



## CITY COUNCIL REGULAR MEETING NOTES

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

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**1. CALL TO ORDER – Welcome/Pledge of Allegiance**

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

**2. INVOCATION – Associate Pastor Calvary Star Church, Nathan Held**

Associate Pastor Held led the Invocation.

**3. ROLL CALL**

**Elected Officials:** Council President Hershey (via remote), Mayor Trevor Chadwick, Council Members Kevan Wheelock, Jennifer Salmonsens & Kevin Nielsen

**Staff:** City Attorney Chris Yorgason, Clerk/Treasurer Jacob Qualls, City Engineer Ryan Morgan, Assistant City Planner & Code Enforcement Officer Ryan Field, Middleton/Star Fire Chief Victor Islas, City Planning Administrator Shawn Nickel and Public Information Officer Dana Partridge.

**4. PRESENTATIONS**

**A. Staff Report - Star Police**

Police Chief Zach Hessing gave his July 2024 report. He discussed cyber activity that occurred during July causing the Ada County Information Technology Department shut down; this also affected the CAD System for Ada County Dispatch. Due to the system being down and information being manually re-created, the report may not be completely accurate at this time, but when the accurate report can be completed it will be uploaded to the City of Star website. [www.staridaho.org](http://www.staridaho.org).

Councilmember Wheelock asked when the data will be updated. Chief Hessing explained it is hoped for by the end of September.

**B. Staff Report - Star Fire**

There was not a report provided due to the Cyber Activity from July.

**C. Staff Report - Star Sports & Recreation**

Sports and Recreation Director Ryan Field gave the Sports & Recreation report. Ryan reviewed activities provided for adults stating there were 153 total participants. Youth sports had 639 youth participants in a few different sports including Cheer, Flag Football and Soccer. There were 3,111 participants in the various summer camps. Councilmember Wheelock asked which school the kids are coming from; it was discussed the youth participants are coming from schools in the surrounding cities. Ryan explained the program is using the schools, all the parks, and suggested as the community grows the council consider where these programs will go and grow. Before and after school programs are available as well. Councilmember Salmonsens asked him to include information on adult yoga and tai chi and would like to have more information on the camp counsellors hired for the summer youth camp programs. Councilmember Wheelock stated he had visited the summer camp cooking program and was impressed.

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**D. Concern / Complaint - Douglas Fisher / Republic Services (5 Minutes)**

Douglas Fisher 3554 N Tansey Place, Star reported a concern and explained he has been working with Republic Services since May. He said their trucks leak oil; they put an oil absorbent is used where the community complains, it makes the streets look bad and does not fix the issue, it makes a bigger mess. He feels this much oil spilled is an environmental hazard and Republic Services needs to be held accountable and properly clean up the oil spills. He looks forward getting this issue resolved and the streets cleaned up.

Mayor Chadwick stated that this is an ACHD issue and the only thing the city can do is communicate and bring attention to the issue. He explained ACHD's chip seal program that will take place in the next year. City officials will work to see what can be resolved.

Assistant Planner and Code Enforcement Officer Ryan Field mentioned that Adam Van Patten with ACHD and trying to meet this week and can bring an update after that meeting.

Rochelle Cline, with Republic Services and Bruce Smith Operations Manager provided history of their dedication to the community. She said they are working to resolve the issue. They have taken a look at their trucks and pull those that are leaking off the streets. They are going to be using rentals until the issues are fixed. She said the oil is petroleum based so it stains and requires time and weather to lighten it, she stated it is not an environmental hazard. She said the trucks are old and with the higher temperatures they have had more leaks. They have not had this issue in Star before and have a third party to come in and support the technicians. She mentioned there are other companies trucks they have seen with the same issue.

Councilmember Wheelock stated that with the temperature it is tough on seals of the vehicles.

Mayor Chadwick thanked Mr. Fisher for bringing this to the attention of the city.

**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 Provided & Previously Paid****B. FOF / COL - Amazon Villas Preliminary Plat (FILE: PP-24-02)****C. FOF / COL - Lake Haven Preliminary Plat & Private Road (FILE: PP-24-03 & PR-24-02)****D. Time Extension - Cherished Estates (FILE: TE-24-07)**

- Council Member Salmonsens moved to approve the consent agenda; Council Member Wheelock seconded the motion. Roll Call Vote: Councilmember Hershey – aye; Wheelock – aye; Salmonsens – aye; Neilsen – aye. Motion carried.

**6. PUBLIC HEARINGS with ACTION ITEMS:**

- A. PUBLIC HEARING: Joplin Rim Subdivision (FILES: AZ-24-04; DA-24-04; PP-24-01 & PR-24-03):**
- The Applicant is requesting approval of an Annexation & Zoning (AZ-24-04), Development Agreement (DA-

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24-04) and a Preliminary Plat (PP-24-01) for a proposed residential subdivision consisting of 49 residential lots and 7 common lots, and a Private Street (PR-24-03). The property is located on the southeast corner of Can Ada Road on Joplin Road, Ada County, Idaho, and consists of 13.5 acres with a proposed density of 3.46 dwelling units per acre. The subject property is generally located near the southeast corner of W. Joplin Road and N. Can Ada Road. **(ACTION ITEM)**

Mayor Chadwick opened the Public Hearing at 7:29 p.m. and reviewed the process. He asked if there was any ex parte contact or communication, none was reported.

Planning Administrator Shawn Nickel made a presentation on Joplin Rim Subdivision stating that the application meets the Unified Development Code and Comprehensive Plan. He said that late exhibits included a landscape plan and updated preliminary plat. Shawn said that an item for consideration is a private street without sidewalk and rear yard setbacks. He provided a vicinity map, a copy of the preliminary plat, revised landscape plan and proposed elevations. Staff is recommending approval with conditions.

Emily Muller, 839 S Bridgeway Place presented on behalf of Idaho Holdings. Developer is excited about this product as it brings diversity in lot size, price range of home, realignment of Joplin Road and integration with the adjacent Naismith Commons Development. Emily reviewed the development plan and is requesting not having a sidewalk along the rim lots as there is a multi-use path along the collector streets. She explained life safety issues that will be resolved with the realignment of Joplin Road. She discussed the amenities to be placed in the open space and have incorporated the new code updates in regard to the open space. There are a variety of lot sizes to allow for a range of lot prices; Emily conceptual home renderings. They are requesting a setback variance for some rear yards because most of the housing products include covered patios and the setback and is asking for the option to put in covered patios on the five smaller lots along the rim. Developer is in agreement with staff comments.

There was no public comment offered.

Councilmember Wheelock discussed the setback variance request. He wondered if they could be realigned with fewer lots. Emily said the developer has laid out and worked with staff to come up with configuration they have that allows covered patios on those rim lots, they like the configuration they have.

Mayor Chadwick asked about the private road is eaten up in lot 10, then the lot line is coming to the center of the existing Joplin Rd. He wondered if there is a chance that ACHD may give up those easements to the property owners to the north. Emily said they have been in contact with the property owners to the north. Mayor Chadwick verified the fencing along the rim would be wrought iron rather than vinyl for the views.

Councilmember Wheelock is ok with giving up the sidewalk on the north side of the private road but would prefer to have bigger lots and figure out how to realign for more rim estate looking lots and be a nicer long-term amenity, he would lean to having the lots bigger and wider. Councilmember Nielsen clarified that the property line goes to the center of the road so unless the property owner did something along the road it would remain open space. Councilman Wheelock verified the other half of that road would be the old Joplin Road. Katie said the plan would be that the developer would dig up the old road.

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Councilmember Nielson further discussed the setbacks, and it was clarified that there will be nothing developed behind the top lots.

Councilmember Salmonsens asked about the elevations of the houses. She said of the five different styles two of them look the same except for color, she wondered if there were additional elevations. Emily said that 6 were provided originally, it will be finely checked at building permit to ensure that all code is met regarding layout and architectural requirements.

It was clarified that both sides of Joplin Road will have a multiuse path.

Mayor Chadwick closed the public hearing at 7:56 p.m.

Councilmember Nielsen agrees with staff that it meets UDC and Comp Plan and appreciates it is realigning Joplin Road. He is good with the request of not having a sidewalk and the rear setback requests.

Councilmember Salmonsens agrees that it meets the comprehensive plan and requirements can be met but do have an opportunity for a minimum of our street trees and little shade and wondering if trees can be bumped up on the North side of Joplin. Shawn Nickel said the applicant would be required to meet the street requirement and the trees on the north side of the and front setbacks. Councilmember Salmonsens asked that if additional street trees could be added would make it more pleasant and provide some more shade for those that use the pathways.

- Council Member Salmonsens moved to approve the Joplin Rim Subdivision annexation and zoning development agreement and preliminary plat and private street with the R4 zoning with no more than 48 units adding the ten foot multi-use pathway on both sides of Joplin Road and the east side of Can Ada Road, and also approve the setback waiver that was presented tonight for lots 2,3, 4, 11 and 12 with the conditions listed in the staff report; Council Member Neilsen seconded the motion. Councilman Wheelock said the north side lots really covers the setback but not technically and there is no a way to use the land down below so it will end up being backyard anyway with that being useless land. Salmonsens said the corner lots may be tight with a patio, if the roadway ended up being in that property, she amended her motion to remove the waiver for the setback. It was discussed that the waiver is still needed even though there is no useful use of the land. The lot size will be larger than it says. Councilmember Salmonsens decided that her original motion will stand as will Councilmember Neilsen's second on the motion Roll Call Vote: Hershey – aye; Wheelock – aye; Salmonsens – aye; Neilsen – aye. Motion carried.

- B. **PUBLIC HEARING: U-HAUL (Files: AZ-24-05; DA-24-05 & CU-24-03)** - The Applicant is requesting approval of an Annexation & Zoning (Commercial), a Development Agreement and Conditional Use Permit for a U-HAUL moving and storage facility to include U-Box storage warehouse and maintenance and regional business operations facility. The property is located at 7020 and 7190 W. Chinden Blvd (Hwy 20/26) in Star, Idaho, and consists of 14.47 acres. The subject property is generally located on the north side of Chinden Blvd, east of Star Road. **(ACTION ITEM)**

Mayor Chadwick opened the Public Hearing at 8:04 p.m. and stated that the same rules apply for this hearing. He asked if there was any ex parte contact or communication, none was reported.

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Planning Administrator Shawn Nickel made a presentation on U-Haul Annexation, Development Agreement and Conditional Use Permit, stating that the application meets the Unified Development Code and Comprehensive Plan, including the South of the River Plan. There are no late exhibits or special considerations. Staff is recommending approval with conditions.

Brett Gash 345 W Bob White Ct, Boise spoke on behalf of the applicant. He reviewed U-Haul history stating U-Haul has been around since 1945. He reviewed the site including access to the property, provided elevation images and discussed estimated traffic volume.

No public comment was offered.

Councilmember Salmonsens asked about a report from ITD or ACHD. Shawn said that ITD has provided an email saying they had no comment, ACHD did not provide comment. Councilmember Salmonsens asked about a traffic light to which Shawn stated that a traffic light has already been approved for Inspirado subdivision for access on that road and collector. The light will be installed about halfway between Star Road and Highway 16. Necessity and cost share for the traffic light was discussed.

Assess and pathway to and around the area was discussed. Curb, gutter and sidewalk will be required on the eastern side. Fire response time was also discussed. Fire Chief Victor Islas said the road constructed through the subdivision will decrease response time. There is a fire department near Owyhee Storm that will help as well.

A larger map of the area was provided and reviewed.

Mayor Chadwick closed the public hearing at 8:22 p.m.

- Council Member Nielsen is satisfied with the details in the application, he finds it to be compliant with code, the comprehensive plan and South of the River plan and moved to approve the application; Council Member Wheelock seconded the motion. Roll Call Vote: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

C. **PUBLIC HEARING: Dieter & Catherine Gruner Variance (FILE: V-24-01)** - Applicant is seeking approval of a variance to the standards of the Flood Plain Application. The property is located at 686 S. Star Road in Star, Idaho. **(ACTION ITEM)**

Mayor Chadwick opened the public hearing at 8:25 p.m. He asked if there was any ex parte contact or communication, none was reported.

Planning Administrator Shawn Nickel reviewed the application for a variance to the Flood Ordinance, submittal requirements are met and the request complies with code. There are no late exhibits, the city's engineer provided a letter and as a result of the letter staff is recommending denial of request.

Bruce Hessing, 2338 W Boulder Bar Drive, Meridian spoke on behalf of the applicant requesting the variance. He said when they are looking add enough room in one bedroom for Mr. Gruner to be able to get around with a walker. They are not asking for an additional bedroom; but are asking for four feet to be added to that room so the occupancy would not change. Additionally, he would like to have an

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entertainment room to the south part of his house and makes sense that could be done, increasing the size of the doors and a few other details and increase his enjoyment of living and asking the city to allow a total of 750 square feet and enhance the neighborhood and will not hinder anyone in the community. He said the city requirement is higher than the national requirement.

Councilmember Nielsen asked if these additions change the elevations of the current structure. Mr. Hessing said it wouldn't change the elevation. He said the engineer would like a ramp the new addition up another 16 inches. A letter from the doctor states it isn't possible for his walker so there is no change to the house in that way.

Councilmember Salmonsens understands how limiting mobility can be and the need to fabricate a home to remain in it. She wonders about ramping for the additional room. Mr. Hessing discussed the changes, there are two sections of the house, one is the bedroom and is a four foot addition, his entertainment room could be raised to meet the elevation of Star code and require an eight foot ramp to go into. It would be difficult to use his walker to go into that entertainment room. Not asking to change the existing elevation.

Mayor Chadwick wondered about what happens on other properties if this variance is approved. City Engineer Ryan Morgan said that FEMA does not like variances. It would be setting a precedence and can have three other requests, FEMA will look at this and would and could put the city back on probation. They could also kick the city out of the flood plain policies and no one in the City of Star would be able to get flood plain insurance. Councilmember Nielsen understands the precedent is not the waiver request but is the building that is already built at the current elevation. He asked if the alternative that we change standard and we do not need the waiver and it doesn't hit the books; he wondered what the path forward would be. Ryan said that FEMA sets the elevations and they leave it to the jurisdictions as to how far above the elevations finished floors can be. The City of Star, per the state's recommendation, has adopted the two foot of finished floor. Councilmember Nielsen stated then the city code has not taken into account existing structures that existed prior to the code. Ryan said the standard process is that existing structures are grandfathered in until they remodel or expansions. Now that they are wanting to expand the building with a substantial improvement, improving the building by more than 50% of the cost requires it to be brought up to current city and state codes. By knocking out a structural wall and expanding the bedroom, per FEMA, then the whole bedroom would need to be elevated to city code. There is a path forward to change city code to bring it back down. In order for their home to be compliant, the city code would have to be changed to only allow for 6 inches of free board which may make it compliant, but at the current any expansions would not be compliant in city code. The 6 inches is based upon elevation of their home.

Councilmember Salmonsens asked about the value of the home. Ryan discussed flood insurance rates with differing free board heights. Councilmember Nielsen said he feels like technicalities are being considered rather than the facts. He would like to know the path forward for approval. Changing the code would be a path forward and then a variance would not be required. Ryan said there are 3 other homeowners that will submit applications. Change over at FEMA was discussed as well as the potential for the city to be placed on probation or receive charges from FEMA if the variance is approved. Star has the right to change the ordinance, the 2" came from the state template.

Tabling the application was discussed.

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City Attorney Chris Yorgason discussed the variance procedure in the ordinance. Sections of the ordinance were reviewed. He is a little nervous to change the code without having some restrictions, there shouldn't be massive additions to existing structures. It is important that each of the items in section 3, relating to variances, of the ordinance should be closely reviewed. He said there is a process in place and steps that need to be followed and standards that need to be met. He doesn't know what FEMA's response will be.

Mr. Hessing stated that Mr. Deiter is 92 and said that one of the issues that has come with these kind of variances is what are you adding in the house; they are adding bedrooms that would populate more on that side. Maybe that is a condition in further variances. There is a difference in adding a bedroom to adding an entertainment room that is 12 x 18. He hopes they can get this variance approved and get construction going. To table it may be the easier thing to do but need to be addressed at some point.

Councilmember Nielsen asked Mr. Hessing if the requirements have been met for each of the items in the code to which Mr. Hessing replied that they have met the requirements. Ryan Morgan stated that he would disagree, information has been provided but not all of it is in compliance with the code. A lot of work is done by staff to have applications meet code prior to bringing it to the council. Ryan discussed conditions of the variance that are not compliant, one being emergency response issues during a major flooding event.

Mayor Chadwick stated that staff's job is to make sure the city is following the code.

Chris Hainer, 720 S Star Road, said he lives at the property just south of the applicant's property. He said that his addition was a want, the applicant's addition is a need, he needs wider hallways and bigger bedroom, they are asking to add 700 square feet to a home that is barely 1000 square feet. He said feels the variance should be approved.

Tom Walls, 745 S Main Street, discussed his property and his research on flood claims. He said that although there have been some flood claims it doesn't seem substantial. He will be looking at an addition to his home in the future. He would ask the variance be granted.

The applicant had no rebuttal.

Mayor Chadwick closed the public hearing at 9:03 p.m.

Councilmember Hershey said he does not want to deny the request, but he understands very well how the federal government works. He would like to have some time to see how this could work. Information gathering, reviewing code and other measures to gain insight was discussed. Change of code will require a public hearing, Attorney Chris Yorgason reviewed the public hearing requirements and timeline.

- Council Member Salmonsén moved to table to September 3rd; Council Member Hershey seconded the motion. Roll Call Vote: Hershey – aye; Wheelock – aye; Salmonsén – aye; Neilsen – nay. Motion carried.

Mayor Chadwick recessed the meeting at 9:12 p.m.

Mayor Chadwick called the meeting back into session at 9:21 p.m.

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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. **Discussion - Moyle Light (Late Comers Reimbursement) (ACTION ITEM)**

Mayor Chadwick said the request is to approve City Attorney Chris Yorgason and Mayor Chadwick to enter into an agreement with Baron Properties who will be building the light at Moyle. He reviewed the request including funding, asking the City of Star to participate with 15%, which comes to \$467,574.25. There is property still to be developed around the light. The light has been a long time coming. The properties that will help pay for the light were reviewed. Baron took the project over rather than waiting for Larson to do it. Councilmember Salmonsens wondered why the cost was being placed on the city. Mayor Chadwick discussed the funding stating the funding is being fronted until the latecomer fees come in to pay it back.

- Council Member Wheelock moved to approve the Mayor to enter into a latecomer agreement with Baron Properties to finish this for \$467,574.25; Council Member Neilsen seconded the motion. Roll Call Vote: Hershey – aye; Wheelock – aye; Salmonsens – aye; Neilsen – aye. Motion carried.

B. **Animal Welfare & Enforcement Agreement - Approve & Authorize Signature of Idaho Humane Society and the City of Star for Fiscal Year 2024/2025 (ACTION ITEM)**

- Council Member Wheelock moved to approve the Mayor to enter into the Animal Welfare Enforcement Agreement for the year 2024/2025; Council Member Nielsen seconded the motion. Roll Call Vote: Hershey – aye; Wheelock – aye; Salmonsens – aye; Neilsen – aye. Motion carried.

C. **Impact Fees Financial Contract - Approve & Authorize Agreement with Clearwater Financial Services for Impact Fee Tasks (ACTION ITEM)**

Mayor Chadwick discussed the financial contract to help update parks and police impact fees. The money paid for the contract can be recovered from the fees collected.

- Council Member Nielsen moved to authorize the Mayor to enter into the agreement with Clearwater Financial for Addendum 1 and 2; Councilmember Salmonsens asked about the police impact fee, Mayor Chadwick explained it will help with facilities and initial equipment, it cannot be use to pay for vehicles due to the life expectancy, Council Member Salmonsens seconded the motion. Roll Call Vote: Hershey – aye; Wheelock – aye; Salmonsens – aye; Neilsen – aye. Motion carried.

D. **Ordinance 410-2024 (FY 24/25 Annual Appropriations): AN ORDINANCE, TO BE TERMED THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF STAR, IDAHO, FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2024, AND ENDING ON SEPTEMBER 30, 2025, APPROPRIATING SUMS OF MONEY IN THE AGGREGATE AMOUNT OF \$17,467,273.71 TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF STAR FOR SAID FISCAL YEAR; SPECIFYING THE OBJECT AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT APPROPRIATED FOR EACH OBJECT AND PURPOSE; AUTHORIZING THE CERTIFICATION TO THE COUNTY COMMISSIONERS OF ADA & CANYON COUNTIES,**





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IDAHO, THE AMOUNT OF **\$2,014,430.00** PROPERTY TAXES TO BE LEVIED AND ASSESSED UPON THE TAXABLE PROPERTY IN THE CITY; PROVIDING FOR THE FILING OF A COPY OF THIS ORDINANCE WITH THE OFFICE OF THE IDAHO SECRETARY OF STATE AS PROVIDED BY LAW; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. **(ACTION ITEM)**

- Council Member Neilsen moved to introduce Ordinance 410-2024 FY 24/25 Annual Appropriations and pursuant to Idaho Code 50-902, a rule requiring an ordinance to be read on two different days with one reading to be read in full, be dispensed and that Ordinance 410-2024 be considered after reading once by title only; Councilmember Salmonsens seconded the motion. Roll call Hershey – aye; Wheelock – aye; Salmonsens – aye; Neilsen – aye. Motion carried.
- Council Member Neilsen moved to approve 410-2024 and ordinance to be termed the annual appropriation ordinance of the City of Star, Idaho, for the fiscal year commencing October 1, 2024, and ending on September 30, 2025, appropriating sums of money in the aggregate amount of \$17,467,273.71 to defray all necessary expenses and liabilities of the City of Star for said fiscal year; specifying the object and purposes for which such appropriations are made and the amount appropriated for each object and purpose; authorizing the certification to the county commissioners of Ada & Canyon counties, Idaho, the amount of \$2,014,430.00 property taxes to be levied and assessed upon the taxable property in the city; providing for the filing of a copy of this ordinance with the office of the Idaho Secretary of State as provided by law; providing for publication; and providing an effective date; Council Member Salmonsens seconded the motion. Roll Call Vote: Hershey – aye; Wheelock – aye; Salmonsens – aye; Neilsen – aye. Motion carried.

## 8. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 9:36 p.m.