

Mayor David Sims called the regularly scheduled council meeting of September 6, 2016 at 6:00 p.m. Present for the meeting were Mayor Sims, Council President Rick Alonzo, Council Members Ron Smith, Connie Wells, and Adam Arthur, Clerk Kris Larson, City Administrator Mike Klaus, City Attorney Andrakay Pluid, and Planner Lisa Ailport. Also present were Kristina King, Jessica Nordheim, Pat and Kathy Krezman, Marcia Cossette, Michael Brazell, and Dave Gray.

The first order of business was a hearing for a Special Use Permit for King Group Daycare. Mayor Sims went over the procedures to be followed at the hearing. Mayor Sims said earlier this spring, as first administrator for the City, he was involved in the decision to require a special use permit for this operation. Mayor Sims said he lives on Helena Street and regularly drives and walks on Washington Street near the King residence. In July of this year Kathy Krezman came to his door with a petition concerning the proposed daycare operation and he informed her that he could not discuss the issue with her as it is a quasi-judicial matter and directed her to see Mike Klaus or Lisa Ailport with any questions that she had. He is not related to Viola Sims and has not spoken to Viola Sims regarding the application. Planner Lisa Ailport gave the staff report for File #SUP 005-16 King Group Daycare with Michael Brazell as property owner. The application is for a childcare/daycare serving up to 12 children. Hours of operation are from 7:00 a.m. to 5:30 p.m. The site is zoned Residential A and located at 6480 Washington Street with offsite parking at 6475 Washington Street on property owned by Viola Sims. This was a zoning violation that came to the City needing attention through the application of a special use permit. City entities reviewed the application. The Fire Chief verbally advised of the need for fire code compliance. Staff reached out to the Department of Health and Welfare and found that the daycare passed a health and safety inspection on March 17<sup>th</sup> and a fire inspection will be required. The traffic safety committee expressed the following concerns: the safety of the children crossing Washington Street to access the daycare, how snow removal would be handled, vehicles backing in and out of the Viola Sims property, and future liabilities with approval of the permit. As a result of the Committee's concerns about parking, Ms. King submitted a parking safety plan requiring each parent to sign. As a condition, the plan must be approved by the City Engineer and Council prior to the issuance of the permit. Lisa read a letter in support submitted by Jessica Nordheim that came in on August 31, 2016.

Police Chief Vic Watson, Police Officer Chris Langan, and Police Officer Raul Lopez joined the meeting at 6:12 p.m.

Lisa said there were letters in opposition and one letter that was neutral. There was also a petition in opposition of the special use permit application. Lisa went over the standards of review as dictated by City Code. Parking standards are one space for each employee and one space for every six children. Lisa said four spaces are required. There is a parking agreement with Linda Atchison, power of attorney for Viola Sims, for one year.

Krissy King gave the applicant presentation. Krissy worked for Erin Sanburg for four years prior to opening her own daycare. She always thought there were no requirements for only having under six children in her daycare. She was required to pay \$650 for this application and had to borrow the money from her parents. She has two part-time and three full time children in her

daycare. Krissy said a two year old counts as two children. She has spoken with Trish, Idaho Childcare Resource Representative. Trish helps people get daycare licenses and mentors them. Krissy left daycare for a short period and then reopened at the request of co-workers at the Answering Service. She and Linda Atchison wrote the parking plan agreement. Krissy's mother made the daycare sign. To get a State daycare license Krissy would have to pay \$100 and then a fire inspection and health inspection will be done at random. She is waiting for the City permit prior to applying for the State daycare license. Krissy spoke regarding the petition that was submitted in opposition to the daycare special use permit. She said she has been respectful of the Morman's and Krezman's. She has someone that plows snow for her. Ron Smith asked how many children she has at this time. Krissy said she is under six points. Mayor Sims asked about the State license being points or children. Krissy said it is points. Lisa handed out paperwork to council and the Mayor regarding State standards for childcare facilities. Rick Alonzo asked if Krissy was the only person that worked at the daycare. Krissy said she has a part-time person that works with her.

Lisa spoke regarding the City's regulations changing as stated by Krissy King. City Code speaks to the number of children but the State goes by points. A special use permit is not required if the daycare is in a commercial zone but one is required if the daycare is in a residential zone.

Lisa said Planning and Zoning unanimously recommended approval of the special use permit.

Krissy King still questioned the City Code requiring special use permits and said someone told her that this code has changed. Lisa said the City Code has not changed regarding daycare special use permits since Lisa has been working with the City, three years.

Jessica Nordheim spoke in support of the application. Her physical address is 530 Cindy Lane. She is a full time working mother and if Krissy has to close her daycare, Jessica will have to quit her job. She said Krissy is trying to provide employment for herself, and it is an affordable daycare. When Jessica paid for an in-home nanny it took two thirds of her wages to pay for this service. She does not think snow will be a problem and backing out on the city street should not be an issue either. The parking agreement was done by non-attorneys and it would be a good idea to have it reviewed by the City Attorney. Kids make noise playing but no more noise than there would be if Ms. King had six children of her own. Jessica drives the speed limit or slower on Washington Street and so does the other mother. There has been increased traffic on Washington Street but it is not due to the daycare according to Jessica.

Bob Graham and Barbara LePoidevin joined the meeting.

Marcia Cossette, 29 Serenity Lane, asked the square footage of the home and how many bathrooms there are. The application does not state this so Krissy will answer during rebuttal.

Kathy Krezman, 6502 Washington resident, spoke. The back of her home backs up to Krissy's daycare front. She said the pool and berry pickers are seasonal but the daycare is year round. She said the parking proposed is on a lawn and expressed concern about the weather and the proposed parking spaces. Kathy has lived in her home for 27 years. She said three cars could fit on the left side of the big tree. The Sims' family has requested a vehicle be parked in front of the

vacant Sims' home. She has measured the tree and lawn. It is 138 feet to get to the bridge over the ditch to get to the daycare. The road, an eight percent grade, does not get plowed in the mornings as a priority because it doesn't get used normally. Teenagers use the street in the mornings to get to school, and Ms. Krezman feels it is unsafe as this is the time the mothers are dropping off the children. Mrs. Krezman said she did not coerce anyone who signed the petition. She has also sent for the rules on daycares and Krissy said she has nine parking spaces and there are not even four safe spaces. There are only two. The parking in the back is owned by Neumeyers and they do not want anyone parking on their property according to Mrs. Krezman.

Pat Krezman living at 6502 Washington is totally against the daycare and said it is an accident waiting to happen.

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Rick Alonzo said if he understands the application, Krissy is required to have four parking spaces. Lisa agreed. Rick asked if Krissy and her employee park on her lot and there are two or three spaces across the street, if she is not meeting the parking requirement.

Connie Wells asked about the State daycare license. Krissy said she has to be compliant with local laws before she can apply for the State license. She has had fire inspections done in the past. Krissy explained the process.

There being no more comment the hearing closed at 7:14 p.m.

Connie Wells said the situations are not always perfect when looking at special use permits. She understands there is a need for childcare in our community and said she would hate to see a person performing that service be denied a special use permit due to a parking space issue. She said people need to be responsible for not letting their children run out in the street. She hates to see parking spaces limit a very much needed service in Bonners Ferry.

Ron Smith said he does not know how council sitting here can approve or deny when a minimum of four spaces are required. He said through a parking plan it must be proved that there are four parking spaces. Other than parking spaces he doesn't see anything wrong.

Rick Alonzo likes the parking safety plan that reminds people of what to do when taking children across the street. He said it provides employment to Ms. King as well as others that need child care so they can work. He does not think an additional five or six vehicles on that street to be a problem.

Adam Arthur is slightly concerned that there are a number of neighbors signing a petition in opposition of the daycare. However, he does not see any standards that they are going against.

Rick said as long as it is meeting City Code and the departments do not have a problem, this is what the process is all about.

Rick Alonzo moved to approve File #SUP 005-16 for a special use permit to operate a childcare-group daycare serving up to 12 children within an existing home located at 6480 Washington Street and off-site parking at 6475 Washington Street, finding that it is in accordance with the general and specific goals and standards of the City of Bonners Ferry comprehensive plan and zoning codes, as enumerated in the findings and standards table. I further move to adopt the following reasoned statement and conditions of approval as written. The actions to be taken to obtain the special use permit is to complete the conditions of approval as adopted. Ron Smith seconded the motion. Rick also directed staff to find in the affirmative the reasoned statements listed on page 8 and 9. Ron Smith agreed to the additional directive. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

At 7:25 p.m. Council took a five minute break.

The council meeting reconvened at 7:30 p.m.

Mayor Sims said we will pull the High Five Health Collaborative Grant presentation to the beginning of the meeting. He said Bonners Ferry is one of seven finalists for the grant. Council reviewed the video that was submitted by Bonners Ferry. The grant amount is up to \$250,000 with no match requirement.

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Barbara LePoidevin asked if she could decorate the Georgia Mae Plaza for Christmas. She showed council a cut out of a gingerbread man that she made. She wants to put up colored lights and have candy and cookie decorations along the walkways. She also said she could find a tree if need be. She really wants to decorate the Gazebo. Barbara understands that this needs to be done before the day after Thanksgiving. Mayor Sims said we will agendize this at the next meeting and thanked Barb for coming.

Police Chief Vic Watson said since the last meeting we have had one felony warrant arrest, one felony probation violation, one felony DUI, two burglaries, one damage to property, one custodial interference, three curfew violations, and officers wrote 18 speeding citations. Today was the first day of school and everyone made it to and from safely. Vic said Valley View did present some challenges due to congestion. The school buses got up and down Augusta Street okay. The police will continue to monitor this.

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pool, and this will be reviewed. Mr. Barnette did not think structural work was needed. Mike said there are some other issues that need to be looked at also such as the separation between the sidewalk and the pool. Mayor Sims said it looks more like a maintenance issue rather than a safety issue.

Connie Wells moved to add late addition to the agenda for consideration of waiving green fees for the Friends of Mirror Lake Golf tournament allowing that money to go into the Friends of Mirror Lake account. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Adam Arthur moved to approve the consent agenda. Connie Wells seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”. The consent agenda contained the following: roll call; approval of accounts payable and payroll; approval of August 16, 2016 council meeting minutes and approval of August 24, 2016 special council meeting minutes.

Connie Wells moved to have the second reading of the special event ordinance by title only. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”. Attorney Andrakay Pluid read the title of the ordinance.

Rick Alonzo moved to approve the fiscal year 2017 budget and read fiscal year 2017 appropriation ordinance by title only suspending the rules. Ron Smith seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”. Attorney Andrakay Pluid read the ordinance by title only.

Connie Wells moved to adopt 2017 fiscal year appropriation ordinance #556. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Adam Arthur moved to authorize the Mayor to sign the fiscal year 2016 audit engagement letter with Anderson Bros. Connie Wells seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Connie Wells moved to authorize the Mayor to sign the agreement with LIHEAP (Idaho Low Income Home Energy Assistance Program). Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Attorney Andrakay Pluid said the City has been a member of the Boundary County Drug Task Force since 2002. The Task Force was formed to comply with requirements of the Byrne Grant. Andrakay said the Byrne grant ran out in 2006 or 2007, and the City has continued to be a member of the Drug Task Force since. Under the Task Force Agreement all forfeitures that result from arrest for drug crimes the City Officers make go into an account handled by the Prosecutor’s Office. She said the City has made very few withdrawals from the Drug Task Force account and has received very little money from that account. Andrakay and Chief Watson would like to see the City withdraw from the Task Force. She said when a drug forfeiture is made by the City Police it will still go into a fund controlled by the County Prosecuting

Attorney, as dictated by State law. The County Prosecutor will take an administrative fee but the rest of the funds can be utilized by the City Police for drug enforcement activities including equipment purchases. Andrakay said basically what is happening now is the funds are going into an account, and under the agreement we are supposed to receive 50 percent of the funding in that account regardless of who made the forfeiture but that has not been happening.

Andrakay said they have discussed the idea of a replacement agreement with the County that talks about the law enforcement entities in the county's joint commitment to enforcing drug laws and fighting drug crime. Mayor Sims would like to see the City continue to work with the County to get the agreement in place. Rick Alonzo asked what the reasoning was for only asking for the Dodge pickup that Officer Cowell drives in the dissolution. Police Chief Watson said he is unsure of what other assets there have been, and he thought the vehicle was the most simple for the County to hand over to the City. He thinks this is a good first step in this process. Mayor Sims asked if there is other equipment the City is utilizing that was purchased by the Task Force. Andrakay did not think there was. Rick agreed. Andrakay said the request for the pickup only is for a civil withdrawal from the agreement. Vic said there have been meetings since this was first looked at and we do not want the portrayal of not fighting drug crimes. We have the strong statement that we will continue with our drug/narcotic program. We need a new agreement with a purpose that helps serve our community better. This is the first step of the new process. Andrakay said we may be interested in working with Tribal Law Enforcement also. This will be more of a statement than an agreement according to Andrakay. Mayor Sims said City Officers make drug arrests and it shows on the State Repository. Police Chief Vic Watson said our Officers work on drug crimes daily. Ron Smith moved to consider withdrawal from the Drug Task Force and authorized the Police Chief to send a letter to the County. Rick Alonzo seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Mike said he has not had time to go over the pay request submitted by KG&T over the weekend for the Augusta Street Project. He would like permission to approve up to \$75,000 for pay request #2 so we will not have to hold a special council meeting. Adam Arthur moved to approve Augusta Street Pay Request #2 up to \$75,000 pending Mike's review and authorize the Mayor to sign the paperwork. Connie Wells seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Ron Smith moved to authorize Mayor Sims to sign the attorney contract for fiscal year 2017. Rick Alonzo seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”. The only change in the contract is a three percent salary increase.

Mike Klaus said John Delaney is working well as water/sewer superintendent. He said previously this was on a temporary basis. Rick Alonzo moved to approve John Delaney as Water/sewer Superintendent. Ron Smith seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Mike Klaus spoke to council regarding the golf course clubhouse roof. He said Bruce Dally looked at the roof and has made suggestions on how to make the repairs. Mike said some of the lighting wiring will have to be replaced. He thinks with the electrical work that is needed the project may cost \$25,000 rather than the \$20,000 projected earlier. Adam asked how long the repair will be good for. Mike thinks at least five to ten years but there are other issues that will be coming forward. Mike said he needs to investigate the bracing as it will hold more snow load since the insulation will be increased. Rick Alonzo moved to approve the roof repair at the clubhouse for up to \$25,000. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Ron Smith moved to waive the green fees for the Friends of Mirror Lake golf tournament and allow that money to go into the Friends of Mirror Lake account. Connie Wells seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

There being no further business, the meeting adjourned at 8:24 p.m.

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David Sims, Mayor

Attest:

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Kris Larson, City Clerk

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The first order of business was a hearing for a Special Use Permit for King Group Daycare. Mayor Sims went over the procedures to be followed at the hearing. Mayor Sims said earlier this spring, as first administrator for the City, he was involved in the decision to require a special use permit for this operation. Mayor Sims said he lives on Helena Street and regularly drives and walks on Washington Street near the King residence. In July of this year Kathy Krezman came to his door with a petition concerning the proposed daycare operation and he informed her that he could not discuss the issue with her as it is a quasi-judicial matter and directed her to see Mike Klaus or Lisa Ailport with any questions that she had. He is not related to Viola Sims and has not spoken to Viola Sims regarding the application. Planner Lisa Ailport gave the staff report for File #SUP 005-16 King Group Daycare with Michael Brazell as property owner. The application is for a childcare/daycare serving up to 12 children. Hours of operation are from 7:00 a.m. to 5:30 p.m. The site is zoned Residential A and located at 6480 Washington Street with offsite parking at 6475 Washington Street on property owned by Viola Sims. This was a zoning violation that came to the City needing attention through the application of a special use permit. City entities reviewed the application. The Fire Chief verbally advised of the need for fire code compliance. Staff reached out to the Department of Health and Welfare and found that the daycare passed a health and safety inspection on March 17<sup>th</sup> and a fire inspection will be required. The traffic safety committee expressed the following concerns: the safety of the children crossing Washington Street to access the daycare, how snow removal would be handled, vehicles backing in and out of the Viola Sims property, and future liabilities with approval of the permit. As a result of the Committee's concerns about parking, Ms. King submitted a parking safety plan requiring each parent to sign. As a condition, the plan must be approved by the City Engineer and Council prior to the issuance of the permit. Lisa read a letter in support submitted by Jessica Nordheim that came in on August 31, 2016.

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Connie Wells moved to have the second reading of the special event ordinance by title only. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”. Attorney Andrakay Pluid read the title of the ordinance.

Rick Alonzo moved to approve the fiscal year 2017 budget and read fiscal year 2017 appropriation ordinance by title only suspending the rules. Ron Smith seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”. Attorney Andrakay Pluid read the ordinance by title only.

Connie Wells moved to adopt 2017 fiscal year appropriation ordinance #556. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Adam Arthur moved to authorize the Mayor to sign the fiscal year 2016 audit engagement letter with Anderson Bros. Connie Wells seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Connie Wells moved to authorize the Mayor to sign the agreement with LIHEAP (Idaho Low Income Home Energy Assistance Program). Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Attorney Andrakay Pluid said the City has been a member of the Boundary County Drug Task Force since 2002. The Task Force was formed to comply with requirements of the Byrne Grant. Andrakay said the Byrne grant ran out in 2006 or 2007, and the City has continued to be a member of the Drug Task Force since. Under the Task Force Agreement all forfeitures that result from arrest for drug crimes the City Officers make go into an account handled by the Prosecutor’s Office. She said the City has made very few withdrawals from the Drug Task Force account and has received very little money from that account. Andrakay and Chief Watson would like to see the City withdraw from the Task Force. She said when a drug forfeiture is made by the City Police it will still go into a fund controlled by the County Prosecuting

Attorney, as dictated by State law. The County Prosecutor will take an administrative fee but the rest of the funds can be utilized by the City Police for drug enforcement activities including equipment purchases. Andrakay said basically what is happening now is the funds are going into an account, and under the agreement we are supposed to receive 50 percent of the funding in that account regardless of who made the forfeiture but that has not been happening.

Andrakay said they have discussed the idea of a replacement agreement with the County that talks about the law enforcement entities in the county's joint commitment to enforcing drug laws and fighting drug crime. Mayor Sims would like to see the City continue to work with the County to get the agreement in place. Rick Alonzo asked what the reasoning was for only asking for the Dodge pickup that Officer Cowell drives in the dissolution. Police Chief Watson said he is unsure of what other assets there have been, and he thought the vehicle was the most simple for the County to hand over to the City. He thinks this is a good first step in this process. Mayor Sims asked if there is other equipment the City is utilizing that was purchased by the Task Force. Andrakay did not think there was. Rick agreed. Andrakay said the request for the pickup only is for a civil withdrawal from the agreement. Vic said there have been meetings since this was first looked at and we do not want the portrayal of not fighting drug crimes. We have the strong statement that we will continue with our drug/narcotic program. We need a new agreement with a purpose that helps serve our community better. This is the first step of the new process. Andrakay said we may be interested in working with Tribal Law Enforcement also. This will be more of a statement than an agreement according to Andrakay. Mayor Sims said City Officers make drug arrests and it shows on the State Repository. Police Chief Vic Watson said our Officers work on drug crimes daily. Ron Smith moved to consider withdrawal from the Drug Task Force and authorized the Police Chief to send a letter to the County. Rick Alonzo seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Mike said he has not had time to go over the pay request submitted by KG&T over the weekend for the Augusta Street Project. He would like permission to approve up to \$75,000 for pay request #2 so we will not have to hold a special council meeting. Adam Arthur moved to approve Augusta Street Pay Request #2 up to \$75,000 pending Mike's review and authorize the Mayor to sign the paperwork. Connie Wells seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Ron Smith moved to authorize Mayor Sims to sign the attorney contract for fiscal year 2017. Rick Alonzo seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”. The only change in the contract is a three percent salary increase.

Mike Klaus said John Delaney is working well as water/sewer superintendent. He said previously this was on a temporary basis. Rick Alonzo moved to approve John Delaney as Water/sewer Superintendent. Ron Smith seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Mike Klaus spoke to council regarding the golf course clubhouse roof. He said Bruce Dally looked at the roof and has made suggestions on how to make the repairs. Mike said some of the lighting wiring will have to be replaced. He thinks with the electrical work that is needed the project may cost \$25,000 rather than the \$20,000 projected earlier. Adam asked how long the repair will be good for. Mike thinks at least five to ten years but there are other issues that will be coming forward. Mike said he needs to investigate the bracing as it will hold more snow load since the insulation will be increased. Rick Alonzo moved to approve the roof repair at the clubhouse for up to \$25,000. Adam Arthur seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

Ron Smith moved to waive the green fees for the Friends of Mirror Lake golf tournament and allow that money to go into the Friends of Mirror Lake account. Connie Wells seconded the motion. The motion passed – Ron Smith “yes”, Rick Alonzo “yes”, Connie Wells “yes”, Adam Arthur “yes”.

There being no further business, the meeting adjourned at 8:24 p.m.

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David Sims, Mayor

Attest:

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Kris Larson, City Clerk