



CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday February 20, 2024 at 7:00 PM

1. CALL TO ORDER –

Mayor Chadwick called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

2. INVOCATION –

Bishop Tommy Walke from the Church of Jesus Christ of Latter-Day Saints offered the invocation.

3. ROLL CALL

ELECTED OFFICIALS – Mayor Trevor Chadwick, Council President David Hershey, and Council Members Kevan Wheelock, Jennifer Salmonsens, and Kevin Nielsen were present.

STAFF – City Planner/Zoning Administrator Shawn Nickel, Assistant City Planner/Code Enforcement Official Ryan Field, Public Information Officer Dana Partridge, Deputy City Clerk Barbara Conly, City Engineer Ryan Morgan, Star Police Chief Zach Hessing, Mid/Star Fire Chief Greg Timinsky, and Mid/Star Deputy Fire Chief Victor Islas were present.

4. PRESENTATIONS

A. New Deputy Introductions

Chief Hessing introduced new Star Police members Deputy Ryan Vail & Deputy Levi Glynn, noting their extensive experience and that these were two of the five positions approved in October 2023. Hessing explained that one more deputy is planned to start in March, which will mean the department is fully staffed at that time in terms of population metrics. Hessing also shared that Deputy Vail and Deputy Turner were recently honored as Deputies of the Year by the Ada County Sheriff's Office.

B. Star Police Chief Monthly Report Presentation

Chief Hessing utilized a slide presentation to depict the January 2024 Police Report, noting that there were four person crimes, three property crimes, and fourteen society crimes for the month, emphasizing the proactive policing approach.

Mayor Chadwick thanked Chief Hessing and updated everyone that the fentanyl bill passed the State House and Senate and would now be placed before the Governor. He encouraged citizens to write the Governor in support of the bill.

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C. Star Fire Chief Monthly Report Presentation

Chief Timinsky presented the Fire department report for the month of January 2024. He noted that there were 119 calls, broken down by type as follows: six Hazard, eighteen Service, eighteen “Good Intent,” three False Alarm, and two other calls classified as Other. Timinsky noted that the Fire department planned to hire a new staffer in the next few months. He also mentioned that new service lights will be installed soon at the station.

Council Member Wheelock inquired what the “Good Intent” category meant. Timinsky replied that it could be a few different types of situations, but some possibilities might include a call that was cancelled en route (often owing to fire detectors) and saving animals (such as ducks in the Springtime).

5. CONSENT AGENDA (ACTION ITEM) **All matters listed within the Consent Agenda have been distributed to each member of the Star City Council for reading and study, they are considered to be routine and will be enacted by one motion of the Consent Agenda or placed on the Regular Agenda by request.***A. Approval of Claims****B. Findings of Fact / Conclusion of Law - Talega Village (FILES: AZ-22-11, RZ-22-03, CUP-22-05, DA-22-12, PP-22-15 & PR22-08)****C. Findings of Fact / Conclusion of Law - Milestone Ranch Subdivision Phase 6 (FILE: FP-23-11)****D. Findings of Fact / Conclusion of Law - Calvary Chapel Church (FILE: CU-23-08)****E. Findings of Fact / Conclusion of Law: Keely Live Work Rezone & Conditional Use Permit (FILE #'s: RZ-23-04; DA-23-06 & CU-23-07)**

- Council President Hershey moved to approve Item 5, the Consent Agenda. Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsén – abstain for 5B and 5D but aye for 5A, 5C, and 5E; Nielsen – aye. Motion carried.

6. PUBLIC HEARINGS with ACTION ITEMS:**A. PUBLIC HEARING - Starpointe Subdivision Phase 2 (FILES: AZ-23-03, DA-21-09 MOD, PP-23-02, PR-23-02 & PP-21-10)** - The Applicant is requesting approval of an Annexation and Zoning (R-4), a Development Agreement Modification, a Preliminary Plat for a proposed residential subdivision consisting of 12 residential lots and 2 common lots, a private street and an amendment to the original Starpointe Subdivision Preliminary Plat. The property is located at 6777 and 6825 N. Star Road in Star, Idaho, and consists of 3.08 acres with a proposed density of 3.89 dwelling units per acre. **(Previously Noticed for October 3, 2023 / January 16, 2024) (ACTION ITEM)**

Mayor Chadwick explained the rules of the public hearing. He asked if the Council had any ex parte communication to report and, hearing none, opened the public hearing at 7:21 a.m.

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Staff presentation:

Shawn Nickel provided a brief overview of the project utilizing a slide presentation. Nickel explained that the project was originally scheduled for the October 3, 2023 City Council agenda but was tabled. He noted that the project was designated as R-4-DA in the development agreement, a preliminary plat for twelve properties, a private street, and an amendment to the original Starpointe subdivision project plat.

Nickel pointed out that the subject property is located at 6777 and 6825 N. Star Road and will have a density of 3.89. He noted that all substantive issues had been resolved, the application has been reviewed with respect to the City's Comprehensive Plan and Zoning Code, and that there were no late exhibits.

Nickel summarized that the items under consideration this evening included a letter from the neighboring property owner of the land located to the south, approval of relevant setbacks, pathways, fencing, reduced street width request, and a potential waiver of detached sidewalks.

Applicant presentation:

Teller Bard of Kimley Horn, 1100 W. Idaho Street, Boise, and Kody Daffer of Criterion Land Management, 1861 S. Wells Avenue, Meridian, appeared on behalf of the applicant.

Bard utilized a slide presentation to describe the proposed Starpointe Subdivision Phase II, explaining that it involved an annexation and development agreement and was planned at R-4-DA with a modification to include a new parcel. Referencing the preliminary plat rendering, Bard pointed out the proposed private road, frontage, intersection, and relevant landscaping.

Mr. Bard noted that the proposed density was 3.89, and that there would be forty-nine parking spaces (four per unit). With respect to setbacks, he pointed out the R-4 zoning with a development agreement request to modify setbacks and have sidewalks attach to the existing ones on Inspirado Drive. Specifically, lots 5 and 9 would have a five-foot setback and lot 14 would have a twenty-foot setback.

With respect to Open Space, Bard stated that the proposed 1.8 acres provided 58% open space vs. the required 15%. In addressing points provided in the Staff Report, Bard mentioned that clarity was needed on the pathway at the canal and on fencing. He noted the canal company needs to be able to move back and forth on the canal access road. Per neighborhood parking, Bard explained that it was not planned for the development to have on-street parking in order to preserve Fire Department access. The applicant stood for questions.

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Council Member Salmonsens asked if this later Phase 2 development was going to be included with the original Starpointe. Bard replied that with respect to the private road, maintenance would fall on the Phase 2 homeowners rather than Phase 1. However, the Phase 2 members would belong to the same HOA with respect to other amenities and upkeep. Kody Daffer provided initial data on the street maintenance plan.

Mayor Chadwick asked Deputy Fire Chief Islas to comment on the street width and setbacks. Islas stated MidStar Fire was okay with the front and back of properties, and that enough information was provided by the developer in order for his entity to approve. He verified the setbacks were acceptable in terms of fire engine access.

Council discussion surrounded the private road and how that would be enforced, given that Star Police would not be able to enforce things such as "no parking" rules on a private road. Bard verified that the HOA would deal with enforcement via the CC&R's and maintaining a tow company. Kody Daffer commented that he was fine with CC&R's, as long as the attorney was able to set the appropriate wording. City Attorney Yorgason remarked that he has no problem with the parking enforcement topic, that the CCNR can assign "no parking," and that signage would provide a visual deterrent. Yorgason verified this could be addressed in the development agreement.

Council discussion moved to the topic of the proposed 12th unit which would be located by Star Road, and elements of safety with respect to driveway access and use. Mayor Chadwick asked Deputy Fire Chief Islas if he found the design acceptable. Islas replied that it was a double hammerhead design, and that it was acceptable.

Public Comment:

None was offered.

Applicant Rebuttal:

Bard reviewed the Staff Report comment slide and summarized the condition update as made in his presentation.

Council Member Salmonsens expressed continued concern over the driveway configuration of the proposed 12th unit.

Council President Hershey asked about the neighbor letter. Bard indicated the neighbor's concern was solvable from the west of the property and he does not feel that the project under consideration is applicable.



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Council Member Wheelock addressed the inside corner tree and asked for a smaller tree to be utilized in order to preserve visibility for drivers.

Mayor Chadwick closed the public hearing at 7:58 p.m.

Council Deliberation:

Hershey expressed support for the project, noting the Fire Department has given their blessing. For the driveway at Lot #12, Hershey said he felt the design issue can be worked out between the developer and City Staff.

Mayor Chadwick asked City Planner Nickel to summarize the conditions of approval based on the hearing's discussion.

Mr. Nickel summarized the list as follows: to include Staff Report condition #3 (street condition update), add a "no parking" condition into the CC&R's, corner trees to be smaller, allowances for waivers and setbacks, and to work with City Staff with respect to the driveway design of Lot #12.

Council discussion moved to the topic of a potential canal easement, and concerns over attempting to create an easement when it may or may not be appropriate in the eyes of the canal company. Mayor Chadwick suggested using the wording "potential future public easement," in order to allow for future feedback from the canal company. It was decided to include this topic as a condition of approval.

Council discussion on how the landscaping buffer would be addressed if lots 9, 10, 11, and 12 were moved forward. City Planner Nickel noted there is some leeway, and the applicant's plan would be to shift the building to allow for a possible parking/driveway adjustment for Lot #12. He recommended that City Staff work with the applicant on the driveway configuration with respect to Lots #11 and #12.

- Council President Hershey moved to approve the Starpointe Subdivision Phase 2 (FILES: AZ-23-03, DA-21-09 MOD, PP-23-02, PR-23-02 & PP-21-10) including an annexation and zoning (R-4), a development agreement, and a preliminary plat with the following conditions of approval: condition #3 from the City Staff report with respect to street conditions (that private streets shall have a minimum street width of 36' with detached sidewalks, and shall be constructed to ACHD standards, unless a waiver is granted by Council), adding a "no parking" requirement into the CCNR, developer to work with City staff to agree upon smaller street trees, allowances for waivers on setbacks, that the developer work with City staff with respect to the driveway configuration on Lot #12, and the pursuit of a potential future public easement along the canal; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsens - aye; Nielsen - aye. Motion carried.

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7. ACTION ITEMS:

- A. **Memorandum of Understanding** - Boise River Greenbelt System Enforcement - An agreement of understanding between Ada County Sheriff's Office (including contracted cities), the City of Boise and Garden City Police Departments outlining the Peace Officer Authority, Prosecution and Investigation Cooperation and certain Miscellaneous Provisions including attachments (**DISCUSSION / ACTION ITEM**)

Spencer Lay, in-house legal counsel for the Ada County Sheriff's Office, explained the proposed Memorandum of Understanding (MOU) for shared policing on the Greenbelt. He noted perhaps only 2% of the population were "bad actors" (i.e., people who will cause trouble or have criminal intent) on the Greenbelt, and the MOU was to set up a low-level basic understanding of how policing could be handled in terms of jurisdiction shifts. The MOU would allow for cross-deputization across the boards, and the ability for police to operate under a single code.

Council discussion noted it was good to have a baseline ordinance, especially since the Star Riverwalk is under increased use. Lay noted this does not bar the City Council from more restrictive code, it just sets a baseline.

- Council Member Salmonsén moved to approve the Memorandum of Understanding between the Ada County Sheriff's office (including contracted cities), the City of Boise, and Garden City Police Departments outlining the Peace Officer Authority, Prosecution, and investigation Cooperation and certain Miscellaneous Provisions, and to direct Star Police Chief Zach Hessing and City Attorney Chris Yorgason to sign the agreement on behalf of the City of Star; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsén - aye; Nielsen - aye. Motion carried.

- B. **Master Pathway Agreement** - Approval of Master Pathway Agreement with Drainage District #2 (**ACTION ITEM**)

City Attorney Yorgason noted this new agreement is the mirror of the previous master pathway agreement, and the agreement is being proposed to set forth and streamline all process so it can be identified throughout the City's various stages of development.

- Council President Hershey moved to approve the Master Pathway Agreement with Drainage District #2; Council Member Salmonsén seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsén - aye; Nielsen - aye. Motion carried.

- C. **Building Services Vehicle Purchase** - Approve Purchase of Used Truck (2020 Ford F150 VIN # 1FTFW1E59LKD90107) in the amount of \$26,000.00 from Star Sewer and Water District (**ACTION ITEM**)

Mayor Chadwick mentioned a new building official and building inspector were recently hired, and there is now a need for a second vehicle so both can conduct inspections. He explained that the fund would come from savings.



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- Council President Hershey moved to approve the purchase of a Used Truck (2020 Ford F150 VIN # 1FTFW1E59LKD90107 in the amount of \$26,000.00 from Star Sewer and Water District; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsens - aye; Nielsen - aye. Motion carried.

D. **Reconsideration:** Milled Olive Conditional Use Permit - Consideration of Milled Olive Conditional Use Permit decision (**ACTION ITEM**)

City Planner Nickel explained the request was for a reconsideration of the Milled Olive conditional use permit with respect to specified conditions on the hours of operation and ability to have music available on the property.

Council President Hershey noted he was not present during the original public hearing, and he feels the stated music limitation is too restrictive. Council Member Nielsen asked for clarification on how the request complies with City Code.

City Attorney Yorgason explained there are several standards which must be applied in order to have the City Council be able to reconsider the matter, including the applicant must make the request in writing, the fee be paid no fewer than fourteen days in advance, the application must state the basis for the request for reconsideration and the specific issues, all relevant information must be provided, and any new information which was not previously available should be able to be presented at the time of reconsideration.

- Council President Hershey moved to approve the reconsideration of the Milled Olive Conditional Use Permit, limited to the specific items requested for reconsideration and to be scheduled as a public hearing at an upcoming Star City Council meeting; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsens - aye; Nielsen - aye. Motion carried.

8. ADJOURNMENT

Mayor Chadwick adjourned the Star City Council meeting at 8:37 p.m.

Trevor A Chadwick, Mayor

ATTEST: _____
Jacob M Qualls, City Clerk – Treasurer