



## CITY COUNCIL REGULAR DRAFT MINUTES

City Hall - 10769 W State Street, Star, Idaho

Tuesday, April 18, 2023 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 –

Second Counselor Jeff Graviet of the Star Idaho Stake of the Church of Jesus Christ of Latter-Day Saints offered the invocation.

### 3. ROLL CALL

**Elected Officials Present:** Council President David Hershey, Council Members Kevan Wheelock, Jennifer Salmonsens and Kevin Nielsen and Mayor Trevor Chadwick.

**Staff Present:** City Attorney Chris Yorgason, City Clerk Treasurer Jacob Qualls, City Planner & Zoning Administrator Shawn Nickel, Public Information Officer Dana Partridge, Star Police Chief Zach Hessing, Deputy City Clerk Barbara Conly, City Engineer Ryan Morgan and Star Deputy Fire Chief Victor Islas.

### 4. PRESENTATIONS & REPORTS

#### A. PROCLAMATION - Sexual Assault Awareness Month & Denim Day

Representative Brie from the Women & Children's Alliance visited the City Council meeting and Mayor Chadwick Proclaimed April as Sexual Assault Awareness Month and April 26, 2023 as WCA Denim Day.

#### B. Star Police Report - March 2023 - Chief Zachary Hessing

Star Police Chief Zack Hessing presented the March 2023 Police Report. He mentioned that Patrol Deputy Nathan Picciuto took Jason Wilcox's old spot. Hessing reported March was a busy month but seemed to be adhering to the Star Comprehensive Plan, noting 7 person crimes, 3 property crimes, and 4 society crimes. He explained Star's proactive policing approach including traffic stops and school checks, including the average of 53-66 school checks.

Council Member Salmonsens asked about the school checks; Hessing clarified that school checks are a proactive call and not a call for service. Chief Hessing noted he has met with Principal Adams at Star Elementary, and that they've dedicated a couple of spaces for officer use as no SRO is assigned there at present. Between February and March, juvenile activity jumped from 7 up to 16, which was attributed to a warm weather streak. Property crimes also increased, rising from 16 in February to 24 in March. Hessing recommended residents be diligent about locking doors and consider installing cameras. Mayor Chadwick asked about catalytic converter thefts, and Chief Hessing answered there were around three in the Star area in the month of March and that police caught a group from out of state.



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### 5. CONSENT AGENDA (ACTION ITEM)

- A. Approval of Claims Provided & Approval of Minutes: **April 4, 2023 & March 7, 2023**
- B. Findings of Fact / Conclusion of Law - **Dutch Brothers (CU-23-02)**
  - Council Member Salmonsens moved to approve the Consent Agenda (April 4, 2023); Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, Salmonsens – aye, Nielsen – aye. Motion carried.

### 6. PUBLIC HEARINGS with ACTION ITEMS:

- A. **PUBLIC HEARING - Naismith Commons Subdivision (FILES: AZ-22-10, DA-22-11 & PP-22-15)** (The application was tabled on March 7, 2023 to March 21, 2023 and to April 4, 2023 to allow the applicant time to redesign the preliminary plat. **(ACTION ITEM)**)

City Planner & Zoning Administrator Shawn Nickel gave a brief presentation on the Naismith Commons Subdivision. Nickel noted that Council asked for the developer to add a plat revision with additional open space, present a more unique neighborhood style, work with the eastern neighbor regarding buffering for that residence, provide updated information on amenity types and locations, and work on irrigation concerns.

Mayor Chadwick explained the rules of the Public Hearing and asked the City Council if they had had any ex parte contact. None was reported.

Mayor Chadwick opened the Public Hearing at 7:17 p.m.

#### **Applicant testimony:**

**John Bottles of 39 S. Bridgeway Place, Eagle**, presented on behalf of the applicant Beacon Crossing, LLC. Bottles explained that subject property is located at 8895 W. Joplin in the South of the River area northeast of Can Ada and Joplin. He stated the applicant is proposing a residential development, requesting annexation of fifty-two acres and a classification of R-4 zoning. The first version of the proposal had 208 homes and is now at 206 homes, with a residential density of 3.92 units per acre.

Bottles reviewed the key points that the applicant had been asked by Council to follow up on. One key factor was that the applicant came to an agreement on mitigation of the collector road with neighbor Jerry Gage. Open space was created to the Southwest (more is at the Northeast of the neighborhood); he stated that a 1.86 acre park was added and that the applicant was open to deeding it to the City. Another amenity is a pickleball court. Bottles noted that they were working to find a way for residents to have a natural path to get to Joplin Road. He said the topography makes this tough; there are going to be sidewalks but the areas are heavily landscaped. There will be a public easement for the lower open space amenity. Bottles used a color rendering to review the lot sizing and provide an overview of the roadways.



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Bottles further explained that for Amenity Space One, there will be benches and part will be a water retention area. For Amenity Space Two, there will be a play structure and hammock. For Amenity Space Three, it was originally proposed as a grass strip and will now be proposed as a bocce ball court. For Amenity Space Four, it will be located by the Can Ada entrance and will have twenty parking spaces, three pickleball courts, a bench, a gazebo, and a play set. That could potentially be dedicated to the City and become a public park; it could also be expanded in the future as the area builds up. For Amenity Five, there will be natural pathways, a loop, and a natural low area with a sidewalk to open space.

With respect to neighbor Jerry Gage, Bottles verified that the applicant worked with the City and Mr. Gage to determine the best course of mitigation. Bottles said the applicant decided to cede a piece of property to Gage so it will become part of the Gage property reference on map block 14 (See Agenda Packet). The stub street will be moved to the north. The applicant representative stood for questions.

Council Member Nielsen asked clarification on the Gage property mitigation. Bottles explained that they met and discussed various ideas about the collector road, Gage's property line, and landscaping. Bottles said the best idea ended up being to deed to segment of property to Gage; it is not a super usable property to the subdivision and would allow for the Gage property to have buffering. Bottles said the attorneys for the applicant and Mr. Gage were working to get an agreement in writing.

Mayor Chadwick closed the Public Hearing at 7:35 p.m.

**Council Deliberation:**

Council Member Nielsen said he appreciated the work the applicant has done, especially the thought process and to take to heart the Council's discussion about helping the neighbors. Nielsen said he felt everything that previously presented a concern had been addressed and turned out better than envisioned.

Council Member Salmonsén said she agreed that it appeared that all concerns and improvement requests have been met.

Mayor Chadwick said that clarification was needed on the park being deeded to the City. Chris Yorgason and Shawn Nickel provided feedback on the development agreement vs. future development to the south of the subdivision. It was decided that Staff would come back with language during the findings stage.



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- Council Member Nielsen moved to approve the Naismith Commons subdivision, including that the City is willing to receive a deed for the park pending negotiation if the City has such opportunity in the future depending on what is built to the South; and with all other conditions noted in the Staff Report including providing for a public easement, a public waiver, the noted amenities, and the option for the City to take over the park; Council Member Salmonsén seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsén – aye; Nielsen – aye. Motion carried.

- B. **PUBLIC HEARING: Oliver Estates Subdivision (FILE: AZ-22-01, DA-22-01, PUD-22-01, PP-22-01)** - The Applicant is seeking approval of an Annexation and Zoning (R-3-DA), Development Agreement, Planned Unit Development and Preliminary Plat for a proposed residential subdivision consisting of 88 residential lots, 2 office lots (PUD) and 16 common lot. The property is located at 22491 N. Can Ada Road in Star, Idaho, and consists of 37.58 acres with a proposed density of 2.34 dwelling units per acre. Previously tabled March 20, 2023. **(ACTION ITEM)**

Mayor Chadwick stated the rules of the Public Hearing and asked Council if there had been any ex parte communication. None was reported. Mayor Chadwick opened the Public Hearing at 7:41 p.m.

City Planner Nickel gave a brief presentation on the Oliver Estates Subdivision, noting that it was for an annexation and zoning, with designation of R3, PUD, and development agreement for 37.58 acres with a property density of 2.47 dwellings per acre. The preliminary plat contains 92 single family residential lots and 16 common lots.

### **Applicant Presentation:**

Daniel Lardie of Leavitt & Associates, 1324 First Street South, Nampa, represented the applicant. Lardie explained that Oliver and Carol had lived on the subject property for forty years. He said that Oliver passed away and Carol would remain on the property. The property is located one-half mile north of State Street off Can Ada Road. The property is surrounded by Barton and Hubble Homes subdivisions. Using a map, Lardie demonstrated the map of proposed lots, pointed out the sewer lift station at the corner of the subdivision (noting that water is provided at the corner of Can Ada), noted the Dark Sky requirements, and pointed out ponds that would necessitate that a pump station be placed on community lots. There is a future road that will provide a connection to the South, which will be under Canyon Highway District Four. Emergency access is provided via a stump lane. He said they have supplied sidewalks knuckles on the plan, and that there is a one-story restriction. He showed several sample elevations. The applicant stood for questions.



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Mayor Chadwick asked if the applicant had read the report from the Fire Marshall included in the Staff Report (see Agenda Packet). Chadwick said he noted 30 homes with single access, and asked what the plan was if there was no access. Fire Marsal Victor Islas verified that emergency access starts at Lot 14 and runs up to Lot 31.

Council Member Salmonsens asked if the changing room and deck count as an amenity. The applicant noted that the pool, walking paths throughout count as amenities.

Council Member Nielsen asked to review the five proposed commercial lots. The applicant noted that the commercial lots were going to have professional offices and no retail. He pointed out that Lot 15 is Carol's home, and if she ever left, it would become Limited Office zoning.

City Planner Shawn Nickel clarified that the area in pink on the map would be zoned as R3 for Planned Unit Development and pointed out that the recommended uses for PUD are listed in the Staff Report.

Some of these uses could potentially include art studios salons, financial, health care, library, medical clinic, pharmacy, professional office, public and private parks. Uses that would require a conditional use permit include arts and entertainment, bakery, manufacturing, preschool/early learning, church, education/private school, retail, or a museum. Bars, brewpubs, and hospitality/restaurants would be prohibited.

Council Member Nielsen asked if widening Can Ada was included. The applicant said they have had discussions with Canyon Highway District 4 and it will happen in the future, just not now. Mayor Chadwick asked with respect to the plat, to clarify that they would be doing frontage improvements and dedicating proportionate share, mitigation and other impact fees.

### **Public Testimony:**

**Ron Peterson, 503 S. Thornwood Way, Meridian,** said he was developer of the property. He said they were trying to accomplish bringing in small professional offices like pediatricians and dentists for the area and avoid building strip malls. He said they were working with small builders.

**David Frost, 612 Stump Lane, Star,** said he had two main concerns: 1. He said he is not sure about the ponds and asked if there had been elevation studies performed. Frost said his land is across the street and is susceptible to flooding, noting that the area is all gravel. 2. The fencing or barricade is along the west side. Frost said that neighbors on the west side of Stump Lane are all agricultural and livestock concerns. He expressed worry over the fencing and keeping pets away from livestock. He wondered if chain link fence would make best sense.



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Mayor Chadwick asked if Frost would be amenable to decorate iron fencing and whether or not he had a ditch that gets burned. Frost replied that no, the ditch is on the East side and is cement.

Council Member Nielsen asked a question about Stump Lane. He noted that as one looks West the road turns to the South and back to Highway 44. He asked if there was presently a hotwire there to protect livestock. He asked if the concern was primarily dogs, livestock, or both, noting that no livestock goes across the east side of the lane. He said his concern is pets getting through the fence or livestock going up against the fence.

City Engineer Ryan Morgan added that regarding concerns over water, that at this point he has not yet seen plans and that all is preliminary. He said water, if done correctly, will dissipate. Morgan said he would look at the design calculations and verify that all will meet code. He said Staff does their best to help mitigate and work with neighbors.

**Nathan Day, 22451 N. Can Ada Road,** said berms will be on the South side of the property and that he has an irrigation ditch that runs through there. He said he is worried about the house behind him potentially flooding in the basement. He pointed to the bottom right of the map.

Ryan Morgan asked if the ditch was on Day's property or on the proposed property development. Day verified the headgates was at his property line.

**Evan Papa, 12720 West Hidden Point Drive, Star,** said he lives across the street from the development and that his biggest concern is the traffic at Can Ada and State Street. He said he has two teenaged drivers, and that it is really tough to get out of that street. Shawn Nickel clarified that there would be a future cut through between Norterra and the light.

**Marilyn Spangler, 1078 N Can Ada Road, Star,** said she was located across from Sky Haven Drive and expressed concern over traffic. She said she would like to see a turn lane, because she has seen many near-collisions over the years. Mayor Chadwick responded that the Highway District has control over that segment.

Council Member Salmonsens asked if there was a timeline for when the road was going through at Norterra, with respect to putting in sidewalks and paving. Shawn Nickel replied that the City required them to put the road in and that every development will put money towards the future light (a \$2 million project).





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Mayor Chadwick noted that Star is the only city collecting a proportionate share toward roadwork at this time.

**Joe Hatfield (testimony via online), 2249 N. Can Ada Road, Star,** said that he attended a meeting with the developer about 20 months ago, and hasn't heard anything new since then. He said the proposed development will take up 100% of his property line. He stated that a six foot berm is not enough. Hatfield is concerned because his home is elevated ten feet higher. He said he would lose 100% of his view to the north. Hatfield said the irrigation ditch is also an issue. He has cows and fencing is a major concern. He said for twenty months he has had no contact, and that yesterday the applicant reached out to his family. He summarized that he is concerned about irrigation, safety of his land/water, privacy, and safety of his animals.

Council Member Wheelock asked Hatfield if he had suggestions for a fence material that would create less impact for his family and animals. Hatfield replied that a large berm would be great, but not six foot vinyl fencing, which would not be sturdy or tall enough to be protective. Wheelock asked Hatfield if he was open to having the ditch piped. Hatfield replied that he and the applicant Peterson did talk about that yesterday and that he is open to it, and he felt the conversation was a good faith effort.

**Applicant Rebuttal:**

Peterson verified that he spoke with Hatfield. He said they can remove the ditch and do split rail fencing instead of vinyl. He will put up a barrier. He said the split rail fencing would help keep the view inviting, that he would work with the neighbors. They will work on the road on the South side for the neighbor to be able to enter his road through the development.

Council Member Nielsen asked if the ponds were lined. Peterson verified yes.

Council Member Salmonsens asked how wide the ponds were. Peterson replied that they were wider than a two lane road, between forty or fifty feet. The HOA will take care of mosquito abatement. Peterson also noted that qualified open space is at 12.1 %.

Peterson affirmed that the smallest lot is six thousand square feet and the largest is a quarter acre. He said this will not be a crowded neighborhood, as it will have lots of open space and nice backyards.

Council discussion focused in on the irrigation ditch and whether or not the District had signed off on it yet. Concern was expressed over Mr. Hatfield's property.

Mayor Chadwick asked Shawn Nickel to list the current known issues. Nickel listed designating specific lot numbers, including elevations, the Right to Farm Act, addressing fencing on the West and South



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sides, irrigation/aeration for the ponds, work with Canyon Highway District 4, piping the ditch on the Southern boundary, split rail fencing, and mitigation fees for Police and Fire service.

Council Member Salmonsens asked clarification on how the stop light would be paid for. Council discussion ensued on the stop light and that there needs to be some way of providing for that.

Mayor Chadwick closed the Public Hearing at 8:53 p.m.

Council Member Hershey noted that after listening to the applicant and the public testimony, that he likes the one story plan and that the applicant has made an effort to do that. He said it sound like the irrigation will be taken care of, as well as the fencing and the proportionate share. He stated support for moving forward with approval.

Council Member Nielsen asked about any design requirements with respect to the potential limited office development. Shawn Nickel replied that they would have to go through design standard certificate review process, and that uses will only come back in the case of any Conditional Use Permits being needed. Council Member Nielsen said it was evident that quite a bit of planning has gone into the process and thanked the applicant for working with the neighbors. He said he was supportive of the proposed project with the conditions Staff has listed and that he was ready to move forward.

- Council Member Hershey moved to approve the Oliver Estates Subdivision with all the conditions as listed previously by Staff and striking Social Services from the Allowed Uses and placing that into Prohibited Uses, installation of cattle-grade fencing, pay into the Canyon Highway District 4 street light funding at time of final plat; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

Mayor Chadwick called a brief recess at 9:06 p.m.

Chadwick called the City Council meeting back to order at 9:11 p.m.

- C. **PUBLIC HEARING: Garnet Subdivision (FILE: AZ-23-01, DA-23-01, PP-22-01, FP-22-01, PR23-01)** - The Applicant is seeking approval of an Annexation and Zoning (R-1), a Development Agreement, a Combined Preliminary Plat/Final Plat for a residential subdivision consisting of 5 residential lots, and a Private Street. The property is located at 6697 Foothill Road in Star, Idaho, and consists of 5.15 acres with a proposed density of 1.03 dwelling units per acre. **(ACTION ITEM)**

Mayor Chadwick read the Public Hearing rules and asked Council Members if there had been any ex parte contact. None was reported.





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City Planner / Zoning Administrator Shawn Nickel gave a short presentation on the proposed Garnet Subdivision project. He said that zoning was set at R1 and that the development agreement combined a preliminary plat and a final plat. The proposed project included five residential lots and a private lot at 6697 Foothill Road. Nickel called attention to a late item, an email from Canyon District 4 that arrived after the Agenda Packet deadline.

Mayor Chadwick opened the Public Hearing at 9:11 p.m.

**Applicant Presentation:**

**Steve Arnold of 1785 Whisper Cover, Boise**, presented from A-Team Land Consultants. Arnold noted that the proposed project included five building lots, and would be low density. Other items of note per Arnold included: a well and septic, a private road, working with Canyon Highway District 4, and a CCNR governing buildings and road maintenance. Arnold said the applicant was prepared to comply with City and Agency standards. He showed a preliminary plat, noting proximity-wise that Ryken Meadows is located to the East. The applicant stood for questions.

Council Member Nielsen asked why they were pursuing annexing into the City but planning to stay on septic and well at the current time. City Engineer Ryan Morgan advised that the closest infrastructure is three-fourths of a mile a way and that water is on Can Ada Road, sewer would have to go to Highway 44 between Kingsbury and Blessinger. The plan is to place dry lines for now, and connect later when there is available infrastructure.

Council Member Wheelock asked if that included fire hydrants. Council discussion with Fire Marshal Victor Islas ensued, which clarified that there were two options with respect to water supply: 1. Either connect to Star Sewer/Water or 2. A sprinkler system supplied via well water from each home.

**Bruce Payne of Canyon Highway District 4** commented on the frontage at Foothill Road and noted he did not review this proposal. He noted it was a long-term plan.

Applicant Steve Arnold remarked on road improvement and paving of private roads. He mentioned that there would be no sidewalks.

Council Member Salmonsens asked how far the distance was to the Ryken entry and school bus stop. Arnold responded maybe 250 feet. Salmonsens asked if Arnold would be willing to add some temporary pavement along the shoulder so children would have a safe place to get to the bus stop.



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**Jeff Whitlock, 6697 Foothill Drive, Star,** said he was present on behalf of his eighty-six-year-old mother. He stated he would like to set aside this segment of land that has not been paid for. He asked about the transfer of property, and indicated that things were not settled properly.

Mayor Chadwick suggested that Council table the issue until such time that the ownership of the land could be made clear. Steve Arnold said that in examining the deed, that Mr. Whitlock's mother signed; the contract was owner-carried; and final payment would be when Mr. Whitlock was off the property. City Attorney Yorgason guided that 1. The matter could be tabled until ownership is resolved or 2. The Council could move forward with conditions. Shawn Nickel noted that the owner of record would need to sign.

Council Member Nielsen said he suggested tabling at this point and placing the topic on the May 2<sup>nd</sup> agenda.

- Council Member Nielsen moved to continue the Garnet Subdivision Public Hearing to the City Council meeting of May 2, 2023. Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

**D. PUBLIC HEARING: River Park Subdivision Development Agreement Modification (DA-21-02 MOD)** - The Applicant is seeking approval of a modification to the existing Development Agreement for the River Park Subdivision annexation and zoning. The applicant is requesting approval from the Council to allow all streets within the development to be private streets. The property is located at the south end of Blessinger Road in Star, Idaho, Canyon County and consists of 150.47 acres with a proposed density of 2.1 dwelling units per acre. **(ACTION ITEM)**

Mayor Chadwick explained the rules of the Public Hearing and asked if Council had had any ex parte contact. None was reported.

Mayor Chadwick opened the Public Hearing at 9:42 p.m.

**Applicant Presentation:**

**Todd Tucker, 923 S. Bridgeway Pl., Eagle,** presented on behalf of Boise Hunter Homes. Hunter said there were minor modifications to the development agreement. He noted that the property was located by Highway 44 and the river, and was approved by Council in April 2021. He summarized that the proposal involved 301 single family homes, and that 30% of the site would be open space. The developer has graded and raised the site, and has new headwalls with sewer. Tucker said his request was the approval of a development agreement modified to allow all streets within the subdivision to be private. Tucker explained that Canyon District Highway 4 policy does not allow bonding, which presents delays for the builder. He said it was a three year process to get a plat recorded, and that Boise Hunter Homes had to internally lay off several employees and send sub-contractors home for six months. He stated that he has confidence in Boise Hunter Homes' engineering firm, that there are



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no other changes from what was previously proposed, and that the CCNR's will be drafted to address the presence of the private road. The applicant stood for questions.

Council Member Nielsen asked if the request to make the subdivision's roads designated as private takes off the table the ability to ever have them be public roads. Tucker answered yes, except for Landruff Lane which could be dedicated as a public street. All internal streets would remain private but constructed to Canyon Highway District 4 standards; however, he said he will defer to the ownership team in terms of the answer to the question of the other roads.

**James Hunter, 923 S. Bridgeway, Eagle,** representing Boise Hunter Homes said he would not foreclose the idea permanently, but that he just cannot stand laying people off and having over a year getting plans approved. He noted that ACHD will allow bonding, and that Canyon Highway District 4 will not. He said that his firm does not wish to be held up further, layering on significant amounts of additional time in between each stage.

Council Member Nielsen said that this has not fallen on deaf ears. He said that possibly it is a great idea and likely a relief for Canyon Highway District 4. Nielsen asked to clarify if this forever or whether the roads could be placed in the public domain later. Hunter replied that his firm was open to that in the future.

Council Member Salmonsens asked who would oversee if the standards are being met if it is a private road. Hunter explained that they would hire a consulting firm, a third-party inspector, to verify.

Council Member Wheelock noted the project history, with many revisions and comments, and that it looked like the last one had eight outstanding items. Hunter remarked that with each plan set there are clerical notes layered in, and there are numerous redundancies.

**Public Testimony:**

**Al Dauven, 22020 Blessinger Road, Star,** – said he was not notified on April 1st nor was the neighbor on the north side. He said he votes for the people at Canyon Highway District 4 and it is their job to do this, and if there is a problem maybe a mediator between the City and Canyon Highway District 4 is needed.

**Mic Dauven, 22020 Blessinger Road, Star,** said it sounds like a bunch of problems between the Canyon Highway District 4 and the builder. He noted some favorable points about making the road private for now, but public in the future. He said he doesn't like some of the issues for police, etc., surrounding private roads.

**Bruce Payne, 11434 Highway 44, Star,** stated that he was Director of Canyon Highway District 4 and noted of the project history, that the project comments need to be done and are not trivial. He noted that the applicant is not using the same engineering firm for Phase 2. He stated this was nothing to do with staffing or bonding, but rather having them not do their plans to standards. He said he was not going to accept this insult and hopes



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the City will read in between the lines. He noted the HOA could in the future close the road or create other safety issues. With respect to private roads, he reminded that homeowners have to pay for the maintenance (road maintenance, snow removal) on top of tax dollars.

Mayor Chadwick noted of the concern between private and public, that the City can require conditions of approval. City Attorney Yorgason guided that the Council can indicate private roads be open for public access, and that CCNR's have various ways of governing the roads. Mayor Chadwick noted that precedent exists.

Bruce Payne noted that Blessinger Road to Landers Lane has to be public vs. private, due to connectivity needs on both sides. He explained that with private roads, the District cannot control access. He said there would be no snowplowing, chip sealing, or repairs provided through the District. He warned that no HOA's do this, and that other HOA's come back with ruined roads. He verified that yes, it can be moved from private to public. For approximately 300 homes, Payne advised that they will still pay taxes but receive no benefit. He said he would send staff calls right back to Star. He said he met with the board, they did listen and asked the same questions about the review. He said they keep getting the plans back because they are not approved, and said he felt Boise Hunter Homes was not doing proper planning in terms of QA/QC.

Council discussion ensued on private vs. public roads and if there were any mechanisms for oversight. Ryan Morgan noted that he would also review plans.

Council Member Wheelock noted that sometimes the public sector stretches the boundaries on the private sector. Bruce Payne reiterated that Boise Hunter Homes changed engineering firms.

Mayor Chadwick called a brief recess at 10:34 p.m. He called the meeting back to order at 10:39 p.m.

**Applicant Rebuttal:**

Todd Tucker said that Canyon Highway District 4 previously wouldn't do sufficient work to maintain roads on other projects, so Boise Hunter Homes would have to set aside funds allowed for in the HOA's CCNR to comply with City policy. He said it is a common practice and works well. With respect to access, he said they could grant public access easements and would have buyer disclaimers, etc. With respect to Landruff Lane, he said he understands it is a collector street and has not yet been constructed to the West; it looked like it will eventually pass through a private gated community. He reaffirmed that the request for private roads feels like a weird situation, but that it comes from desperation. Boise Hunter Homes is anxious to get the project built and needs a path forward.

Mayor Chadwick asked to clarify what phase Landruff Lane would be in; Tucker replied Phase one.



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Council Member Hershey noted that if this were to be approved, that citizens would be in effect paying an extra tax. He asked how many jobs were laid off. Tucker said he couldn't speak to the number of sub-contractors, but that eleven workers were laid off from Boise Hunter Homes. Tucker further noted that it has historically taken six to seven months to get roads approved.

Council Member Salmonsén asked if there was any projection of what the maintenance fee would be per home. Tucker replied that at this point, it is not yet known. He said Boise Hunter Homes would do a detailed analysis. Salmonsén asked if there was any way to look at other subdivisions.

**Scott Winters of 925 S. Bridgeway, Eagle,** said he was present on behalf of Boise Hunter Homes. He answered Salmonsén's question by noting that factors examined would include length of roadway, frontage, and density. Based on prior experience, he stated a range could be from \$400 per year to \$2,000 per year.

Council Member Nielsen said he noted frustration on all sides. He asked Tucker how he felt Boise Hunter Homes would work with Canyon Highway District 4 in the future. Tucker replied that they felt in a good place, and hoped that they had a decent working relationship in the future. He said moving forward, that they know they are going to have to work with them in the future and that they learn lessons as they move forward. He said BHH can be more diligent in review and have several engineers on staff and QC plans. He said they recommitted to that.

Council discussion surrounded various topics including concerns over Landruff Lane as a future collector road, inspection, staffing concerns, staff time reviewing the plans, and whether it might be a possibility to ask for the City, Highway District, and Boise Hunter Homes to meet for mediation.

Mayor Chadwick closed the Public Hearing at 11:05 pm.

**Council Deliberations:**

Council Member Nielsen asked for the Mayor's thoughts on future public to private situations. Mayor Chadwick noted that Bruce Payne and Canyon Highway District 4 will work with the development community.

Council Member Nielsen said he doesn't feel like he has a dog in the fight but tends to lean toward the property owners. He said that he has seen this type of situation previously, and noted the subdivision didn't have a private street to begin with. He said he preferred the connectivity to other subdivisions via easement and put in bollards for emergency access.

Council Member Wheelock stated that Canyon Highway District 4 does have a policy for a mixture of private / public streets.



## CITY COUNCIL REGULAR DRAFT MINUTES

City Hall - 10769 W State Street, Star, Idaho

Tuesday, April 18, 2023 at 7:00 PM

- Council Member Nielsen moved to approve Boise Hunter Homes' request for private streets, with the condition that the applicant works with Canyon Highway District 4 to construct Landruff Lane and when it is deeded and ready accepted and have a public easement on the private streets be a CCNR articulated requirement and noting the HOA understand these are private roads as specified per code and that the costs are worked out so that regular maintenance can be performed as needed and Canyon Highway District 4 has final authority if bollards have to be placed for emergency access; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – nay; Nielsen – aye. Vote: 3-1, motion carried.

E. **PUBLIC HEARING: Falcon Storage (File: CUP-23-01)** - The Applicant is seeking approval of a Conditional Use Permit for a storage facility to include traditional private storage options and storage condominiums. The property is located at 8323 W. Moon Valley Road in Star, Idaho. **TABLED INDEFINITELY AT THE REQUEST OF THE APPLICANT. (ACTION ITEM)**

- Council Member Wheelock moved to table the Falcon Storage Public Hearing to a future Council date not yet determined; Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, Salmonsens – aye, Nielsen – aye. Motion carried.

7. **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. **Tree Grant Program** - Approving the Star Tree Grant Program **(ACTION ITEM)**

- Council Member Hershey moved to approve the Star Tree Grant Program; Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, Salmonsens – aye, Nielsen – aye. Motion carried.

B. **TBD-2023 (Administrative Ordinance - Beer, Wine and Liquor by the Drink Amendment)** - An Ordinance Amending Title 2, Chapter 2, Defining Purpose, CREATING SECTION 2-2A-4 Section D and 2-2B-3 Section D, Creating for Severability and Providing for an Effective Date. **(ACTION ITEM)**

- Mayor Chadwick removed TBD-2023 (Administrative Ordinance – Beer, Wine, and Liquor by the Drink Amendment) from consideration due to the late time of evening, and stated that the topic would be rescheduled for the May 2, 2023 City Council agenda.

C. **Resolution TBD-2023 (Asset Disposal)** - A Resolution setting disposal of certain assets **(ACTION ITEM)**

- Mayor Chadwick removed TBD-2023 (Asset Disposal) from consideration due to the late time of evening, and stated that the topic would be placed for the May 2, 2023 City Council agenda.





CITY OF STAR, IDAHO  
**CITY COUNCIL REGULAR DRAFT MINUTES**

City Hall - 10769 W State Street, Star, Idaho  
Tuesday, April 18, 2023 at 7:00 PM

**D. Freedom Park Facility Agreement - Approving Facility Agreement (ACTION ITEM)**

- Council Member Salmonsens moved to approve the Freedom Park Facility Agreement; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, Salmonsens – aye, Nielsen – aye. Motion carried.

**E. Property Purchase Agreement - Approve Property Purchase Agreement (ACTION ITEM)**

- Council Member Wheelock moved to approve the property purchase agreement for \$545,000; Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, Salmonsens – aye, Nielsen – aye. Motion carried.

**F. Pavilion Park Parking Paving Specifications - Approve of Parking Design Specifications to put out to bid. (ACTION ITEM)**

- Council Member Wheelock moved to approve the Parking Design Specifications for Pavilion Park. Council Member Hershey 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 11:29 p.m.

\_\_\_\_\_  
Trevor A Chadwick, Mayor

ATTEST: \_\_\_\_\_  
Jacob M Qualls, City Clerk - Treasurer