

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho  
Tuesday, October 18, 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.
2. **INVOCATION – Bishop Cody Larsen of the Star Ward offered the invocation.**
3. **ROLL CALL – Council Members present:** Council President Hershey, Council Members Nielsen, Wheelock, Salmonsens and Mayor Chadwick were present. **Staff present:** Public Information Officer Partridge, City Contract Attorney Yorgason, Special Council Nielsen, City Planner Nickel (via Zoom), City Engineer Morgan, Patrol Deputy Morehouse, Assistant Planner Field, and Deputy City Clerk Conly.
4. **STAFF REPORTS**
  - A. **Staff Report – Planning Department**  
Assistant Planner Ryan Field gave an update on the new outreach communications screen for the City Hall lobby and the audiovisual equipment for the Council Chamber. Improvements include the availability of wireless microphones and an AV command center at the back of the room. Installation is to take place between Tuesday and Friday of next week, with staff training to occur at the end of October. The vendor is expected to be present at the November 1<sup>st</sup> City Council meeting. Field also updated on the new City Hall electronic sign, which is now expected to be installed in the first quarter of 2023 due to supply chain issues.
  - B. **Staff Report – Sports and Recreation Department**  
Mayor Chadwick used PowerPoint slides to show the Sports and Recreation monthly participation rate. Mayor Chadwick also mentioned that Chief Hessing was away for this City Council meeting date, and that the Sheriff's report would take place at the next meeting on November 1, 2022. He noted that Deputy Morehouse was here representing the Sheriff's Office in the audience.
5. **CONSENT AGENDA (ACTION ITEM)**
  - A. **Approval of Minutes** - July 5, 2022 & October 4, 2022
  - B. **Approval of Claims** - Provided & Previously Approved
  - C. **Findings of Fact** - The Quarry at River Park (**AZ-22-12/DA-22-03**)
    - Council Member Salmonsens moved to approve the Consent Agenda; Council Member Hershey seconded the motion. ROLL CALL VOTE: Nielsen – aye; Salmonsens – aye; Wheelock – aye; Hershey – aye. Motion carried.
6. **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:** Saunders Ridge Estates Subdivision (**PP-22-10 & PR-22-06**) - The Applicant is seeking approval of a Preliminary Plat and Private Street for a proposed residential subdivision consisting of 5 residential lots and 1 common lot. The property is located at 3222 N. Cherry Grove Way in Star, Idaho, and consists of 4.6 acres with a proposed density of 1.08 dwelling units per acre. (**ACTION ITEM**)



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Mayor Chadwick asked the Council if they had had any ex parte communication and, hearing none, opened the Public Hearing at 7:08 a.m.

Assistant Planner Field noted that the map that would be referenced in the hearing is on Page 22 of this evening's City Council agenda packet.

### **Applicant Presentation:**

**Gary Saunders of 3222 N. Cherry Grove Way** in Star stated that he was proposing a five-lot subdivision. He said that he and his wife already live in the part of the property that would become Lot 1. He described the lot and stated that a year and a half ago they bought extra land with the intent of building for family. Their daughter's house has since been built, and they are proposing that additional residential lots approved so their sons can build houses. Saunders described that front cul de sac driveways were planned for two of the houses, and that they proposed a private road to Lot 3. The applicant stood for questions.

Mayor Chadwick noted that ACHD has already given right of way to public roads.

### **Council Questions:**

Council Member Salmonsens noted that the ACHD report stated that the applicant's proposal does not meet the continuation of street policy. She asked if the applicant saw the report.

Mr. Saunders said that he had seen the report and worked with Planning in response to the report. He said he is sticking with the proposal. Discussion surrounded how the road would stub and what was needed.

Mayor Chadwick and City Planner Nickel clarified that Council has the ability to approve the private road as the applicant has requested, and ACDH is stating if the Council chooses to deny it, it would need to become public and stub to the north.

### **Public Testimony:**

**Steven Medina of 3199 N. Cherry Grove Way** stated that he lived in one of the neighboring properties and posed several questions so the applicant could reply during rebuttal. He posed a question as to whether the private road could be moved so that traffic flow would not go through their neighborhood. He also asked for the layout of each home, home placement, and how close the dwellings would be to his home. Mr. Garza asked about track out mitigation, dust control and cleaning up any dirt that might go out onto surrounding streets.

Mayor Chadwick explained that on layout there are setback requirements, and also requirements on dust control and cleaning up the streets.

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**Lloyd Akins of 10390 W. Beacon Light Road** in Star asked to show Wing Road on the map, and said he believed the map was not accurate. He expressed concern that a residence on Wing Road was not unplatted and noted that it was the land that Mr. Saunders presently has a house on. Akins stated that he was present as representative of HRM Canal and discussed concerns over the potentially needed headgate repairs and ensuring correct amount of right of way.

Assistant Planner Field noted that City was in receipt of the letter from HRM, however that the land was not platted on the map shown because it was not part of the plat under discussion for the application this evening; the lot was split. The western remainder of the land is what is under consideration this evening.

City Engineer Ryan Morgan clarified that the front portion is a different lot due to a lot split; that under consideration this evening was a separate parcel that they wished to develop into five different lots.

Mayor Chadwick guided that the matter was between HRM and the owner of 3245 N. Wing Road, and not able to be handled as part of the Council hearing this evening.

**Applicant Rebuttal:**

Mr. Saunders said that as far as the request to come out on Wing Road, there is no entrance to his property at this time, that it is part of the lot split. He said access to his piece through North Cherry Grove Way. As per the layout of the houses, Saunders stated that he does not want to be up against the fence either. He said most of the lots will be centered toward areas but exact locations are not yet set.

**Council Questions:**

Council Member Salmonsens inquired if Mr. Saunders was going to form an HOA for road maintenance and expressed concern over water. Saunders replied that they planned piped water (gravity fed) to supply the houses. He said they also planned spreading out water use via irrigation with assigned days/times, and mentioned planning for tanks and a sprinkler system.

Mayor Chadwick closed the Public Hearing at 7:29 p.m.

**Council Deliberation:**

Council Member Hershey made a motion to approve the preliminary plat and private road application as stated in subject hearing title; Council Member Wheelock seconded the motion. Council Member Nielsen expressed concern over referencing back to how a given approval would be consistent with the various City resources such as the Comprehensive Plan when making motions. Council Member Hershey withdrew his motion.

- Council Member Nielsen noted that the application meets the standards set forth in the City's Comprehensive Plan and moved to approve the application for the Saunders Ridge Estates Subdivision (PP-22-10 & PR-22-06) Preliminary Plat and Private Street for a proposed residential

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subdivision consisting of 5 residential lots and 1 common lot; Council Member Hershey seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsens – aye; Nielsen – aye; Hershey – aye. Motion carried.

- B. **PUBLIC HEARING: Glendora Subdivision (PP-22-07)** - The Applicant is seeking approval of a Preliminary Plat for a proposed residential subdivision consisting of 13 residential lots and 4 common lots. The property is located at 9666 W. Floating Feather Road in Star, Idaho. The property contains 4.35 acres with a proposed density of 2.98 dwelling units per acre. **(ACTION ITEM)**

Mayor Chadwick asked if the Council had any ex parte communication. Council Member Wheelock disclosed that he is farming land to the East of subject property. City Contract Attorney Yorgason asked if Council Member Wheelock had any issues; Council Member Wheelock stated that he did not have any issues. Mayor Chadwick opened the Public Hearing at 7:31 p.m.

**Applicant Presentation:**

**Stephanie Hopkins of KM Engineering 5725 N. Discovery Way** in Boise stated that she was representing the property owner and developer and presented about the proposed project. She mentioned that the development team met with the City back in the Spring. Hopkins said that the proposed project has thirteen buildable lots, four common lots, for a total of seventeen lots; and that the average property size is 8624 square feet with a density of 2.98 units per acre, compliant with R3. Hopkins stated that they will be hooking in to city sewer and water, and that the open space will be owned and maintained by the HOA. Also, a light will be installed at Floating Feather and Grayson. Pressurized irrigation is being installed by the developer, with the pump station located in the northernmost lot, Lot 14. Hopkins showed some samples of home elevations from prior projects and noted that the homes would be consistent with the surrounding area. A fire hydrant at the neighborhood entrance will be re-located. Hopkins mentioned there will be amenities include about almost an acre of open space with a seating area and detached sidewalks throughout the subdivision. The applicant stood for questions.

Mayor Chadwick asked about the canal by the school walkway, noting there will need to be tilework done at the dropoff. Chadwick asked that it be on the record that the City and applicant will need to work together to ensure consistency as the applicant runs irrigation and the tilework is done.

Council Member Salmonsens inquired if the pathway in the middle of the subdivision would be a solid pathway and requested that it be done as such. Hopkins noted that the material had not yet been decided, but that it might be helpful to be permeable for drainage. Mayor Chadwick noted a concern that the pathway be consistent with the path next door, drainage, and expressed that it should probably be a hard surface. Hopkins said she didn't think the client would have any issue with that.



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### **Public Testimony:**

None offered.

### **Applicant Rebuttal:**

Ms. Hopkins mentioned the applicant is in agreement with the Staff Report and the conditions for approval.

Mayor Chadwick closed the Public Hearing at 7:41 p.m.

### **Council Deliberation:**

Council Member Hershey asked to verify, and Council discussed that there were a couple of additional considerations for approval for the application: work with the City for connection of the applicant's irrigation to the City's tiling work, the surface material for the pathway in the middle, and connection to the amenity.

Mayor Chadwick noted, for the preliminary plat, it was previously approved as R3 zoning and meets the intent at 2.98 units per acres.

- Council Member Hershey noted that he felt it fit the Comprehensive Plan and was a good fit for the City and moved to approve the Glendora Subdivision (**PP-22-07**) preliminary plat for a proposed residential subdivision with the following conditions of approval: 1) that the applicant work with the City with respect to the connecting of the irrigation ditch with the City's tiling work; 2) that the middle path be constructed of hard surface and have proper drainage; and 3) that the applicant continue the northeast pathway located north of Lot 14 to connect to the Langtree path to the cemetery along the ditch; Council Member Nielsen seconded the motion and noted the application had a lot of clarity and consideration. ROLL CALL VOTE: Salmonsensen -aye; Nielsen – aye; Hershey – aye; Wheelock – aye. Motion carried.

- C. **PUBLIC HEARING:** Travis Chesley Annexation & Zoning (**AZ-22-05 & DA-22-10**) - The Applicant is seeking approval of an Annexation and Zoning (R-1) and a Development Agreement for his property located at 2351 N. Brandon Road in Star, Idaho. The property consists of 5.01 acres. (**ACTION ITEM**)

Mayor Chadwick asked if there had been any ex parte communication. Council Member Wheelock advised that he had spoken with Travis Chesley at the start of Mr. Chesley's process and aimed him directly to the City for help, and asked if that was okay. City Attorney Yorgason verified that all was proper for Council Member Wheelock to participate in the hearing.

Mayor Chadwick opened the Public Hearing at 7:46 p.m.



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### **Applicant Presentation:**

**Travis Chesley of 2543 Brandon Road**, Star, explained that he was trying to annex into the City and split their lot. He said that his is one of five properties that are on the road, and that he wants to annex in and build further back. Mr. Chesley said that he tried to get neighbors on Eagle Flats Road to share their road, and they declined. He described the property and the ratio split. The applicant stood for questions.

Mayor Chadwick noted that he appreciated Mr. Chesley bringing this in as bigger lots.

Mr. Chesley asked about ACHD, advising that the ACHD contacted him with questions regarding curbs and gutters and thinks the matter was to be up to the City. Chesley asked where the City stands on that topic. He stated that he has put in sixty feet on the right of way, which gives plenty of room, and seeks direction as to whether it is a must or not for future planning purposes.

Mayor Chadwick verified that they wouldn't need to deal with this until the decision point on building at the back part of the property and noted that ACHD will close Brandon Road for widening in November.

City Planner Shawn Nickel (via Zoom) noted that Staff has reviewed the ACHD letter and that ACHD cannot require the applicant to pursue this. He said that the Planning department felt it was not appropriate to make a requirement for the applicant knowing that ACHD will come back in the future. Nickel guided that all appeared well as long as ACHD got right of way.

Council Member Salmonsens remarked to clarify that there would be no sidewalk on the left (West) and there will be one on the right (East), and that ACHD will widen and put sidewalk on the West side in the future.

City Engineer Morgan noted that the City is working with ACHD with respect to widening culverts and that widening the road would be sometime out in the future. Morgan said that all three culverts on Brandon were to be widened.

Council Member Salmonsens asked about the total length; Travis Chesley replied that it depends on where he will end up building the house.

Council Member Wheelock inquired if the applicant was going to run the irrigation water on the north end of the property or down the driveway. Chesley answered that he is not sure yet and it will depend on his meeting with the Water District, but that he hopes to drill a well.

Council Member Salmonsens asked about the ITD proportionate share fee. Assistant Planner Field replied that this is just an annexation at this time, and that the proportionate share fee could be addressed in the development agreement. City Planner Nickel (via Zoom) noted that he has it in the Staff Report to add ITD proportionate share into the development agreement.





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### Public Testimony:

None was offered.

Mayor Chadwick closed the Public Hearing at 8:00 p.m.

### Council Deliberations:

- Council Member Nielsen noted that he found the application to be in compliance with City standards, and moved to approve the Travis Chesley Annexation & Zoning (**AZ-22-05 & DA-22-10**) including an Annexation and Zoning (R-1) and a Development Agreement for the property located at 2351 N. Brandon Road in Star, Idaho, with the added conditions of approval that the City not require Mr. Chesley to build the referenced sidewalk and for ITD proportionate share to be included in the development agreement; Council Member Salmonsén seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsén – aye; Nielsen – aye; Hershey – aye. Motion carried.

## 7. ACTION ITEMS:

- A. **Patrol Sergeant Addition** - To discuss adding an additional Patrol Sergeant to the Star Police Department (**ACTION ITEM**)

Mayor Chadwick noted that we have the lowest number of officers per house in the Treasure Valley, and that this action, if approved, would start to improve the City's number by putting F.T.E. up to .85 per thousand. He said it will cost \$155,000.00 to add for a year, and requested the Council consider opening the budget and approve his request.

Council Member Nielsen complimented the Star Police and noted that it was alarming to see statistics per thousand but that in spite of that, we are still a city with one of the lowest crime rates. He said he is fully in support of opening the budget and asked if this was enough.

Mayor Chadwick noted that this is not just a Patrol Sergeant but also a deputy on the road and called upon Deputy Dale Morehouse to report out from the audience. Deputy Morehouse provided statistics and explained the number of officers on duty. He said this new role if approved will ensure an overlap from the day shift into the night shift, providing an extra deputy on duty if assistance was needed.

Council Member Salmonsén said she thought the City had added one more patrol in the current fiscal budget; Mayor Chadwick verified that was a deputy and not a Patrol Sergeant.

Council discussion surrounded the merits of additional staff above and beyond the single FTE role being asked for now. Council Member Wheelock noted that with another sergeant or additional patrol deputy, the Council could look at the next budget year, noting that Chief Hessing was presently only asking for one additional headcount. Mayor Chadwick stated that the City could wait until the first of the year if more deputies may be needed. Council Member Nielsen suggested two headcount and noted that the Sheriff's office is always very frugal and only asks for what they need. Council members discussed letting the housing market grow and bear out with respect to the Police and Fire Mitigation



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Fees, and not acting to pre-spend those funds. City Contract Attorney Yorgason cautioned that upcoming budget consideration needs to be a properly noticed public hearing, and the matter under consideration currently is to re-open the budget in the future for the purpose of the additional role.

- Council Member Nielsen moved to allow the Mayor to add an additional Patrol Sergeant to the Star Police Department and to re-open the budget at a later date at a properly noticed public hearing to increase the budget; Council Member Hershey seconded the motion. ROLL CALL VOTE: Salmonsens – aye; Nielsen – aye; Wheelock – aye; Hershey – aye. Motion carried.

B. **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.

- Council Member Salmonsens moved to enter into Executive Session under Idaho Code 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; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey-aye; Wheelock – aye; Salmonsens – aye; Nielsen - aye. Motion carried.

Council retired to Executive Session at 8:14 pm; with Wheelock, Chadwick, Salmonsens, Hershey, Nielsen, City Contract Counsel Yorgason, and Special Counsel Andrea Nielsen with White Peterson Gigray & Nichols Law Offices.

The Star City Council reconvened in open session at 8:56pm after speaking about pending litigation.

\*ACTION ITEM\* - Actions after Executive Session

- Topic review only. No action was taken.

### 8. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 8:42 pm.

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

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