



**JOINT MINNEHAHA COUNTY & CITY OF SIOUX FALLS
PLANNING COMMISSION
MEETING MINUTES**

NOVEMBER 25, 2024

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & SIOUX FALLS PLANNING COMMISSIONS
November 25, 2024**

A joint meeting of the County and City Planning Commissions was held on November 25, 2024 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioners Bonnie Duffy, Doug Ode, Adam Mohrhauser, Mike Ralston, Ryan VanDerVliet, and Joe Kippley.

CITY PLANNING COMMISSION MEMBERS PRESENT: Bradyn Neises, Dana Fisher, Janet Kittams, Mike Gray, and Dave Van Nieuwenhuyzen.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, & Mason Steffen – County Planning
Maggie Gillespie – States Attorney's Office
Karla Resendiz – City Planning

The County Planning Commission was chaired by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Commissioner Bradyn Neises.

Chair Duffy called the Joint Minnehaha County and City of Sioux Falls Planning Commission meeting to order at 7:00 p.m.

PUBLIC COMMENT

Chair Duffy opened the floor for public comment and nobody moved to speak.

Consent Agenda

Commissioner Duffy read each item on the consent agenda and Items 2 & 3 were requested to be moved to the regular agenda.

A motion was made for the County by Commissioner VanDerVliet and seconded by Commissioner Ralston to **approve** the consent agenda consisting of Item 1. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Kittams and seconded by Commissioner Fisher to **approve** the consent agenda consisting of Item 1. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



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ITEM 1. Approval of Minutes – August 26, 2024

As part of the consent agenda, a motion was made for the County by Commissioner VanDerVliet and seconded by Commissioner Ralston to **approve** the meeting minutes from August 26, 2024. The motion passed unanimously with 5 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Kittams and seconded by Commissioner Fisher to **approve** the meeting minutes from August 26, 2024. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



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Regular Agenda

ITEM 2. CONDITIONAL USE PERMIT #24-50 to allow a Medical Cannabis Dispensary on the property legally described as Pt Tract 4 Lots 5 & 6 Pleasant View Acres N½ SE¼ & S½ NE¼ Section 19 T101N-R48W Split Rock Township.

Petitioner: Emmett Reistroffer

Land Owner: Todd Voss

Location: 7401 E Arrowhead Parkway

Staff Report: Kevin Hoekman

General Information:

Legal Description – Pt Tract 4 Lots 5 & 6 Pleasant View Acres N½ SE¼ & S½ NE¼
Section 19 T101N-R48W Split Rock Township

Present Zoning – C Commercial

Existing Land Use – Warehouse/Storage Units

Parcel Size – 2.08 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

In 2021, the Joint County Commission and Sioux Falls City Council adopted zoning regulations for siting a medical cannabis dispensary in the joint zoning area around the city. While Minnehaha County Ordinance allows one medical cannabis dispensary in the unincorporated area of the county, no dispensary has yet been operational in the unincorporated area.

The petitioner is requesting a medical cannabis dispensary in a business suite at 7401 E Arrowhead Parkway. The Planning Commission approved a conditional use permit for medical cannabis dispensary on the property in 2022. No dispensary was constructed and the permit expired. Since February of 2022, the surrounding area developed further with the reconstruction of Arrowhead Parkway. Apartments and neighborhood commercial establishments are developing in the nearby areas across the highway to the north and northwest. Some residential houses have been constructed since 2022 along Stoakes Avenue which is located approximately ¼ mile west of the site. Most of the new development in the area has taken place within city limits of Sioux Falls.

A medical cannabis dispensary is allowed within the C-Commercial zoning district as a permitted special use if all of eleven criteria are met by the applicant. The requirements are listed in Section 9.03 PERMITTED SPECIAL USES e.) Medical cannabis dispensary. If any of the criteria cannot be met, then a conditional use permit is required for approval. Staff finds that criterial C. cannot be met at this location. Criteria C. requires the following:

The facility shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a single-family dwelling, church, elementary, middle, or high school licensed by the state, day care, public use facility, park or other medical cannabis dispensary.



The subject property is located within 1,000 feet of several residential single family properties and the Split Rock Fire Department. Single family homes include properties along Stokes Avenue to the west, a large acreage to the south with access to Six Mile Road, a non-conforming dwelling in the C-Commercial zoning district to the southeast along Six Mile Road, and the westernmost residential properties in the Willow Run Addition on E Oakmont Place. In addition, a non-conforming dwelling is located on the subject property. It is unknown if this non-conforming residence is occupied. Despite the proximity of several dwellings, the dwellings are separated on different street accesses or located on commercial zoned property, with the exception of the dwelling located on the same property as the proposed dispensary.

The remaining criteria for a medical cannabis dispensary placement include ongoing operations and plans for security measures. The materials provided with the application address all required plans ventilation system for containing odor and meeting building code requirements with sprinkler system for fire protection. The waste disposal plan indicates that product will be transported from the growing and processing facility to the dispensary and back if disposal is required. Wastes will be stored within the interior vault of the dispensary until removed by staff. Security at the site will be followed through multiple measures including 24-hour video surveillance, inventory tracking, secure entry vestibule, and generators to supply back up power in case of power failure.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

The proposed medical cannabis dispensary generally conforms with the commercial and industrial uses existing in the area. Nearby dwellings are accessed by separate roads from the dispensary other than those dwellings which are non-conforming on commercial zoned properties. The property located across Arrowhead Parkway is at this point undeveloped. That land is currently zoned for regional commercial land uses.

The subject property has been developing into commercial uses since 2021, and several conditional use permits have been approved on the site. The site currently contains a nine day fireworks sale in the main building, storage units for rent, the vacant commercial space that is the subject of this CUP request, and a non-conforming residential house. Removal of the residential structure was part of comments and discussion in previous conditional use permit requests, but it was not required as a condition of approval for any of the previous permits. Now that a few years of development have taken place, staff recommends that the non-conforming dwelling be removed as part of this request. Removal of the non-conforming dwelling will reduce potential conflicting land uses on the site, and it will open the site up for further commercial development.

2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The area around the proposed dispensary is zoned for commercial use in the county and zoned for regional commercial use in the city. The land within the city limits is not yet developed, and the land within the county includes a couple nearby undeveloped lots. recently additional storage



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units were approved on two nearby properties in the unincorporated area. Many of the developed lots in the unincorporated area are developed with warehouse style buildings for services rather than retail style building which will likely be developed in the city. The proposed dispensary would generally conform with the future uses of the area.

The property is currently located along the edge of a “island” of unincorporated land surrounded by the city of Sioux Falls. The city has its own limitation on the number of medical cannabis dispensaries allowed within city limitations. Because of the site’s close proximity to Sioux Falls city limits and the city’s dispensary limitations, and the existing fireworks sales permitted on the property, the property owners will likely desire to remain in the unincorporated area as long as possible. This will likely lead to the prolonging of the “island” effect in the area.

3) That utilities, access roads, drainage and/or other necessary facilities are provided.

The property is already hooked up to utilities and access roads through the City of Sioux Falls. Since the building is already developed the use of the commercial suite will not change drainage on the site.

4) That the off-street parking and loading requirements are met.

The proposed dispensary is located in a portion of a 54 feet by 180 feet commercial building. The fireworks stand in the one side of the building is heavily used for the week leading up to Independence day. Therefore, most of the year the building will have abundant parking with a short time where parking can be stretched thin. Staff suggests that if the proposed facility is approved that several parking spaces be dedicated for the dispensary.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The proposed facility will be located within an enclosed retail building with required hours of operation. The narrative includes description of how odor will be contained on the property. Any outside lights should be fully cutoff and directed downward to prevent spillage of light onto other properties.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

Minnehaha County has determined that one medical cannabis facility should be licensed to operate in the rural area of the county. The location of this proposed dispensary is within a long established commercial development and near a busy intersection of state and county highways. The petitioner will be required to meet ongoing state and county requirements for licensure plus any conditions of approval for this permit. Many of the ongoing requirements of state and county licenses ensure the health and safety of operating a medical cannabis dispensary.

Recommendation: Staff recommends **approval** of Conditional Use Permit #24-50 to allow a Medical Cannabis Dispensary with the following conditions:

- 1). This permit is issued for Genesis Farms, LLC, and it is not transferable to any other company or owner.
- 2). All required state and county licenses for a medical cannabis dispensary must be maintained at all times.



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- 3). All new and replacement outdoor lighting must be fully shielded and cutoff to prevent the spillage of light off the property.
- 4). A building permit is required prior to any construction and any placement of signs on the property and building.
- 5). Prior to occupancy of the building, the facility shall provide proof of registration with the South Dakota Department of Health, and shall at all times maintain a valid, accurate, and up to date registration with the South Dakota Department of Health. Should registration be denied or revoked at any time, any permitted special use or conditional use shall immediately become void.
- 6). The facility shall at all times operate in compliance with all South Dakota Department of Health regulations pertaining to such facilities.
- 7). The facility must operate entirely within an indoor, enclosed, and secure facility. No exterior sales, and no sidewalk displays, shall be permitted. No drive-through, drop-off, or pick-up services shall be permitted.
- 8). The facility shall be limited to hours of operation not earlier than 8:00 A.M. and not later than 10:00 P.M.
- 9). There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the facility is operating.
- 10). No one under the age of eighteen (18) shall be permitted in the facility.
- 11). No use of medical cannabis shall be permitted on the premises of the facility or within the parking areas of the property.
- 12). Waste medical cannabis remnants and byproducts shall be disposed of according to the submitted waste management plan, and shall not be placed within an exterior refuse container.
- 13). The facility shall maintain an effective security and fire control plan as submitted to the Planning department. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility.
- 13). The single family resident located on the property must be remove by June 1, 2025.
- 14). All medical cannabis product, byproduct, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

Public Testimony

Kevin Hoekman, county planning staff, presented the staff report along with two letters requesting that conditions be amended to keep the existing dwelling. Staff explained that removal was part of the existing comments throughout the previous CUP requests on the property, but removal was never added as a condition of approval.

Commissioner Ode asked staff if there are any setback requirements for medical cannabis dispensaries and a school. Kevin Hoekman of planning staff responded that he understood the setback for a school would be the same as a single family dwelling, which is 1,000 feet.

Commissioner Fisher asked for clarification on what was approved for medical cannabis in 2022. Kevin Hoekman explained that the building was approved in 2022 for medical cannabis for two different companies, and neither company was operating at the site currently. The previous CUP



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request expired for not starting.

Commissioner Gray asked for clarification on how staff determined June 1, 2025 was the time to remove the dwelling. Kevin Hoekman responded that June 1, 2025 was a reasonable expectation of obtaining a contractor for removal of the house.

Commissioner Fisher asked what the parcel is currently zoned, and why the single family residence was on the parcel. Kevin Hoekman stated the parcel is zoned C Commercial and the single family dwelling was there since the late 1970's.

Emmet Reistroffer, 2916 Dundee Street, Rapid City, SD, was present for questions from the commission.

Commissioner Kippley asked for a general description of the business model. Mr. Reistroffer explained that in 2022, Genesis Farms was awarded the only license for the dispensary, and the property owner was not able to allow them to move in quick enough to maintain the license. This location is able to become developed within 60 days as required by the county ordinance. The building will accommodate security. The other Sioux Falls location is very busy and another location is needed in the metro area.

Commissioner Kippley asked about the dwelling on the property. Emmet Reistroffer noted that he and the property owner want the condition to remove the house removed from the permit. He did not want to be the reason the tenant has to move out. He noted that a medical cannabis dispensary does exist in Brookings with a retail ground level and apartments above is a similar situation. He is hoping the dwelling and non-conforming issue can be separated from the land use as a medical cannabis dispensary.

Todd Voss, owner of the property, spoke about the history of the property and how the county and city has restricted the property as to how it should be used. Water and sewer was just connected to the property this spring. The lack of water was part of the reason the business suite was not previously occupied. He stated the tenant has lived at the property for two years and he would like that to remain.

Commissioner Fisher asked Todd Voss if there were any liability and safety concerns having the residence and a medical cannabis dispensary on the same property. Todd Voss explained that the 1,000 feet requirement is a county requirement and not a state requirement, so there should not be any issue for liability or insurance.

Commissioner Duffy closed the floor for discussion.

Commissioner Ralston stated that the 1,000 feet setback is not a prohibited limit. Since the tenant is ok with the land use he would be ok with moving forward.



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Commissioner Ralston motioned to **approve** the conditional use permit with the amended conditions by removing the second condition #13 from the conditions of approval.

Commissioner Kippley seconded the motion. The motion passed with a vote of 4 in favor and 1 against the motion. Commissioner Ode voted against the motion.

Commissioner Van Nieuwenhuyzen made the same motion for the City to approve the conditional use permit with the amended conditions by removing the second condition #13 from the conditions of approval. Commissioner Fisher seconded the motion. The motion passed unanimously with a vote of 4 in favor of the motion.

Conditional Use Permit #24-50 – Approved with the following conditions:

- 1) This permit is issued for Genesis Farms, LLC, and it is not transferable to any other company or owner.
- 2) All required state and county licenses for a medical cannabis dispensary must be maintained at all times.
- 3) All new and replacement outdoor lighting must be fully shielded and cutoff to prevent the spillage of light off the property.
- 4) A building permit is required prior to any construction and any placement of signs on the property and building.
- 5) Prior to occupancy of the building, the facility shall provide proof of registration with the South Dakota Department of Health, and shall at all times maintain a valid, accurate, and up to date registration with the South Dakota Department of Health. Should registration be denied or revoked at any time, any permitted special use or conditional use shall immediately become void.
- 6) The facility shall at all times operate in compliance with all South Dakota Department of Health regulations pertaining to such facilities.
- 7) The facility must operate entirely within an indoor, enclosed, and secure facility. No exterior sales, and no sidewalk displays, shall be permitted. No drive-through, drop-off, or pick-up services shall be permitted.
- 8) The facility shall be limited to hours of operation not earlier than 8:00 A.M. and not later than 10:00 P.M.
- 9) There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the facility is operating.
- 10) No one under the age of eighteen (18) shall be permitted in the facility.
- 11) No use of medical cannabis shall be permitted on the premises of the facility or within the parking areas of the property.
- 12) Waste medical cannabis remnants and byproducts shall be disposed of according to the submitted waste management plan, and shall not be placed within an exterior refuse container.
- 13) The facility shall maintain an effective security and fire control plan as submitted to the Planning department. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility.



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- 14) All medical cannabis product, byproduct, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.



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ITEM 3. CONDITIONAL USE PERMIT #24-51 to allow a Public Utility Facility (Pump Station) on the property legally described as Tract 3 Lakeside Addition NW¼ Section 16 T101N-R50W Wayne Township.

Petitioner: City of Sioux Falls

Land Owner: Same

Location: Approximately 1-mile northwest of the SD Highway 42 & Ellis Road intersection

Staff Report: Mason Steffen

General Information:

Legal Description – Tract 3 Lakeside Addition NW¼ Section 16 T101N-R50W
Wayne Township

Present Zoning – A1 Agriculture

Existing Land Use – Vacant Lot

Parcel Size – 48.63 Acres

Staff Report: Mason Steffen

Staff Analysis: This request is to allow a public utility facility on the subject property, which is zoned A-1 Agricultural. A conditional use permit is required for a public utility facility within the A-1 Agricultural zoning district of the Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls when any building within the site will exceed 120 square feet in roof area. The main pump station building on the site will be approximately 2,100 square feet, and the remainder of the site will be utilized for the equalization basin and other various equipment.

On November 7, 2024 staff conducted a site visit of the subject property and surrounding area. The property is surrounded by land that is currently used for mining and agriculture, along with the Cherry Lake Subdivision to the southeast within the city of Sioux Falls. The growth of Sioux Falls in this area necessitates the need for a more reliable sewage infrastructure. This pump station is being constructed to fill that need and to allow for future adequate sewage capabilities for the west side of the city. Finally, this request was sent to the city planning staff for comments and they recommended approval of the request with no additional conditions.

Conditional Use Permit Criteria:

1) The effect upon the use and enjoyment of other property in the immediate vicinity for the uses already permitted, and upon property values in the immediate vicinity.

The proposed pump station should not have a negative effect upon the existing uses of mining and agriculture in the immediate area. The nearest other use to the site is a commercial greenhouse, located to the northeast of the site, but there is landscape berm on the east side of the property that will largely screen the site from this neighboring property. The pump station will provide a service to the properties in the surrounding area of the site and will not overly impact property values.



2) The effect upon the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

The immediate area surrounding the subject property is located within the floodplain and is unlikely to develop into residential type uses. The proposed sewage pumping facility should not have a negative effect upon the normal and orderly development and improvement of these properties for uses predominant in the area. The proposed pumping facility is part of a sewage system that will aid in providing adequate sewage disposal to present and future development for the region.

3) That utilities, access roads, drainage and/or other necessary facilities are provided.

This property will be accessed from Sands Street and the city will provide all the other necessary utilities to the site. The drainage on the property will need to be properly maintained in order to prevent erosion and sedimentation of the drainage ways and bodies of water in the area. The city of Sioux Falls has submitted a flood plain development permit for the sewer pipes and manholes required for this project, which was approved earlier this year. However, they will need to submit new floodplain development documents for the equipment on this site, prior to the issuance of any building permits.

4) That the off-street parking and loading requirements are met.

The pump station will be operated remotely, but parking should be provided for any maintenance staff. Each parking space provided should measure a minimum of nine feet by eighteen feet and should be properly maintained.

5) That measures are taken to control offensive odor, fumes, dust, noise, vibration, and lighting (inclusive of lighted signs), so that none of these will constitute a nuisance.

The proposed use should not create any offensive nuisances to the surrounding area, and any increase in traffic to the area will be minimal given the remote operation of the pump station. Additionally, any lighting that is installed in conjunction with the project should be of a fully cutoff and shielded design to prevent light pollution from spilling onto adjacent properties.

6) Health, safety, general welfare of the public and the Comprehensive Plan.

The proposed use will generally benefit the health, safety and general welfare of the public by allowing the city to provide proper sanitary sewer services to the area. Additionally, one of the goals of the 2035 Envision Comprehensive Plan is to, "Coordinate growth and land use planning among Minnehaha County, cities, townships, and other relative organizations." The proposed operation meets this goal of the 2035 Envision Comprehensive Plan by providing the city of Sioux Falls with a location to adequately provide sanitary sewer services for their municipal use and development.

Recommendation: Staff recommends **approval** of Conditional Use Permit #24-51 to allow a public utility facility with the following conditions:

- 1) That a minimum of two (2) off-street parking spaces be provided and that each parking space shall be at least nine feet by eighteen feet and be properly maintained.



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- 2) That all existing drainage is maintained and that erosion control measures are implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water.
- 3) That a floodplain development permit shall be obtained prior to any construction commencing on the site.
- 4) That the applicant shall obtain a building permit prior to any construction commencing on the site.

Public Testimony

Mason Steffen, of county planning staff, presented the staff report and recommendation.

Chad Comes, Sioux Falls Engineering Department, was present for questions.

Alla Kureninova, Natural Beauty Growers LLC, 46844 264th Street, requested some considerations. She noted there are several wells north of the site and they have a water rights. She also requested access be granted to the wells between the proposed property and Skunk Creek.

Commissioner Duffy asked Mason to address the requests and if there should be any additional conditions. Mason noted that there is still a requirement for floodplain development permits. The City Engineer may be better at addressing water rights for the property.

Chad Comes explained that water wells and rights are a known aspect of the project. He asked Kyle Lynch to speak to the water rights.

Kyle Lynch, HDR Engineering, noted that their studies indicate there will be no impact on the wells. There are provisions in the planning specs that Natural Beauty's wells cannot be affected. They will not have access to the area where the wells are located any longer.

Commissioner Ode asked how much water is used in a year and when is it used. Alla Kureninova responded that they use 11,000,000 gallons a year, and it is primarily used between February to June.

Commissioner Kippley noted that he would expect the city to hold the neighbors harmless and there are still further permits and studies to happen. Commissioner Kippley motioned to approve Conditional Use Permit #24-51 with staff recommend conditions. Commissioner Ode seconded the motion.

Commissioner VanDerVliet asked if anything should be done to address access issues to the property. Scott Anderson, the County Planning Director, explained that the access will be a civil issue between the greenhouse and the city of Sioux Falls.



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Action

The County Planning Commission voted unanimously with a vote of 5 commissioners in favor to approve the motion made by Commissioner Kippley and seconded by Commissioner Ode to approve Conditional Use Permit #24-51 with the staff recommended conditions.

Commissioner Fisher made the same motion for the city to approve Conditional Use Permit #24-51 with the staff recommended conditions. Commissioner Gray seconded the motion. The motion was approved unanimously with a vote of 4 commissioners in favor of the motion.

Conditional Use Permit #24-51 – Approved



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Old Business

None.

New Business

None.

Adjourn

A motion was made for the County to **adjourn** by Commissioner Kippley and seconded by Commissioner Ralston. The motion passed unanimously.

The same motion to **adjourn** was made for the City by Commissioner Gray and seconded by Commissioner Van Nieuwenhuyzen. The motion passed unanimously.

The meeting was **adjourned** at 7:48 p.m.