



Mills Planning & Zoning Board Meeting Minutes

July 10, 2025

Board Members Present: Chairman John Gudger, Vice-Chairman Chris Volzke, and Member Robin Baye

City Staff in Attendance: Megan Nelms, City Planner (by phone), Kevin O’Hearn, Building Inspector, and Sarah Osborn, City Clerk

Vice Chairman Chris Volzke called meeting to order at 5:35pm on July 10, 2025, as a quorum was present.

CONSENT AGENDA

Minutes

1. **Approval of minutes from June 5, 2025**

- a. Member Bryson would like an amendment to the June 5, 2025 meeting minutes, he was not listed in attendance. He was in fact at the meeting.
 - i. With that change Vice Chairman Volzke asked a motion to amend June 5, 2025 minutes and approve the June 5, 2025 minutes. Member Bryson made a motion to approve the minutes with the amendment, Baye seconded the motion, all Ayes, motion passed.

2. **25.07 FSP – Resubdivision of Lots 1 & 2, Block 34, Mountain View Extension**

- a. Vice Chairman Volzke asked the City Planner, Megan Nelms to detail the agenda item. Megan explained the applicant is Marvin Rome with MJR Enterprises, the Agent is Kimber Bloem. The applicant is proposing to resubdivide Lots 1 & 2, Block 34, and Mountain View Extension Addition. The property is located on the southeast corner of the intersection of S 5th Avenue and Oregon Trail and is currently zoned R1. This application is a boundary line adjustment, changing the shared lot line to run from north to south versus east to west, to accommodate an existing, non-conforming mobile home and to place a new mobile home on the second lot.
 1. Planning Considerations:
 - a. Verify utility easements provided on each lot – 10 feet versus 5 feet.
 - b. Survey Reviews:
 - i. Add record dimensions to the plat face.
 - ii. Reference the vertical datum in Note 5.
 - iii. Show only the lot acreage on the plat face, not sq. ft, will round up to 0.31-acres.
 2. Staff Recommendation:
 - a. Staff recommends APPROVAL of the final plat upon all planning considerations being completed and for the Planning Commission make a “Do Pass” recommendation on the Final Plat application.
 3. Vice Chairman Volzke opened the floor for open discussion on this case. No questions on the agenda item.
 4. Vice Chairman Volzke asked for a motion. Member Bryson made a motion to approve 25.07 FSP, Member Baye seconded the motion, all Ayes, motion passed.

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3. **25.08 FSP – Charter Heights Final Plat**

- a. Vice Chairman Volzke asked Megan for the staff report. Megan explained that the applicant is proposing to resubdivide Lot 2A, Mountain Meadows No. 2, into three lots, one 6-acres, one 4.02-acres and the other being 27.12-acres, respectively. The applicant has indicated that the purpose of the resubdivision is to provide additional acreage to Wyoming Classical Academy. There is an existing storage structure on the property and various equipment being stored.
- b. Planning Considerations
 - i. Discuss the lack of access to proposed Lots 1 & 2. Recommend providing an access easement from Robertson Rd. to the proposed lots.
 - ii. Cosmetic Plat Changes:
 1. Bold the lot labels and acreage
 2. Make the labels of adjacent lots grey in color
 3. Add a line for the date for the signatures of the City Engineer, Planner & Surveyor
- c. Member Baye had questions regarding a sidewalk.
 - i. Shawn Gustafson with ECS Engineers approached the board, bring an updated plat to show the temporary access easement. As part of the development layout, we've established two temporary access easements—one coming in from the north and another connecting on the east side. These easements ensure that all affected lots have compliant access in accordance with code requirements. I have an additional plat to share that will further clarify this layout. Notably, these particular lots do not touch Robertson Road. There appears to be an FT Investments-owned parcel situated between the lots in question and Robertson Road.
 - ii. Regarding the adjacent school property: after some negotiation, the school has opted to acquire additional acreage. This has been a back-and-forth process. You'll notice two lots—a 4-acre and a 6-acre parcel—within the subdivision labeled for the school. One of these lots is being purchased by the school, while the other is being donated. The separation into two parcels is primarily for tax purposes. Internal connectivity is being addressed in the next development phase, which will link the site more effectively with Poison Spider Lane.
 - iii. A new plat has also been submitted for review—this is a residential subdivision located south of the school property (likely Lot 3 in the Ridge West Estates plat). This will provide future connectivity from the school site out to Robertson Road.
 - iv. As for current infrastructure: Poison Spider Lane has already been widened. However, the approved site plan for this area does not include sidewalks, and there are currently no sidewalks along Poison Spider Lane. The school's main access connects to Poison Spider Lane, but again, there are no internal sidewalks shown in that subdivision per the approved plans.
 - v. The next plat submission, which includes the housing subdivision referenced earlier, will be presented at next month's meeting. A zoning change is also being submitted.
 - vi. Member Bryson asked why the plats and everything are not being ran concurrent and as one plat

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1. Mr. Gustafson responded the timing of the development came together in sequence. The charter school was the initial driver—its plans were the first to move forward and essentially set the process in motion. As that project progressed, the surrounding parcels began to be considered, and everything ultimately came together late last week, specifically on Thursday.
2. Member Bryson questioned that most municipalities require that each lot has direct access to a public road—not through a private road or easement. Typically, this means a dedicated public right-of-way. I'm not certain whether the City of Mills specifically requires public road access; I believe the code may only require that a lot have access generally.
 - a. Megan responded with given the circumstances, I believe the City is willing to work with Greenbrier to allow access as proposed. While the City typically requires standard access provisions, in this case, a reasonable condition may be that the school resubdivides the two lots into a single lot after the current development is completed.
 - b. Member Bryson directed that we all understand that our role on this board is to regulate in accordance with the code that is already established. It is not within our authority to grant conditional waivers—that responsibility lies with the City Council. While we can make recommendations, it's important for future reference that we clearly understand what the code requires regarding lot access. Specifically, does the code define a minimum access width, and is access required to be via a public right-of-way?
 - c. Megan let Member Bryson know that per the Land Development Regulations (LDRs), a 60-foot-wide right-of-way is required, either publicly dedicated or formally dedicated to the City and Council. However, for residential blocks, the Mayor and Council have recommended allowing a reduction to 50 feet in width.
3. Vice Chairman Volzke refreshed the board with at this point, the primary update to planning considerations appears to be increasing the width of the proposed access easement from 20 feet to 60 feet to align with current code requirements. If 60 feet is indeed the standard, then maintaining compliance is preferred. However, it may be worth reviewing those requirements for possible revision in the future, especially to ensure consistency and clarity across applications. While the code may state 60 feet, it's noted that many local streets in town are 50 feet wide, with typical residential street sections including curb, walk, and roughly a foot of space behind the walk. Alleyways are generally 20 feet wide, which is why a 20-foot easement was initially proposed in this case. Ultimately, the recommendation is to keep the dedication as close to code as possible. Since the area is being re-platted regardless, the dedication will be updated procedurally and in line with the historical treatment of similar applications.

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4. Vice Chairman Volzke called for a motion for approval of the plat, subject to the noted planning considerations, including the dedication of a 60-foot-wide access easement to align with current code requirements.
5. Member Baye made the motion, Member Bryson seconded the motion, all Ayes, motion passed.

4. ~~25.06 FSP – Casper Creek Addition No. 3 – Revised Final Plat~~

- a. Per Megan, this agenda item has been pulled off.

5. **25.03 DEV – Hegge/Casper Creek Development Site Plan**

- a. Vice Chairman Volzke asked Megan to detail the agenda item.
- b. Megan presented to the board the applicant is proposing to construct a 5,000 square foot commercial warehouse facility and associated office building. The site consists of two (2) adjacent parcels, an unplatted parcel and Lot 2, Blk 1, Casper Creek Addition, creating a development area approximately 7.87-acres in size. It was annexed into the City of Mills in 2015. There is an existing structure on the unplatted parcel and various commercial items being stored on the property. The property is bounded on the west by railroad right of way and city owned property to the south. B & B Subdivision is adjacent to the north. There is no platted, public right-of-way access to the property. Access is obtained via an unimproved access and utility easement, recorded via separate instrument. The applicant wishes to discuss access and surfacing requirements with the Planning & Zoning Commission.
- c. The property is zoned I-1 (Light Industrial District) and the proposed use of the property is permitted within this zone district. The use is also consistent with the City's future land use map and general goals and policies of the City of Mills Master Plan.
- d. Planning Considerations
 - i. The proposed revised subdivision application is tentatively scheduled for Council review, where the applicant is seeking to combine two lots into one. Access to the property is to be provided via a recorded access and utility easement, documented through a separate instrument in favor of the subject property.
 - ii. The City requires that all access routes:
 1. Be improved to City standards,
 2. Be located within a dedicated right-of-way,
 3. Meet fire code standards for turn construction, and
 4. Be constructed with a surface capable of withstanding 75,000 lbs, using either pavement or approved gravel material.
 - iii. The applicant has expressed interest in further discussing the dedication, width, and surfacing requirements for the access.
 - iv. Utility Requirements:
 1. Public water service is required.
 2. The applicant must construct a water main to serve the new development and obtain a permit from the Department of Environmental Quality (DEQ) to do so.
 - v. Drainage and Engineering:

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1. A drainage study, prepared by a licensed engineer, has been submitted and reviewed by City Engineer Williams, who is available for questions or comments.
- vi. Site Plan Requirements:
 1. The site plan must be updated to show detailed driveway access to the parking area and buildings.
 2. Additional landscaping details must be submitted, including the type and quantity of plant materials. If the applicant does not intend to landscape, a formal letter requesting exemption must be submitted for Council consideration.
 3. Manufacturer specifications for any proposed site lighting must be submitted to the Planning Commission.
- vii. Development Agreement:
 1. A condition should be added to the development agreement stating that no further development or subdivision of the property shall occur without a subdivision permit and the improvement of access as required.
 2. All required building permits must be obtained for any site structures.
- viii. Finally, it is noted that Mr. Hegge wishes to engage in further discussion with the Planning Commission and City Council regarding these requirements.
- ix. Staff Recommendations:
 1. Megan is recommending conditional approval of the development plan to allow the project to continue moving forward. However, I encourage the Commission to have a robust discussion this evening regarding the proposed surfacing of the access, as well as the completion of the remaining plan considerations. The applicant and their agent are present and available for questions.
- x. Member Baye commented Once again, we are reviewing a project that has come before us with an incomplete list of required items. My question is: why is this being brought to us for review before those items have been completed?
 1. Vice Chairman Volzke acknowledged Bayes' concerns.
- xi. Member Bryson had a question regarding the access and the plat. I wasn't aware that the plat was originally intended to accompany this application, and it seems the process has since changed. I didn't quite catch all the details—perhaps we could get some clarification from Megan on that?
 1. Megan responded with, the Access to the property has been provided via a separate instrument—a 40-foot-wide access and utility easement—which is included in the applicant's packet. This easement benefits the properties associated with the development plan on tonight's agenda.
 2. Mr. Hegge had previously approached neighboring landowners to potentially purchase a portion of their frontage on the south end in order to create a flag lot. When that plat was presented, staff's position was that the applicant then had the opportunity to widen the access to meet code requirements, dedicate it to the City, and construct it to City standards.

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3. During the staff review meeting, Mr. Hegge expressed interest in maintaining the existing 40-foot easement without improving it to full public street standards. A similar approach was previously discussed, where the access would remain private—with no City maintenance or snow removal—and would include a gate and knockbox to allow emergency access for the Fire Department.
4. As a result, this is the situation currently before the Commission. Staff continues to recommend compliance with the Land Development Regulations (LDRs). However, with the plat being withdrawn from tonight's agenda, the applicant no longer has the means to dedicate additional access. The property remains subject only to the existing recorded easement, with no outlet and no plans for further subdivision.
5. If language were included in the development agreement explicitly prohibiting future subdivision or development beyond what's currently proposed, staff believes this warrants further discussion by the Commission.
6. Vice Chairman Volzke answered, this is certainly an interesting proposal—access to a property via an easement that hasn't been dedicated to the City and hasn't been built to City standards, with the alternative being a private access equipped with a lockbox for emergency services. I understand the concept; I'm just thinking through how this aligns with our typical process and how it differs from what we would normally require. He also asked about the lighting plans and if they have been submitted yet.
 - a. Megan has received the lighting plans and emailed them. The applicant submitted the manufacturer specifications for the proposed wall pack lighting. At this time, those are the only lighting elements indicated in the plan, and all are building-mounted. No pole or area lighting has been proposed.
7. Member Bryson questioned If the applicant had proceeded with the plat, we would be looking at a flag lot configuration, which would be preferable to an easement, as it provides clearer rights of use and access. That said, this leads to a second question regarding utilities.
 - a. In previous discussions—likely late last year or early this year—we talked about the water line being considered public up to a certain point, after which it becomes a private service line. My question is: where exactly is that transition point?
 - b. From what I can tell, it may be within the lot currently under consideration, or perhaps even within an adjacent lot. Since the water line crosses other lots through an easement granted for the benefit of the subject property—but not to the City—this raises concerns about long-term maintenance and operations, particularly regarding flushing or access to that line.
 - c. Should this arrangement be allowed, or does it create a potential problem for City access and responsibility? I'm not sure that question has been fully addressed yet.

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- i. Malik Hegge, King Enterprises came forward to address the question. There was considerable discussion around this issue, particularly because the water line in question is a service line, not a main. The inclusion of a fire hydrant raised concerns—specifically, why the City should incur additional costs to maintain and flush a hydrant on a stagnant line, especially when water usage is expected to be minimal. The rationale for including the hydrant is to meet Fire Department code requirements. Per that code, a hydrant must be located within 440 feet of any structure. This was the primary driver behind the hydrant's placement.
- ii. Additionally, there are general limitations on the length of a service line. While the exact allowable length wasn't recalled during discussion, it was noted that this particular service falls within acceptable limits. The primary concern was ensuring compliance with the 440-foot distance requirement for fire protection.
- iii. Member Bryson asked about a number for the service line, how much would it cost?
- iv. Mr. Hegge, did not have a formal quote, a typical service line installation costs approximately \$5,000. In contrast, the installation of a fire hydrant is significantly more expensive—well over \$100,000.
- v. Member Bryson, I don't have specific costs, but if I recall correctly, the system utilizes poly tanks embedded in rock with a full channel—standard practice. While this might help avoid certain issues, it could also introduce additional complexity. I appreciate the approach, but the core concern here is the issue of rights.
- vi. The recorded easement does not grant the City municipal access rights to maintain its infrastructure on the property. That's a significant issue, as it limits the City's ability to service or maintain its own facilities. This would have been resolved had the plat been finalized and approved.
- vii. Mr. Hegge responded, I'll be honest—I'm a bit frustrated with the ongoing situation regarding the plat. Nearly every time we've met, the conversation has bounced back and forth between different options. While the proposed flag lot isn't a perfect solution, it's consistently been viewed as better than the current easement arrangement, and I appreciate that clarification.
- viii. Unfortunately, Bill isn't here tonight to answer the specific question about whether the access easement grants the City the right to maintain the water line. Based on the

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language, I'm not sure that it does—and I don't think others are certain either

- ix. Matt Williams, the City Engineer came forward to address the topic. Roughly ten years ago, the City purchased the subject property with the intent of constructing a Public Works facility. At that time, a 30-foot access easement was established with the expectation that a full road would be developed in the future. Since the City owned the land to the south, establishing a 60-foot right-of-way was not seen as an obstacle.
- x. Over the years, circumstances changed. Mills Public Works was eventually developed in that location, and Malik later looked into purchasing the lot at the end of the easement, intending to use it for development and access. However, he no longer owns or controls the property necessary to dedicate a full 60-foot right-of-way. As a result, it is now impossible for him to grant that right-of-way to the City.
- xi. When Malik and I met on-site, two major issues were identified:
 - 1. Fire Protection – Ensuring the proposed structure meets proximity requirements for a hydrant per fire code.
 - 2. Access Standards – Per City regulations, the road must be brought up to City standards. However, due to space limitations, Malik cannot physically construct a road to those specifications on the current easement.
- xii. To address this, we asked that he pave the access. I'll take some responsibility here, as I advised Malik that if his property extended to the end of Dweyer Drive, it would be considered directly adjacent to H Street, effectively making the access function more like a private driveway. However, that doesn't fully address the fire department's concerns, the need to extend the water main, or the dedication of a full 60-foot right-of-way.
- xiii. Malik attempted to work with adjacent property owners to acquire additional footage for the easement. However, even with their cooperation, he was only able to obtain an additional 10 feet, bringing the total width to just 40 feet—still short of the 60-foot requirement.
- xiv. This property is unique. Malik has made a sincere effort to develop it in good faith, and the City supports that initiative. However, the site presents several challenges that currently

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make it difficult—if not impossible—to fully comply with all existing standards.

- xv. Mr. Williams brought up the 257 Business Park and the easement situation there.
- xvi. Megan interjected, In the case of Parcel 257, we encountered a similar situation within the Whitehead County Subdivision. The road in that subdivision was dedicated to the public, meaning anyone can use it, but it was not dedicated to the City, so the City does not maintain it. Instead, the responsibility for maintenance falls on the property owners within the subdivision.
- xvii. The plat includes language identifying a public utility easement, within which the City water line is located. If an issue arises with the water line, the City is responsible for repairing the water main itself—but not responsible for the roadway or associated infrastructure.
- xviii. Member Bryson clarified Megan's response, It's important to clarify the distinction between dedication and easement. A dedication involves transferring ownership of a portion of land—typically done through a plat—to the public. In contrast, an easement is a grant of specific rights, not a transfer of ownership. While they are not the same, an easement could resolve the utility access issue we're facing in this case. If the adjacent property owners were willing to offer 10 feet for access, it's likely they would also be willing to grant the City an easement specifically for maintaining the water line. That would formally establish the City's right to access and service the infrastructure.
- xix. Given that the original plan has been pulled and the previously proposed 40-foot access was tied to that plat, we now revert to the established 30-foot easement. If a new plan moves forward, it would need to be revised to reflect the correct easement dimensions and ensure that utility access is properly secured.
- xx. If we proceed without a plat, the City would need to secure utility easements directly—most likely from just one adjacent property owner. That easement would cover both access Malik's property is somewhat landlocked—bounded by existing lots to the north and the railroad to the west—so there's no realistic potential for through traffic. While the development will generate some vehicle trips, it will primarily be limited to Malik's own operations.
- xxi. Applicant (Malik): That's correct. In fact, I expect to generate less traffic than I currently do. Right now, my

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offices are located up the hill on Progress Circle, and we're constantly traveling back and forth to this site. It's inefficient and inconvenient.

xxii. Member Bryson thinks the next step is to schedule some meetings and work toward a recommendation that balances the code requirements with the site's unique constraints.

xxiii. Matt continued, as Megan mentioned, we would be looking for clear language in the development agreement stating that no further subdivision would be permitted once the access is improved. The intent is to maintain this as a single industrial lot—just one lot, one use.

8. Member Baye asked how we move forward from here.

a. Member Bryson, the Planning Commission recommends approval of the site plan, contingent on the City's final review and execution of a site plan agreement. That agreement will require the submission of a Chapter 3 drainage study, as previously discussed. Additionally, the required submittal to the Department of Environmental Quality (DEQ) should help identify and address any outstanding issues—particularly related to utility easements and access.

b. Member Baye asked what the timeline looks like.

c. Lucas with CEPI came forward. We expect to receive the flushing information for the fire hydrant on Progress Circle tomorrow. Once that data is in hand, we'll proceed with running the hydraulic model and submitting the full report to DEQ. Their review typically takes about three weeks.

d. After DEQ responds, we'll move forward with submitting the site plan—the report will be included in that submittal to ensure all agencies have the necessary documentation. The water system plans are already drafted, so we're ready to move once procedural steps are completed.

e. This isn't a roadblock—just procedural steps that need to be followed. That said, it's fair to say the need for DEQ submittal may have been overlooked initially, as we were focused on replatting and coordinating multiple moving parts of the project.

f. Member Bryson explained, technically, this configuration amounts to a flag lot—and while it's not ideal, it's also unclear whether a flag lot of this length is fully supported by code. That raises a legitimate question. However, as Matt pointed out, we're faced with a challenging situation. The alternative—effectively forcing the applicant into financial hardship or to sell to the highest bidder—is not a reasonable or productive outcome. We need to work toward a practical solution. That said, concerns about the completeness of the submitted plan remain valid. We've consistently held other

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applicants to that standard, and the regulations clearly state what our role is: to review complete applications in accordance with adopted code. That responsibility doesn't change just because the situation is difficult.

- g. Mr. Hegge brought up landscaping. With respect to landscaping, the lot in question is quite large, and the required percentage results in what could be considered an excessive amount of landscaping—particularly given the industrial nature of the development. The intent of the landscaping requirement—typically focused on beautification around the building—doesn't quite align with the scale or use of the property. As an alternative, I would be supportive of the applicant making an in-lieu donation, potentially to the City's Parks Department or a similar community improvement fund. That approach could provide public benefit while recognizing the unique context of the site.
 - h. We have included some landscaping in the plan, although it may be hard to see in the drawings—it is called out. However, to meet the square footage requirement, we'd be looking at approximately 21,000 square feet, which is quite substantial.
 - i. Member Baye asked, do you intend to have any lawn, landscaping, or other cooling features adjacent to the building?
 - j. Mr. Hegge responded, Not really. We're planning for some trees in the front and a few landscaped areas along the side, particularly around the front of the building. Additionally, the area below the toe of the slope will be left in grass, although I'm not sure if that counts toward the requirement.
9. There was conversation about the weight limit for vehicles traveling over the road.
- a. Lucas with CEPI came forward, there was a question regarding whether the roadway will meet the 75,000-pound load requirement for fire apparatus access. I want to clarify that the new water line will be installed down the center of the access road, and we will be conducting density tests on both the trench backfill and the base material as it's brought up to subgrade. This will ensure the road is constructed to support the required fire truck load in compliance with fire code standards.
- xii. Megan advised that the board, I didn't want to suggest tabling the item, as that would prevent Mr. Hegge from moving forward to Council. Instead, I would recommend that the Planning Commission consider making a formal recommendation to Council, particularly addressing the issue of road surfacing. Whether that recommendation is in support of or opposed to the proposed surfacing, it would be helpful to Council in evaluating the project.
 - xiii. The applicant can then present his case directly to Council, explain the current plan, and outline the unique constraints of the property. In light of all factors involved, I

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believe this approach would result in a more productive and constructive review that provides clear direction to Council.

- e. The Planning Commission recommends conditional approval of the development plan, subject to the following:
 - i. City Planning Considerations – All outstanding planning-related items must be resolved to the satisfaction of City staff.
 - ii. Easement Resolution – The recorded access and utility easement must be clarified and/or amended as needed to ensure adequate utility access and maintenance rights.
 - iii. Roadway Surface Recommendation – The Commission recommends that the proposed road surface be deemed acceptable provided it meets the required 75,000-pound weight capacity for fire apparatus, regardless of whether it is paved or gravel.
 - f. This recommendation is intended to allow the applicant to proceed to City Council with a clear outline of remaining requirements and supported conditions.
 - g. Member Bryson made the motion, Baye seconded the motion. Both Member Baye and Bryson voted aye. Vice Chairman Volzke, Let the record show that I will be voting nay, even though the motion does carry. My decision is based on the belief that applications presented to the Planning Commission should be more complete prior to review. Part of this responsibility falls on staff, to ensure that the materials and expectations discussed in prior meetings are being followed and enforced before items are brought forward. We have had similar cases in the past where incomplete applications were not advanced, and I want to emphasize the importance of treating all applicants fairly and consistently. For that reason, I cannot support the motion. That said, I appreciate the discussion and thank the applicant and staff for their time.
 - h. Member Bryson followed up, I came into this meeting with the assumption that we were once again reviewing an incomplete packet, and I shared the concern that this is not fair or consistent. However, after hearing more about the unique constraints of the lot, it's clear that this situation was not created by the applicant. In fact, it appears that the City's past actions contributed to the current complications. To deny the applicant the ability to move forward on a property the City sold—only to then say "sorry, you can't build anything"—strikes me as inherently unfair. That's what ultimately changed my vote.
 - i. That said, I fully agree: future packets need to be more complete when they come before this body.
- 6. Public Comment
 - a. No one spoke
 - 7. Member Bryson made a motion to adjourn, Baye seconded the motion, all Ayes, motion passed.

Vice Chairman, Chris Volzke

City Clerk, Sarah Osborn



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