

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho  
Tuesday, September 03, 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. and led the Pledge of Allegiance.

**2. INVOCATION - Calvary Star Church Associate Pastor Nathan Held led the invocation.****3. ROLL CALL**

**Elected Officials:** Mayor Trevor Chadwick, Council President David Hershey, Council Members Kevan Wheelock, Jennifer Salmonsens and Kevin Neilsen were all present.

**Staff:** City Attorney Chris Yorgason, City Clerk – Treasurer Jacob Qualls, Assistant City P&Z Administrator Ryan Field, Assistant City Engineer Tim Clark, Public Information Officer Dana Partridge, Star Police Chief Zach Hessing, Star Police Officer Kooler and his K-9 Scout, Mid-Star Deputy Fire Chief Victor Islas.

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

- A. **CONTINUATION OF 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) continued from August 20, 2024**

Mayor Chadwick reopened the Public Hearing at 7:04 p.m. as a continuation of the Public Hearing from August 20, 2024.

Assistant City Engineer Tim Clark reported potential actions FEMA could take on the entire community if the variance was approved. Clark explained staff had met with FEMA Coordinators and both FEMA and city staff recommend denial of the application for variance.

City Attorney Chris Yorgason explained the process for reconsideration and variances are discretionary but must be bound in City Code.

Bruce Hessing, developer representing the applicant, summarized his previous testimony. He explained the construction time is about four months. Hessing testified he believes the entire area should be declared a flood hazard and turned into a huge parking area if the city is to follow FEMA's recommendations, but FEMA will not do that. He stated he believed the city was above FEMA. Mr. Hessing stated FEMA requires six inches above the base flood elevation, but the City of Star requires twenty-four inches.

Mayor Chadwick stated variances can only be based on the intended structure, so financial hardship or health cannot be used for fact in approval of a variance. He stated by his estimation, the applicant's flood insurance would jump 25% per hundred dollars of coverage just on the applicant structure, and that would be if FEMA did not cancel the community's flood insurance or put the community on probation.

Mr. Hessing stated the applicant is ok with the increase in the insurance cost.

Mr. Grunder (property applicant) testified he is ok with the increase in price in insurance and would like to build onto their family room and bedroom and the project would not affect the neighbors. He also thanked the Mayor and Council for an opportunity to present his project. He testified the project would not be a nuisance. Mr. Grunder stated he had to call 911 at one point. He stated the ambulance could

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get into his driveway, but the fire truck could not. He also stated he crosses the road every day and the increase in traffic is growing. He also stated people stop and watch for him as he crosses the road.

Mayor Chadwick thanked Mr. Grunder for his testimony and closed the Public Hearing at 7:28 p.m.

Council Member Neilsen thanked the staff for the research and bringing forward the information and expressed empathy for the applicant. He stated the new information, and testimony does not allow for a variance in his opinion and there are laws, rules and obligations that if approved, would affect the entire community negatively.

Council Member Salmonsens stated she wants the applicant to be able to stay in his home for as long as he can, but she cannot approve the variance request because she also believes it would have a negative impact on the entire community.

Council President Hershey stated the city cannot risk being out of compliance with the laws and policies of FEMA.

- Council President Hershey moved to deny the request for variance; Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried, variance denied.

Mayor Chadwick directed staff to refund the application fee for variance back to the applicant and to begin to prepare to update Flood Code.

**5. ACTION ITEMS:****A. Contract Approval - Survey Work / BLM Project - Approve / Authorize the Mayor to sign contract for Survey Work (ACTION ITEM)**

Assistant City Engineer Tim Clark said this contract is to survey three parcels of BLM land to allow the city to annex the properties. Mayor Chadwick discussed planned use of the properties. He said BLM doesn't support or oppose either way.

- Council Member Neilsen moved to authorize the Mayor to sign a contract for the survey work on the BLM not to exceed \$60,250; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

**B. Contract Approval - Survey Work / Freedom Park Project - Approve / Authorize the Mayor to sign contract for Survey Work (ACTION ITEM)**

Assistant City Engineer Tim Clark discussed two parcels owned by the city that are outside city limits. The survey will provide the legal description so they can be annexed into the city. The second part of the survey will consolidate parcels that are part of the River Walk, River House and Freedom Park removing setbacks and allowing the city to service utilities to multiple structures from one



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account. The third part is to write a legal description for the water main line that was installed with the parking lot which is a requirement of the water district.

- Council Member Salmonsens moved to authorize the Mayor to enter into the agreement with JUB Engineers not to exceed \$28,200 for the contract for Freedom Park; Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

### 6. CONSENT AGENDA (ACTION ITEM)

#### A. Approval of Claims:

#### B. Findings of Fact / Conclusion of Law - UHaul Annexation / CUP (FILE: AZ-24-05; DA-24-05 & CU-24-03)

#### C. Findings of Fact / Conclusion of Law - Joplin Rim Subdivision (FILE: AZ-24-04; DA-24-04; PP-24-01 & PR-24-03) – *add in conditions CanAda Road on the 4<sup>th</sup> bullet point on Joplin*

- Council Member Salmonsens moved to approve the Consent Agenda add in condition CanAda Road on the 4<sup>th</sup> bullet point with Joplin for item 6.C.; Council President Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

### 7. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 7:43 p.m.

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Mayor Trevor A. Chadwick

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