



CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, December 20, 2022 at 7:00 PM

1. CALL TO ORDER – Welcome/Pledge of Allegiance

Mayor Chadwick called the meeting to order at 7:00 p.m.

2. INVOCATION –

Pastor Tim Nay of LifeSpring Church provided the invocation.

3. ROLL CALL

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

Staff present: City Attorney Chris Yorgason, Police Chief Zach Hessing, City Clerk-Treasurer Jacob Qualls, City Planner/Zoning Administrator Shawn Nickel, Assistant City Planner/Code Enforcement Official Ryan Field, and Public Information Officer Dana Partridge were present.

4. PRESENTATIONS

A. Star Police Department Report

Star Police Chief Zach Hessing utilized a slide presentation to review the November 2022 Crime Report. He mentioned being steadfast to the policy of proactive policing. He explained that proactive policing is defined as when an officer initiates without a call from the public – for example, on-foot beats or traffic stops. The goal is to try to stop crime before it starts. Star's current statistic for November was 4.5 proactive calls to 1 public-initiated call, with 310 citizen calls for service.

Hessing noted that there were 14 person crimes, 10 property crimes, and 9 society crimes. Of the 14 person crimes, seven involved battery/pushing, and the remaining crimes were a variety of domestic and juvenile. There were four vandalism reports. All society crimes noted were drug-related.

Council Member Wheelock thanked Chief Hessing and asked why Code 3's went from 4.51 down to 3.07, inquiring if the reason was new staff. Chief Hessing replied that the improvement was attributable in part to two things, both the new CAD system (which manages information from multiple response systems in order to maximize staff dispatch) and the contributions of the two new sergeants.

5. CONSENT AGENDA (ACTION ITEM)

A. **Approval of Minutes:** November 21, 2022

B. **Approval of Claims:** Provided & Previously Approved

C. **Findings of Fact:** Gary & Teri Oppen Annexation (FILES: AZ-22-14 / DA-22-15)

- Council Member Salmonsens moved to approve the Consent Agenda. Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.



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6. ACTION ITEMS: (The Council at its option may suspend the rules requiring three separate readings on three separate days for ordinances on the agenda for approval. This may be by a single motion to suspend the rules under Idaho Code 50-902; second of the motion; ROLL CALL VOTE; Title of the Ordinance is read aloud; motion to approve; second of the motion: ROLL CALL VOTE.)

A. FY2020/2021 Audit Presentation / Acceptance - Accepting Audit as presented for Fiscal Year Ending September 30, 2021 (**ACTION ITEM**)

John Russell of Zwygart John & Associates Certified Public Accountants presented the independent auditor report on behalf of his associate Jordan Zwygart, who Russell said prepared the City's audit. Russell congratulated the City of Star for having a clean audit and pointed out that the standards and reasonable assurance in accordance with GAAS (generally accepted accounting standards) were met. He explained that reporting the audit is required by government auditing standards. One significant favorable budget variance for this last year was that the City budgeted for 4.8 million dollars in revenue and 11.8 came in.

For the Fiscal Year 2020/2021 audit, Russell recommended that a budget amendment be reviewed in the future to address impact fees, revenue, and expenditures (as noted in the Agenda Packet). He made two specific best practice recommendations: 1. segregation of accounting duties and 2. Improve timeliness of audit completion. Providing clarification on segregation of accounting duties, Russell explained that when it comes to money, it is a best practice in fraud prevention to avoid having the same person have authorization responsibilities, custody, recording, and reconciliation and to have multiple sets of people involved instead. He noted that it was a positive that the City now had multiple positions that could help with the various areas.

Council Member Wheelock asked how long an audit takes. The Zwygart Associates official replied that an audit typically starts with an in-office review of 1-2 days, continues with an editorial period through an online portal, and the Draft Audit is ideally completed within two weeks.

Council discussion ensued surrounding the timing of the reporting, reporting structure, and the challenges inherent in the City's implementation of new accounting software Black Mountain (switched from QuickBooks). Council Member Salmonsens referenced page 14 of the Audit Report and noted that it said the City does not presently have a stated policy on limiting risk; she inquired if such a policy was needed at this time. Council discussion ensued on the fact that the City has funds in three banks. Russell explained having funds in the three FDIC-protected banks that Star is using provides a level of diversification, and that State code is being followed in terms of where the City's funds are placed, so risk is naturally limited by that. The C.P.A. recommended that a formally stated risk policy is not needed at this time.



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- Council Member Nielsen moved to accept the audit for the Fiscal Year ending September 30, 2021. Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

B. FY2020/2021 Audit Adjusting Entries - Approving Audit Adjusting Entries for Fiscal Year Ending September 30, 2021 **(ACTION ITEM)**

City Clerk/Treasurer Qualls explained that the purpose of the Audit Adjusting Entries motion was to acknowledge the adjusting entries made to reconcile back to the audit. For this audit, Star's adjusting entries were only at two pages and Qualls noted his old city once had fourteen pages. Council had no questions.

- Council Member Hershey moved to approve the Fiscal Year 2020-2021 Audit Adjusting Entries Report. Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

C. FY2021/2022 Audit Engagement - Approval of Audit Engagement for Fiscal Year Ending September 30, 2022 **(ACTION ITEM)**

Mayor Chadwick noted that the City has a standard audit at a cost of \$7,000 and a single-line audit due to ARPA funds at a cost of \$4,000, so the total cost is at \$11,000.

- Council Member Nielsen moved to approve the Audit Engagement for the Fiscal Year ending September 30, 2022. Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Nielsen – aye; Salmonsens – aye; Wheelock – aye; Hershey – aye. Motion carried.

D. Ordinance 375-2022 & Development Agreement: Madenford Subdivision - AN ORDINANCE ANNEXING TO THE CITY OF STAR CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; MORE SPECIFICALLY LOCATED AT 3605 N. POLLARD LANE, IN STAR, IDAHO (ADA COUNTY PARCELS R5455720020) AND CONTIGUOUS TO THE CITY OF STAR; THE PROPERTY IS OWNED BY CHARLES MADENFORD FAMILY TRUST; ESTABLISHING THE ZONING CLASSIFICATION OF THE ANNEXED PROPERTY AS RESIDENTIAL WITH A DEVELOPMENT AGREEMENT (R-3-DA) OF APPROXIMATELY 5.0 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. **(ACTION ITEM)**

Mayor Chadwick noted that Item 6D was removed from the agenda and would come back at a later date.



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E. **Ordinance 376-2022 & Development Agreement: Travis Annexation** AN ORDINANCE ANNEXING TO THE CITY OF STAR CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; MORE SPECIFICALLY LOCATED AT 2351 N. BRANDON ROAD, IN STAR, IDAHO (ADA COUNTY PARCEL S0405325500) AND CONTIGUOUS TO THE CITY OF STAR; THE PROPERTY IS OWNED BY TRAVIS F. CHESLEY; ESTABLISHING THE ZONING CLASSIFICATION OF THE ANNEXED PROPERTY AS RESIDENTIAL WITH A DEVELOPMENT AGREEMENT (R-1-DA) OF APPROXIMATELY 5.01 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. **(ACTION ITEM)**

- Council Member Hershey moved to introduce Ordinance 376-2022 and pursuant to Idaho Code 50902 the rule requiring an ordinance be read on three different days with one reading in full to be dispensed with and that ordinance 376-2022 be considered after reading once by title. Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.
- Council Member Hershey read the title and moved to approve Ordinance 376-2022. Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

F. **New Alcoholic Beverage License Approval / Dickey's BBQ** - Provisionally approve a Beer, Wine & Liquor By the Drink License **(ACTION ITEM)**

Mayor Chadwick asked City Clerk Qualls to explain the provisional nature of the approval. Qualls clarified that the license could only be provisional at this time because the restaurant owner was waiting for their occupancy permit. The owners hoped to be able to open prior to the Council's next meeting, so granting the provisional license would allow this administratively to happen.

- Council Member Hershey moved to approve the Provisional Alcoholic Beverage License for Dickey's BBQ. Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

G. **New Alcoholic Beverage License Approval / Taphouse Eatery & Pub** - Provisionally approve a Beer, Wine & Liquor By the Drink License **(ACTION ITEM)**

- Council Member Nielsen moved to approve the Provisional Alcoholic Beverage License for Taphouse Eatery & Pub. Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.



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- H. **Request for Qualifications** - Request for Qualifications for Construction Engineering Inspection (CE&I) for the State Highway 44 Bent Lane to Star Road Improvement Project. Request is for engineering firms to provide qualifications for construction support during the construction of State Highway 44 Improvements. **(ACTION ITEM)**

City Engineer Ryan Morgan was unable to appear at this evening's City Council meeting, so Mayor Chadwick gave a brief overview of the topic. For the State highway project approval, an RFQ needed be done in order to compare the qualifications for a firm who would do the construction engineering inspection materials testing, construction surveying, and project closeout. Assistant Planner Field clarified that the qualifications that each company would be judged on are present for the Council to consider. Field explained that once a company was selected through the RFQ process, that the finalist would come back before Council; this evening's action was to approve the RFQ process.

- Council Member Nielsen moved to approve the Request for Qualifications process for the Construction Engineering Inspection (CE&I) for the State Highway 44 Bent Lane to Star Road Improvement Project. Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

7. **PUBLIC HEARINGS with ACTION ITEMS:** (The Council may move to approve, approve with conditions, delay, deny or table the application(s) to a date certain in the future)

- A. **PUBLIC HEARING: First Interstate Bank (FILE: CUP-22-08)** - The Applicant is seeking approval of a Conditional Use Permit to construct a drive-thru within a new bank facility. The property is located at 10615 W. State Street in Star, Idaho, and consists of .67 acres. **(ACTION ITEM)**

Mayor Chadwick explained the Public Hearing process. He asked Council if they had any ex parte contact / communication and reported none.

Mayor Chadwick opened the Public Hearing at 7:44pm. and noted that this evening's hearing was strictly for the drive-through portion of the First Interstate Bank, and that the bank project itself was previously approved.

Applicant Presentation:

Josh Hersel with architectural firm Cushing Terrell, 800 West Main Street, Boise, presented on behalf of the applicant First Interstate Bank of Billings, MT. Mr. Hersel verified only the drive-through portion of the project was under consideration for the hearing this evening. He stated the applicant has reviewed the conditions of approval and agreed with the Staff recommendations. He noted the rest of the project is approved via the development agreement and that it will go through design review, zoning compliance, etc. He specifically noted the drive-up lanes meet the four-car stacking requirement, which was one of the items needed for the City to approve the conditional use permit. The applicant stood for questions.

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Public Testimony:

Teresa Tinsley, 10459 Achilles, Star, said that she was on the board of the HOA at Starlight Meadows and that the board is not opposed to anything First Interstate has brought forth. She said the board thinks the bank will be a nice addition to the City's downtown business district. She said that she was asking on behalf of the HOA board that no trees or bushes be planted within fifteen feet of the fence line in between the bank and the residential properties within Starlight Meadows subdivision. She explained that the HOA has a corrugated HDPE irrigation culvert three feet deep along the fence line and that the HOA has spent \$18,000 in the last year cleaning out tree roots from the pipe. She expressed concern over landscaping possibly having invasive roots that would encroach on the pipes and cause additional damage.

Stephen Dillon, 54 South Cosmo, Star, said he lives at the house at the intersection of Cosmo and Star Road, and expressed concern over noise that might occur as a result of having a drive-through.

Applicant rebuttal:

Josh Hersel stated that First Interstate Bank will work with Staff on plantings and root barriers. He noted that City code will require some type of plantings. With respect to the noise concern, he noted that the nature of the banking drive-through business is 9 am-5 pm.

Council and Staff discussion ensued on determining what could be done from a code standpoint to have barriers to prevent the root damage concern, and to mitigate the noise concern. City Planner Nickel noted that one suggestion would be if the applicant was willing to accept a condition of approval that the speaker noise could be monitored to ensure that volume remained low enough to not be a problem for neighbors. It was mentioned that the bank drive-through business was mainly 9-5, not late or 24 hours. Council discussed the number of stalls and sizing, as well as potential noise mitigation and planting mitigation.

Mayor Chadwick closed the Public Hearing at 7:58 p.m.

Council deliberation:

Council Member Nielsen summarized two stipulations were discussed: 1. Mitigate roots to avoid encroaching on the HOA irrigation pipe and 2. For staff to work with the applicant and adjust speaker volumes to levels that make sense both for the operation of the drive-through and to maintain good relations with the neighbors.

- Council Member Nielsen moved to approve the First Interstate Bank drive-through conditional use permit with two conditions of approval: 1. Landscape mitigation to protect their neighboring properties and 2. That Staff work with the applicant on appropriate speaker volumes. Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.



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8. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 8:02 p.m.

Trevor A Chadwick, Mayor

ATTEST: _____
Jacob M Qualls, City Clerk - Treasurer

DRAFT