

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, October 04, 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. and led the Pledge of Allegiance.

For those cross-referencing Minutes to the live video, please note that the Mayor announced an out-of-order meeting in order to accommodate the large number of citizen speakers for public hearings this evening. After the Consent Agenda Item 5A-B vote occurred, the meeting proceeded as follows: Public Hearings Items 7A-B-C-D, then Action Items 6A-B-C.

2. INVOCATION

President Kristi Dyer of the Star 1st Ward Relief Society provided the invocation.

3. ROLL CALL

Council Members present: Council President Hershey, Council Members Nielsen, Wheelock, Salmonsens and Mayor Chadwick were present.

City Staff present: Public Information Officer Partridge, Police Chief Hessing, City Contract Attorney Yorgason, City Planner Nickel, Assistant Planner Field, and Deputy City Clerk Conly.

4. PRESENTATIONS

No proclamations/presentations were submitted for this evening's meeting.

5. CONSENT AGENDA (ACTION ITEM)

A. **Approval of Minutes:** September 20, 2022

B. **Findings of Fact:** Baron Properties Commercial Rezone (**FILE: RZ-22-02 / DA-20-28**)

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

6. ACTION ITEMS:

A. **SH-16 & Beacon Light Advanced Flasher:** Approval of Bid for Advanced Flasher using ITD Proportionate Share (**ACTION ITEM**)

Council discussion surrounded the point that City of Star will pay for and Idaho Transportation Department (ITD) will pay the City back for the advance flasher.

- Council Member Wheelock made a motion to approve the Bid for SH-16 & Beacon Light Advanced Flasher using ITD Proportionate Share. Council Member Nielsen seconded the motion. ROLL CALL VOTE: Nielsen – aye; Hershey – aye; Wheelock – aye; Salmonsens – aye. Motion carried.

B. **Ada County / Star Hazard Mitigation Plan Resolution Adoption:** Adopting the Ada County / Star City Multi-Hazard Mitigation Plan (**ACTION ITEM**)

Mayor Chadwick pulled this item to bring back at a later Council Meeting date.

C. **Holiday Décor Purchase:** Approval of purchase of decorations City Celebrations and booking the expense into FY 21/22 (**ACTION ITEM**)

Mayor Chadwick gave a slide presentation showing samples of the proposed town holiday decorations as submitted by Public Information Officer Dana Partridge and the Activities Committee. Council discussion noted the proposed purchase of an 18-foot pre-lighted tree that is stated as easy to assemble and store; note was made that Bob Little has located a safe place to store it. Council discussion also surrounded a proposed LED holiday star that could be used both at City Hall and at the upcoming New Year's Eve celebration at the Star Riverhouse. Chadwick noted that the proposal was to approve the expenditure out of the 2021/22 budget because most of the committee's events were paid for with donations and the money allocated in the budget was not used.



CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, October 04, 2022 at 7:00 PM

- Council Member Hershey made a motion to approve the purchase of decorations for City events and booking the expense into FY 21/22. Council Member Nielsen seconded the motion. ROLL CALL VOTE: Wheelock - aye; Salmonsens - aye; Hershey - aye; and 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:** Madenford Estates Subdivision (**FILES: AZ-22-06; DA-22-06 & PP-22-11**) - The Applicant is seeking approval of an Annexation and Zoning (R-3), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 15 residential lots and 3 common lots. The property is located at 3605 N. Pollard Lane in Star, Idaho, and consists of 5 acres with a proposed density of 3.0 dwelling units per acre. The parcel is part of a recent parcel division through Ada County. Access to the proposed development will be through a new subdivision that is currently under construction to the west (Cresta Del Sol Subdivision). **(ACTION ITEM)**

Mayor Chadwick asked the City Council members if they had any ex parte communication on the subject hearing and, hearing none, opened the public hearing at 7:04 p.m.

Applicant presentation:

Antonio Conti of 7761 W. Riverside Drive in Garden City presented on behalf of the developer. Mr. Conti explained that the whole site area was five acres. He described the existing site and requested annexation and presented the site plan, which included a request for R3 zoning. Mr. Conti noted that the neighborhood just north would have a ten-foot-wide landscape buffer, and the area west of Lot 11 would have a proposed berm to help minimize impact to neighbors. Mr. Conti stood for questions.

Council questions:

Council Member Wheelock asked for clarification about proposed fencing on the north side, as to whether it would be two solid fences with a narrow passageway. Antonio Conti clarified they are proposing one side to be a solid fence in order to protect livestock and an open fence on the development side with landscaping in between.

Public testimony:

James Carlson of 3715 N. Pollard, Star, said that he lives on the property directly to the north, and he owns livestock. He mentioned that the topic of livestock already came up with the Toll Brothers community to the west last year, and that the agreement with Toll Brothers was for them to build a safety fence that the animal could not destroy. He feels the developer's proposed vinyl fence is insufficient for livestock and would like the developer to match the fencing installed by Toll Brothers for a harmonious look. He also requested a twenty-foot setback in addition to the fence to help mitigate livestock sound, flies, etc.

Council Member Nielsen asked Mr. Carlson what type of fence is currently in use, mentioned the Right to Farm Act, and said he appreciated Mr. Carlson being a good neighbor with the suggestion of the twenty-foot setback. Mr. Carlson indicated that it was presently a four-by-four style fence directly on the property line.

Barbara Moyle of 9800 West Beacon Light Road, Star, said she lives within 300 feet of the proposed project, and has concerns about potential damage to neighbors' homes caused by the vibrations of compaction equipment used to backfill the pond. She also said anyone using floodgate 125 for irrigation would require the approval of the neighbors. Mrs. Moyle noted West Trident Ridge Road access crosses over their water and referenced Idaho Code 4207 if a prior working system is moved.

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, October 04, 2022 at 7:00 PM

Gary Madenford of 3605 N. Pollard, Star, stated he owns the five acres to the east of the proposed project and noted all irrigation water comes from the east and uses floodgate 22. He said the water that cuts through his property will serve the subdivision. He expressed excitement over the subdivision, noting he has never had gas, etc.; the subdivision means he will have access to these services. He said he thinks they are doing a great job with the plan.

Developer rebuttal:

Antonio Conti spoke on planned setbacks, and noted the irrigation water was coming from floodgate 22 and not 125. He also referred to the proposed eight-foot berm being installed for privacy. With respect to fencing, he said they were planning to match the existing fencing for a consistent look.

Council questions:

Council Member Hershey asked about lots 2 and 17. Mr. Conti noted for consistencies sake, they planned to match the adjacent Toll Brothers lots, that their designs were not yet set, but he proposed they will plan accordingly if Toll Brothers does second stories.

Council Member Salmonsens noted the vibration topic and asked for further explanation. The developer explained the process of vibrating compaction. He stated he does not consider it to be an issue. Council Member Salmonsens inquired how many neighbors would be affected by the vibrations? Conti noted that the closest house is on the southwest border, approximately thirty-five feet from the property line and sixty or seventy feet from the pond; with about fifty feet in between, he thinks this will not be a concern. Council Member Salmonsens asked what would happen if it did cause damage to the neighbor's homes. The development team explained that the contractor's insurance that would cover damages

Council Member Wheelock asked how deep the pond was. The developer replied that it is four to five feet maximum.

City Engineer Ryan Morgan was asked to describe different types of compaction techniques including a sheep's foot style of compactor. He noted there is a pond that has been dry for a while, and said compacting should not be an issue, and that it would take a day or two to complete the needed compaction.

Mayor Chadwick closed the public hearing at 7:42 p.m.

- Council Member Hershey moved to approve the Madenford Estates Subdivision (FILES: AZ-22-06; DA-22-06 & PP-22-11) an Annexation and Zoning (R-3), a Development Agreement, and Preliminary Plat, with the following additional condition of a stipulation that it be suggested that the neighbors video tape the sheeps foot compactor if possible. Council Member Nielsen seconded the motion. ROLL CALL VOTE: Nielsen – aye; Salmonsens – aye; Wheelock – aye; Hershey – aye. Motion carried.

- B. **PUBLIC HEARING:** Junction Crossing Subdivision #2 (**FILE: PP-22-08**) - The Applicant is seeking approval of a Preliminary Plat with 3 mixed-use lots, 3 commercial lots and 3 future buildable lots with 2 common lots. The property is located at 7884 W. State Street in Star, Idaho, and consists of 8.84 acres. (**ACTION ITEM**)

Mayor Chadwick asked if Council had had any ex parte communication and upon hearing none, opened the public hearing at 7:45 p.m.

Applicant presentation:

Developer Chris Todd of 12537 W. Goldcrest, Star, described the mixed-use new development that would be part of the original Amazon Falls. Phase I is under construction, and Phase II is what is being

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, October 04, 2022 at 7:00 PM

considered tonight. Todd said the goal was to have a mix of destination retail, outdoor retail, some restaurants, townhomes, etc. with a village-like, high-end community that is walkable and bike-able to neighboring towns. Todd mentioned two additional building paths for lots 10 and 11. He said Highway 16 and 44 was a hub for commercial growth and showed mixed-use renderings, noting he worked with Shawn Nickel on height variances. The developer stated his goal is to bring small businesses – restaurants, bars, retail/office mixed-use, with residential on top. Todd described the amenities such as a private drive with internal landscaped promenade with pavers that will help with storm water, a sunken amphitheater stage that is tiered and stepped down where concerts, movie nights, or plays could be held. He described that west of the amphitheater is a large common area with open space, fire pits, a water feature, and seating for some of the businesses. The developer asked for a height restriction extension to 58 feet for the front two buildings as well as mixed-use. He noted that he serves on the Transportation Committee and wants to match the width done on Short Road with this project, noting that C1/C2 type detached sidewalks are not a great idea. He said there will be plenty of outlets for people to walk. Mr. Todd distributed a letter to Council Members at the dais from Wright Brothers Construction in support of the development and proposed uses (letter on file at City Hall) and stood for questions.

Council Member Hershey noted the 58-foot height restriction, asking how tall the true mixed-use will be. Todd responded about 46-48 feet, with three stories. Hershey also asked what type of range – shooting or other? The developer said either a pistol or archery range at the front buildings might make sense but possibly lots 10 and 11 could be a site where that could work as a use.

Council Member Nielsen referenced a development he passes frequently in Meridian that has a consistent high-end look and feel, and noted it does not look like the standard “apartments on top” type of design that has been with us for the past forty or fifty years in mixed-used developments. He expressed a desire for more appealing architecture in mixed-use. Nielsen suggested not matching, but rather, standing out through design.

Council Member Salmonsens asked about bike lanes and also noted the request for a ten percent reduction of parking spaces and inquired if that included the two commercial paths. Todd said no, where that comes in is the two buildings on State Street, if future potential users don’t max out, it wouldn’t need to be asked for. For bike lanes, he said that Short Road does not allow for one as it is a collector road, and that Amazon Drive would have a bike lane. Todd further described locations of bike racks to encourage bike parking so people can bike to but then walk within the development; however, he clarified that there is no planned Park-and-Ride.

Council Member Wheelock asked for clarification on total parking spots lost, and said we’ve had parking lot discrepancies before with respect to business/day use (for restaurants, etc.) vs. night-time use. Todd clarified that there would be 327 parking spaces, which is 1.5 spots per unit for the apartments. Council Member Nielsen expressed concern about the long-term net effects of all the parking spot waivers being requested and approved; Nielsen said he would really like to see a four-level garage. Todd responded that he had no funds for that.

Council discussion surrounded the potential donation of the center stage (lot 5 in preliminary plat) for the City for use as a City park/event space and how that would be managed and maintained. Council discussion moved on to the Design Review process. City Attorney Jorgason noted that the goal for this hearing was only to approve the overall project and zoning needs. There is a process where the design could come back in front of Council via the Consent Agenda (Design Review Committee will provide a report) rather than having to come back as a public hearing.

Council Member Nielsen urged everyone to consider height requirements, especially if a hotel becomes a possibility; he said it might be a really attractive amenity for the City and asked for members of the public to specifically remark during Public Comment opportunities.



CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, October 04, 2022 at 7:00 PM

Public Testimony:

None was offered.

Applicant rebuttal:

Developer Chris Todd mentioned lots 1, 2, and 3. If a hotel were to become a possibility, the proposal would come back before the Council.

Council deliberations:

Council Member Hershey noted he was supportive and that he feels a hotel would be an attractive option. He asked for the nursing residential facility to be removed as an approved use.

Council Member Salmonsens mentioned she was in favor of parks especially donated ones, but expressed concern over maintenance. Clarification was provided that it was about .6 of an acre.

Council Member Hershey suggested stipulating that if park space were to be donated, the details about management and maintenance could be worked out at a future Council meeting and does not believe the Council needs to consider the issue now.

Council Member Nielsen noted that the City would need to look at the ongoing operating costs of taking on a park with amphitheater. He expressed concern over the look and feel of the buildings, and reiterated he wants the developer to look at downtown Meridian and have people give feedback on the design.

- Council Member Hershey made a motion to approve Junction Crossing #2 with the following conditions of approval: 1). A 58 foot height waiver acceptable for the mixed-use but Buildings 1, 2, and 3 would need to come back before Council as a conditional use permit if a hotel were to be proposed there; 2). Remove Nursing Home (Item 10) off the Acceptable Uses List (see Staff Report for List) to arrive at sixteen total Acceptable Uses. 3). the concept of having Lot 5 become a donated City park is something the City Council may consider in the future; 4). Sidewalks to match; 5). Have a shared parking agreement; and 6). Approving the list of Acceptable Uses (except Nursing Home) as noted in the Staff Report. Council Member Nielsen seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsens – aye; Nielsen -aye; Hershey – aye. Motion carried.

Mayor Chadwick called a brief break at 8:45 p.m. He re-opened the meeting at 8:50 p.m.

- C. **PUBLIC HEARING:** The Quarry at River Park Estates Subdivision (**FILE: AZ-22-13 & DA-22-13**) - The Applicant is seeking approval of an Annexation and Zoning (Residential R-3 & Mixed-Use MU) and a Development Agreement for a proposed future residential development. The property is located at 21339 Blessinger Road in Star, Idaho, and consists of 185.93 acres. (**ACTION ITEM**)

Mayor Chadwick asked if Council had had any ex parte communication and, hearing none, opened the public hearing at 8:52 p.m.

Applicant presentation:

Travis Hunter of 923 S. Bridgeway, Eagle, presented on behalf of Boise Hunter Homes and started with a company profile. The proposed annexation is adjacent to Star city limits, this would be the second phase of River Park. He noted there are no remaining agricultural endeavors on the land. Mr. Hunter described some of the amenities planned, including a boat launch, kids play lake, sand beach, cabana shelters, and indoor community center. He also noted the neighbors to the east and west did not have a paved green belt, and this development would. Hunter noted that the overall project size is 186 acres, with 228 residential lots, 6.9 acres of commercial/light industrial, and 86 acres remaining open. To the west of the property is the Leighton Lakes Community. Residents have expressed the

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, October 04, 2022 at 7:00 PM

desire for lower density; Hunter stated he hoped to relieve their concerns. He stated The Quarry is noted as part of Star Sewer and Water's master improvement plan. He discussed proposed setbacks and showed images of the setbacks at Boise Hunter Homes' Dry Creek development in Boise. Hunter showed a slide of planned accommodations and said they had been communicating with the neighbors to the west at Leighton Lakes for a year and the proposed accommodations are: 1). 228 residential lot limit; 2). Easements for sewer/water; 3). Western border pathway fence cost share; 4). Move recreation facility; and 5). Re-route traffic along Western border to cul de sac. Hunter asked in conclusion for the approval of the annexation request, zoning to R3-DA and MU-DA, and approval of the development agreement. Mr. Hunter stood for questions.

Council Member Nielsen asked about storage businesses, noting that he was open to considering these because some of the newer ones in Eagle have buildings designed to be aesthetically pleasing. Nielsen stated that an RV park is a bigger consideration, but it would need to be conditional use and come back before Council.

Hunter answered that having self-storage was less important than property values, and that he was also not married to an RV park, but it could be done well as a few day stay/short term property.

Discussion surrounded setbacks. Council Member Nielsen said he felt the product shown would not fit on 7.5-foot setbacks and that he was anxious to hear discussion around that and would be looking for hard commitments on landscaping. Nielsen expressed concern over stack-and-pack.

Mayor Chadwick asked, why R3 if we have R2 on the Comprehensive Plan? Shawn Nickel explained that the staff recommendation was R3 because R2 would not allow for the smaller lots and a waiver on setbacks; he clarified that at a minimum, the staff recommendation is for R2 to stay in place at least for lots on the western boundary. Nickel gave further clarification on matching with the Comprehensive Plan and noted he is supportive of the uses. Nickel also noted that the RV park is not allowed in Commercial but is in Mixed Use, and that conditional use could be noted.

Public Comment:

Tina Collins of 488 N. Medesen, Meridian said she was at the meeting from locally-owned All About Lights. She said she has worked on Hunter subdivisions and feel the developer cares about their contractors and subs.

Jared Doty of KD Roofing 4234 Blue Creek Drive stated he has been in business for 30 years, construction is how they make their living and he said he really wants this to go forward to employ local families. He noted, Hunter is an Idaho developer building on Idaho land.

Ryan Niecko of 702 W. Beacon Light Road, Eagle, said he does excavation landscape, is a native of Idaho, and has worked with Boise Hunter Homes for 15 years. He says he enjoys working on their neighborhoods and his employees love to be a part of it.

Lance Manning of 2048 N Foudy Avenue, Eagle, spoke on behalf of H&L Plumbing and said they have been a part of almost every Boise Hunter Homes neighborhood. He said they build high-end, quality homes and this would bring a lot of work to local workers.

Gene Tippitts of 9153 Perfect Lane, Kuna, said he owns Recreation Today and All About Lights, and expressed respect for the Hunter family, attested to positive way they go about their development process.

Raj Kandola of 21817 Blessinger Road stated that this development is being built all around his house. He says this is not your cookie cutter situation; he said it has been great working with the developer.

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, October 04, 2022 at 7:00 PM

Tammy Castillo of 22318 Blessinger Road said this project was originally against her property at Hwy 44 and Blessinger, but she is working with Canyon County and will not have to move her barn as originally thought. She stated she is no longer objecting to the development.

Mark Cron of 6808 Saddleman Ranch Court said the development is all little yellow boxes. He said he is on a five-acre property and there were originally corn fields and wheat fields surrounding him. Cron stated that Council has approved over one thousand new homes, and they keep approving more. He asked Council to slow down because he feels there is not enough infrastructure in place to support the growth.

Council Member Salmonsens asked Mr. Cron to clarify the one thousand homes remark. Cron mentioned Star River Ranch and said other developers have notified him of their intent to develop the land all around him. Council Member Salmonsens noted that two of these projects have not come before Council yet, and the Council can only consider the number of homes that have come before the Council when deliberating. Mr. Cron noted that it will be about density.

Kay Harwood of 2218 River Ranch Lane said she is located to the west of the proposed subdivision. She stated she mailed a letter representing seventeen homeowners in Trigger Ranch and Leighton Lakes to the Council (letter is in Agenda Packet). Mrs. Harwood said she believes the existing homeowners and developer got off on the wrong foot as Boise Hunter Homes asked to meet with homeowners individually and asked them to sign a high-level letter of support without having all the details of the project. She said she felt it was too preliminary and that the neighbors continue to support the recommendations in their letter, especially about access roads. She expressed concern about access roads and asked for a traffic study. Mayor Chadwick noted that access points are an ITD decision.

John White of 21988 Trigger Ranch Lane said he has had three or four meetings with Boise Hunter Homes; the first meeting was neighborly, the second one was not. He stated the developer caused water damage to his property and tried to get him to sign his support in exchange for repairing the damage they caused. He says he has video of them pumping water out. He said he wants to support the project and work with the developer, but his trust factor is zero and he wants to see things in writing. He also expressed concern about having the clubhouse on the west side of the development adjacent to his property and would like to see it moved to the east of the project.

Tina Nassavich Vucinich of 21846 Trigger Ranch Road said she seconded what Kay Harwood and John White said.

Laura Profit of 22154 Trigger Ranch Road said she was concerned about two story houses not just because of the loss of her view, but the homes would be looking into her property. She would like to see one story homes on lots adjacent to existing homes.

Applicant rebuttal:

Mr. Hunter stated that requiring single story homes was unreasonable due to the amount of land in between properties. With respect to the topic of overhead power poles, he said he did not want to commit to removing overhead power poles. He explained that they had just completed a traffic study, and it was determined that only thirty percent of residents are going to regularly use the new access point. Hunter noted that access was in place before Leighton Lakes was developed. At Blessinger, he said Boise Hunter Homes was voluntarily putting in a half a million dollars for an acceleration lane. For landscaping, he said they could submit plans for pre-approved. For the RV Park concept, if Boise Hunter Homes determines it to be viable, he would be willing to have it be a conditional use and go back before the Council. With respect to John White's testimony, Hunter said that they didn't get off to a good start when the developer was watering their lake and his property took on water. Mr. Hunter apologized to John White, and said that at the end of the day, they fixed



CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, October 04, 2022 at 7:00 PM

the problem and hoped for a better relationship. Hunter also mentioned the sewer lift station and improvements being made to the intersection.

Council Member Wheelock pointed out the possibility of adjusting the end of the road, making it gated and bumping the road over so it would go straight down, with respect to supporting moving the clubhouse to the east.

Todd Hunter said that re-aligning the road would require a bridge and said the potential cost could be over three-quarters of a million dollars, a cost that is not feasible.

Council Member Salmonsens noted that the City received a letter from Middleton School District estimating that this project could bring another 114-116 students to their district. She said the letter didn't outright not support the project, but noted it would impact both existing and new students. She is concerned with the impact to schools and the level of service to children. Mr. Hunter suggested that this should not be a conditional of approval for the project, but he supports finding ways to fund police, fire and schools and would like to be a part of the conversation to find solutions. He also noted that not all of the houses would be coming online at the same time.

Council Member Nielsen noted he is not convinced on the need for five-foot setbacks. The developer stated that their firm builds high-end, move-up homes, and that the setbacks are important to them. Hunter said they would provide architectural renderings, floor plans, and color charts to help the Council visualize the quality of their product. Hunter said they would add the renderings to the review as an architectural package, which will list the homes, landscaping, etc., so it is locked into the development agreement and in turn, asked Council to approve the requested setbacks which would only apply to the properties that are less than one acre.

Mayor Chadwick asked if there were any further questions; hearing none, he closed the public hearing at 10:21 p.m.

Council deliberations:

Council Member Salmonsens said she sees the argument for and against granting the five-foot setbacks but ultimately is okay with granting them.

Council Member Hershey said he has seen this go both ways and said he has seen Hunter Homes do setbacks right. Hershey noted the road issue was not in Council's purview. Hershey stated because he has seen their work product in the past, he is okay with it. For all other conditions such as single story, etc., he said he was not overly concerned.

Council Member Nielsen said he was inclined to table the issue and ask for the developer to come back with further architectural information. City Attorney Yorgason clarified that Council could re-open the development agreement, and that at this time, the City is not granting the setback specifically and could consider again at a later date; he suggested building the agreement to protect the City's interest.

Council Member Hershey made a motion to approve the annexation and development agreement with the following conditions of approval : R2 with R3 setback; mixed use to C1; conditional use permit for RV business or storage; five foot setbacks tentatively approved with development agreement stipulations; solid privacy fencing along the left side with neighbors not asked to pay for that; number of lots capped at 228 as stated; strongly recommended looking at limiting the five foot setback; clubhouse location to be moved to east side of the development. Sean Nickel re-read the stipulations, and Council Member Salmonsens seconded the motion.

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, October 04, 2022 at 7:00 PM

Mayor Chadwick asked if there was any discussion. Nielsen expressed concern about the fence, as it was unclear whether or not the applicant wants to build the fence and who would pay for it. Hershey stated he does not want to get into cost sharing if they have to put in a fence. Mayor Chadwick provided guidance on the motion.

- Council Member Hershey withdrew the initial motion and restated the motion as follows: approve the annexation and development agreement with the following conditions of use: Mixed Use revised to C1; any proposed storage and RV businesses to come back before Council under the conditional use permit process; five foot setbacks are not approved at this time but could be considered and added later; remainder of development to be R2 with R3 setbacks; privacy fence to be decided by the developer; all changes to the concept plan approved as submitted; 228 lots approved; and landscaping and setbacks to be reviewed. Council Member Nielsen said if fencing was requested by the public, be definitive or don't state it in the motion. He asked Hershey to remove that language and if so, said he would second the motion. Council Member Hershey agreed to the removal of the wording about the fence. The motion ultimately went forward as stated above, but with the wording "privacy fence to be decided by the developer" removed. ROLL CALL VOTE: Salmonsens - aye; Wheelock - aye; Nielsen - aye; Hershey - aye. Motion carried.

- D. **PUBLIC HEARING on Resolution TBD-2022 (Police & Fire Mitigation Fee):** The City Council will hear testimony on Approving a resolution of the City of Star creating a policy for the issuance of mitigation fees for Star Police and Mid-Star Fire Personnel on Residential and Multi-Family Building Permits; explaining the reasons for issuance of mitigation fees; encouraging other entities to repeal and replace or modify House Bill 389 (2021) **(ACTION ITEM)**

Mayor Chadwick noted that this was a continuation of the September 20th public hearing on the Police and Fire Mitigation Fee and asked for comment.

Ken Burgess of 7200 W. Mullen Street, Boise, said he was from the Building Contractors Association (BCA). He said the BCA doesn't love the idea of fees in general but does appreciate being able to work with Mayor Chadwick and the Council to come up with a solution. He understands the challenges the city is faced with from the 8% cap on budget growth and fees are creeping up. He noted some nationwide statistics and expressed concern that a percentage of families get priced out of a home for every one-thousand dollar increase in home cost. He said he doesn't want to see Idahoans priced out of homes but appreciates working together.

Council discussion focused on the national vs. Idaho statistics. Council Member Nielsen said it was astounding but not surprising seeing all this, and that he was committed to Police and Fire protection for citizens. He noted that this problem was created by the State legislature, and said he was proud of Mr. Burgess, the BCA, and the Mayor and Council for taking this issue on. Nielsen said if we can't provide Police and Fire, we have a health and welfare issue on our hands.

Mayor Chadwick said he agreed with Nielsen, and noted this was a pass through fee. He said if HB389 hadn't been approved, we would have enough funds for police and fire personnel. Chadwick said that until HB 389 is repealed or replaced, this is the only route we have and that the State is failing to see it.

Council Member Wheelock thanked Mr. Burgess and the BCA for coming and helping put this in place, and further noted that this action, if approved, would protect people's money by keeping it in the right spot.

Mayor Chadwick closed the public hearing at 10:54 p.m.



CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, October 04, 2022 at 7:00 PM

- Council Member Hershey made a motion to approve Resolution TBD-2022 (Police & Fire Mitigation Fee). Council Member Wheelock seconded the motion. ROLL CALL VOTE: Salmonsens - aye; Nielsen - aye; Wheelock - aye; Hershey - aye. Motion carried.

8. Executive SESSION 74-206 (f): To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

ACTION ITEM - Actions after Executive Session

Mayor Chadwick noted that there was no need for an Executive Session this evening.

9. ADJOURNMENT

Mayor Chadwick adjourned the City Council Meeting at 11:01 p.m.

/s/ Trevor A. Chadwick

/s/ Barbara B. Conly

Trevor A. Chadwick, Mayor

Barbara B. Conly, Deputy City Clerk