD) with the following conditions: for 118 parking stalls, without the 3600 square foot office building until a cross parking agreement for at least 20 or more spaces between the east or west property was acquired, which would alleviate the parking needs and make it so the 3600 square foot building permit could be approved; Council Member Salmonsen seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsen – aye, Nielsen – aye. Motion carried.
- A. Public Hearing Early Learning Facility (CUP-22-01)

Mayor Chadwick opened the public hearing at 8:02 and asked the council if they had any ex parte contact. All members indicated they did not.

APPLICANT

<u> Glenn Walker – 1831 East Overland Road, Meridian, Idaho</u>

Mr. Walker was the architect working on the project, an approximately 9,500 square foot early learning facility. It would be located off 959544 North Star Road. Indicating the site plan, he stated there was a good amount of parking stalls for the facility, with enough space for a firetruck to turn around, to come



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into the site and be able to back up and exit onto Star Road. To the north, there is a school which will face the back of the facility where the early learning center's playground area will be. He further noted the style of architecture, a Dutch roof gable entrance falling more in line with residential architecture. There would also be a mixture of landscaping and site lighting.

Council Member Salmonsen asked how many children the facility would have. Mr. Walker stated there would be between 70 and 80 children. Council Member Salmonsen then asked if it was pre-kindergarten. Mr. Walker stated it would be for children ages one year old up to twelve. Council Member Salmonsen asked about the school's hours. Mr. Walker stated it would be early mornings to no later than six o'clock to accommodate children be dropped off and picked up around five o'clock.

Council Member Salmonsen expressed concerns about the traffic due to the school being there from about 8:45 to 9:15 in the morning, and then again in the afternoon, though she did note the hours would likely not be the same as the elementary school. Mr. Walker confirmed it would fall more in the 7:30 to 8:00 time frame for dropping off their children in the morning and then picking up their kids around the five o'clock hour.

Council Member Nielsen wanted to know what finishes they were looking to apply on the exterior and roof. Mr. Walker stated they were doing architectural shingles for the roofing, and for the siding were doing lap siding, hardboard lap siding, and painting. Council Member Nielsen sought clarification on whether the vertical exterior would also still be hardboard. Mr. Walker stated they were doing a mixture of lap siding and board and back.

Mayor Chadwick closed the public hearing at 8:08 to move on to Council deliberations.

CITY COUNCIL DELIBERATIONS

Council Member Nielsen noted it was very hard to get into a daycare facility and he was glad another was coming into town and was supportive of the application. He also stated it was consistent with the comprehensive plan and met the code requirements.

- Council Member Nielsen moved to approve the application for the Early Learning Facility (CUP-22-01); Council Member Wheelock seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsen – aye, Nielsen – aye. Motion carried.
- B. Public Hearing Hayden Homes Easement Vacation (VAC-21)

APPLICANT

<u> Alec Egurrola – 332 North Broadmoor Way, Nampa, Idaho</u>

Mr. Egurrola was the Land Use Planner for TO Engineers, representing the developer of Trident Ridge Subdivision, Hayden Homes. They were seeking an easement vacation application to vacate the public utilities easement 10 feet along north wing road, and scenic view lane. Then six feet wide along the common lot lines. They are replatting the remaining phases of trident ridge subdivision, so this is a clerical item to remove the utility easements so they can plot future homes where those utilities were



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located. Along with replatting there would be public utility easements per city code. They have received letters of relinquishment from the utility providers who may be affected, and those letters were provide to City Staff.

Mayor Chadwick sought confirmation the letters were on file for the easement vacations. Shawn Nickel confirmed the letters had been received and staff was recommending approval of the application request.

Mayor Chadwick closed the public hearing at 8:12 and moved on to council deliberations.

- Council Member Nielsen moved to approve the easement vacation application VAC-21; Council Member Salmonsen seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsen – aye. Motion carried.
- **C.** Public Hearing Addington Subdivision (PP-22-02 & PR-22-01) Mayor Chadwick opened the Public Hearing at 8:13 and asked the City Council if they had any ex parte contact related to this project. All members indicated they had none.

APPLICANT <u>Tamara Thompson, with The Land Group – 462 East Shore Drive, Eagle, Idaho</u>

Ms. Thompson stated she was present to speak on the 5.5-acre Addington Subdivision, approximately 780 feet north of the intersection of West State Street and Highbrook Way, where the new traffic signal was placed. The recently constructed Ensley Court was to the north and the Albertson's Center was to the south of the proposed subdivision. The property in question had been annexed and zoned as part of the Albertson's Center, with an R7 zoning, in 2017.

Thompson noted the application before City Council was for a preliminary plat and a private street application. The preliminary plat was consistent with the concept plan provided when the property was annexed in 2017, and included 34 single-family lots with one common lot, including the private road. The subdivision was proposed as single family with attached units as townhome type units with a density of 6.09 units per acre. Access to the subdivision would be from Highbrook Way. On Center Street there would be emergency access only. The reasoning for this was primarily because ACHD would not allow it due to underground piping of the canal and utilities existing underneath the road.

Utilities were available to support the project, with open space such as a gazebo with seating close to the entrance. Due to the tiling of the canal running underneath the private road, the sewer utilities would be coming through the backs of the properties allowing for walking paths to be provided in those areas. There would be a Homeowner's Association created to maintain the exteriors for all the townhomes, as well as landscaping and irrigation. The irrigation would be an extension of the pressurized irrigation system constructed for the Ensley Court subdivision.



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With respect to the Staff Report, the applicant stated they agreed with most of Staff's conditions, proposed conditions, and findings, but there were several they did not, including a Development Agreement being signed and recorded as part of the Annexation and Zoning, the private roads, the usable open space, and the revised preliminary plat showing a cul-de-sac at center street.

As the property had been annexed in September of 2017, it was already included in the development agreement in Ordinance 264, signed in December of 2017. The condition did not apply, so Thompson asked for it to be removed.

As the property had been annexed in September of 2017, it was already included in the development agreement in Ordinance 264, signed in December of 2017. The condition did not apply, so they were asking it to be removed.

Referencing four different areas on a map regarding pavement widths for their private road, one was compliant at 36 feet, one was slightly under compliance at 34.5, one was very below compliance at 21 feet, and one was over compliance at 37 feet. It was noted all the areas with wider widths would have on street parking. Each of the 34 units would have a two-car garage and there would be an additional 34 parking stalls on the street for parallel parking. A waiver for the private road as proposed in the aforementioned areas was requested.

According to their calculations, they had 17.74% of usable open space in their common areas.

The road could not be made public as ACHD would not allow a public road to go over the facilities already underground. Instead, they looked at including a cul-de-sac at the end. This would allow for turnaround for deliveries. Mayor Chadwick asked if the bollards would still be in place for emergency access. Ms. Thompson indicated they could but did state they had not gone through the fire department and wasn't sure about specific requirements.

Finally, Ms. Thompson stated they had received a recommendation for approval from the City Engineer.

Mayor Chadwick closed the public hearing at 9:05 p.m.

Council Deliberation:

Council Member Nielsen prompted a discussion on the road widths with a question regarding the purpose of the road going narrower in one of the sections. Due to a utility box, narrowing was the only option.

Council discussion surrounded questions regarding the enforcement for when no parking was available on a private street. Shawn Nickel stated it would be the responsibility of the Homeowners Association to include it in their covenants and have a tow service available.



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It was determined the road could be widened at the 21-foot width section if a storm drain was placed in the road. Additionally, if the detached sidewalks were removed in favor of attached sidewalks, they would have the ability to widen further.

Council Member Salmonsen inquired about the pathways at the back of the properties, wanting to know what type of surface they would have and if they would be open to the public or remain private for use by the residents in the development only. Ms. Thompson stated the pathways would be natural surface, as there were already sidewalks on both sides of the roads for those who prefer paved over natural. Further, she stated they would not be dedicating the pathways as public, but there would be no policing of them, and anyone could use them.

Council Member Salmonsen then asked about fences and if there were any along the outside of the boundary. Ms. Thompson stated there were. After some clarification, it was determined there would be a progression from a fence to the gravel pathway, then backyards of the units, and finally the townhomes themselves.

Council Member Nielsen led discussion in formulating the basics of a proposed amended motion, and Council Member Salmonsen further amended for a public easement on pathways.

Council Member Salmonsen moved to approve the application for the Addington Subdivision (PP-22-02 & PR-22-01) with the following conditions as included in the staff report: that section two of the recommendations in the staff report be modified to read that a developer's agreement will be created to provide for the ITD proportionate share with amount listed as \$1,000.00 per unit and that the road identified in section three will be widened as much as possible with consideration given to sidewalks and section one widened to 36 feet in all areas to call out the entrance to the development with the stub road to the north aligning to that until sidewalks can be constructed; emergency bollards included; and the addition of a public easement on sidewalks; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsen – aye; Nielsen – aye. Motion carried.

E. Public Hearing – Area of Impact

Mayor Chadwick noted that the ex parte communication check-in was not needed/logical on this subject due to the nature of the matter being considered was legislative. He opened the Public Hearing at 9:27pm and summarized the background on the history of the impact negotiations from the last year.

Chadwick stated that there had been five or six meetings over a six-month period of time and in November, Council approved an Area Of Impact and Area Of Impact Agreement with Canyon County.

In late March 2022, the Canyon County Commissioners approved the Area Impact Agreement as part of the process as the City is required to do under the Land Use Act / Codes of the State of Idaho. Canyon County asked the City to enter into the Committee of Nine process.



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The nature of the hearing tonight is to approve two ordinances so the City can move forward to adopt an Area Of Impact for Star within Canyon County.

Public Testimony

Steve Burton of 6915 Canyon, Star, ID stated that he lived in the affected area and had not received a public notice and that he checked with his neighbors, and they hadn't. He said the way they knew of this meeting was through Canyon County commissioners. Burton stated that most of the people in the impact area do not wish to be a part of it and would prefer to remain rural. He urged Council to go back and reconsider. Burton said that impacted residents would vote for the option that would give least density; and that he felt Council would be able to avoid a lot of conflict and dispute if they pulled back.

Council Member Nielsen asked Burton to clarify regarding notices, and said he felt it was important to make a distinction between noticing being sent for Comprehensive Plan amendments vs. a Council Meeting's Public Hearing, so people would understand, for example that all who lived within a Comprehensive Plan area would receive notices. A public hearing is noticed through the newspaper and is aboveboard. Mayor Chadwick clarified that the City has followed correct process in noticing through the Idaho Statesman, and that we need to get through this process so we can get to the next step of discussion.

Michael Keyes of 2385 S. Longbay Way noted the committee of nine was formed as a requirement of the process. He stated that it's about time that Star have an area of impact in Canyon County. Keyes recalled the City of Star said they would participate if there were a level playing field. He expressed his support of both ordinances.

Mayor Chadwick closed the public hearing at 9:47 p.m.

Council deliberations

Mayor Chadwick noted he had a good working relationship with other area mayors, and that there was no animosity in this process for him. Council Member Nielsen spoke in favor of moving ahead with this step of the process and approving the work of the Committee of Nine.

- Council Member Nielsen moved to approve Ordinance 368-2022 (Area of City Impact Map Amendment); Council Member Wheelock seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsen – aye; Nielsen – aye.
- Council Member Nielsen moved to approve Ordinance 369-2022 (Area of City Impact Canyon County). Council Member Wheelock seconded the motion. ROLL CALL VOTE: Wheelock aye; Salmonsen aye; Nielsen aye.

Mayor Chadwick offered to meet Mr. Burton any impacted neighbors to sit down and discuss the matter further.



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F. Executive Session 74-206 (f)

Council Member Nielsen moved to proceed into Executive Session under Idaho Code 74-206(f) to communicate with legal counsel for the public agency to discuss the legal ramifications for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Council Member Salmonsen seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsen – aye; Nielsen – aye. Motion carried.

The Mayor and Council entered Executive Session at 9:56 p.m. and came out of the session at 10:27 p.m. No actions were taken after the executive session

8. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 10:28 p.m.

ATTEST: _

Trevor A Chadwick, Mayor

Jacob M Qualls, City Clerk - Treasurer