

**CITY COUNCIL REGULAR MEETING DRAFT MINUTES**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, April 16, 2024 at 7:00 PM

1. CALL TO ORDER –

Mayor Chadwick called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

2. INVOCATION –

Pastor David Ax of Calvary Star Church provided the invocation.

3. ROLL CALL

City Council: Mayor Trevor Chadwick, Council President David Hershey (participating virtually), and Council Members Kevan Wheelock, Jennifer Salmonsens, and Kevin Nielsen were present.

Staff: City Planner/Zoning Administrator Shawn Nickel, Assistant City Planner/Code Enforcement Official Ryan Field, City Attorney Chris Yorgason, Deputy City Clerk Barbara Conly, City Engineer Ryan Morgan, Public Information Officer Dana Partridge, IT Director Shane Dale, Star Fire Chief Greg Timinsky, Star Deputy Fire Chief Victor Islas, and Star Police Sergeant Jonathan Steele were present.

4. PRESENTATIONS**A. PROCLAMATION - Denim Day / Sexual Assault Awareness**

Mayor Chadwick read a proclamation declaring Wednesday, April 24, 2024 as Denim Day and noting April was Sexual Assault Awareness Month. This day is to combat victim blaming and educate others about sexual violence. More information about Denim Day is available at www.denimday.org. More information about help and support for survivors of domestic abuse and sexual assault locally in Treasure Valley is available through the Women & Children's Alliance.

B. Star Police Chief Monthly Report

Mayor Chadwick welcomed Sergeant Steele in the audience and said Chief Hessing was not able to attend this evening. He said Chief Hessing will provide the Monthly Report at the May meeting.

C. Star Fire Chief Monthly Report

Mayor Chadwick announced that Chief Timinsky was present this evening and would speak on behalf of the Fire Department under the public hearing Topic 7.A.

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 Minutes: April 2, 2024****B. Claims**

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C. Findings of Fact / Conclusion of Law - Milepost Commons Subdivision (File: PP-23-05 / DA-21-15 MOD)

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

6. 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. Ordinance 402-2024 (Starpoint 2 & Development Agreement) AN ORDINANCE ANNEXING TO THE CITY OF STAR CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; MORE SPECIFICALLY LOCATED AT 6777 N. STAR ROAD (ADA COUNTY PARCELS S0419449020); THE PROPERTY IS OWNED BY GHW HOLDINGS LLC; ESTABLISHING THE ZONING CLASSIFICATION OF THE ANNEXED PROPERTY AS RESIDENTIAL WITH A DEVELOPMENT AGREEMENT (R-4-DA) OF APPROXIMATELY 2.01 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. (ACTION ITEM)**

- Council Member Nielsen moved to introduce Ordinance 402-2024 for Starpoint 2 & Development Agreement and to suspend the rules requiring three separate readings on three separate days and consider after this first reading (IC-50-902) by title only; Council Member Wheelock seconded the motion. **ROLL CALL VOTE:** Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.
- Council Member Nielsen read the ordinance title and moved to approve Ordinance 402-2024 Starpoint 2 & Development Agreement; Council Member Salmonsens seconded the motion. **ROLL CALL VOTE:** Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

B. Beer / Wine / Liquor By the Drink License - Prime American Steakhouse - Approval of New Beer, Wine & Liquor By the Drink License (ACTION ITEM)

Mayor Chadwick read aloud City Clerk / Treasurer Jacob Qualls' explanatory letter (on file).

- Council Member Salmonsens moved to approve the Beer/Wine/Liquor by the Drink License for Prime American Steakhouse.

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Council Member Salmonsens paused the vote and Council discussion surrounded understanding the dates the various necessary entities (State Police, City, and County) were to approve licensing and any renewals.

- Council Member Salmonsens amended her motion as follows: she moved to approve the Beer/Wine/Liquor by the Drink License for Prime American Steakhouse, with the stipulation the other appropriate entity approvals were also met and received by the Clerk's Office; Council Member Nielsen seconded the motion. **ROLL CALL VOTE:** Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

7. PUBLIC HEARINGS with ACTION ITEMS:

- A. **PUBLIC HEARING - Star Fire Protection District Station No. 55 (CU-24-02)** - The Applicant is seeking approval of a Conditional Use Permit to construct a new Fire Station. The property is located at 9415 W Floating in Star, Idaho, and consists of 2.26 acres. **(ACTION ITEM)**

Mayor Chadwick asked if the City Council had any ex parte contact and hearing none, opened the Public Hearing at 7:10 p.m.

City Planner Shawn Nickel utilized a brief slide presentation to describe the proposed Conditional Use Permit (CUP) for the new Fire Station. He said the proposed project was consistent with the Unified Development Code, the Comprehensive Plan, and Zoning Code. Nickel verified there were no late exhibits received. He identified the property as being located on the south side of Floating Feather by Pollard. Nickel showed a slide with a rendering of the proposed station design.

Staff stood for questions; none were offered.

Fire Chief Greg Timinsky, 10831 W. State Street, Star, presented the project on behalf of Star Fire Protection District. Timinsky explained the location of the proposed station was across from the Church of Jesus Christ of Latter-Day Saints church on Floating Feather.

Describing the lot, Timinsky said it is approximately two acres in size and the land was donated by the subdivision. The plan is to add topsoil to the land and taper off the slope gently, so fire engines can make it out during icy conditions.

Timinsky noted the building design is a one-story elevation to be consistent with the surrounding neighborhood's architecture and is arranged to be respectful of the neighbors and avoid looking down on other properties.

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Council asked various questions about the design. Timinsky explained the building's bays were drive-through bays, and the third bay will be high enough to accommodate a taller engine equipment setup and allow for maintenance. He said this station will allow the Fire Department to access the areas of Hwy 16, Floating Feather, and Beacon Light faster.

Council discussion moved to districting for Valnova (formerly known as Spring Valley), the development in Eagle, as some of the the lots are technically located within Star city limits. Timinsky clarified that a Fire District cannot change maps and take land from another Fire District. However, he said a City could de-annex a section of land and another City could take in it to accomplish the desired result.

Timinsky updated City Council that Eagle Fire will also build a station for Willow Creek.

Council Member Salmonsens expressed concerns about the parking stall length and meeting City Code. City Engineer Ryan Morgan confirmed parking stalls do meet City Code.

Public Testimony:

None was offered.

Mayor Chadwick closed the Public Hearing at 7:27 p.m.

Council Deliberations:

Council Member Nielsen said he fully supported the new station.

- Council Member Nielsen moved to approve the Conditional Use Permit to construct Star Fire Protection District Station No. 55 (CU-24-02); Council Member Salmonsens seconded the motion.

ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

- B. PUBLIC HEARING - Mary & Joseph Watson Annexation & Development Agreement (AZ-24-03 & DA-24-03)** - The Applicant is requesting approval of an Annexation & Rezone (AZ-24-03) and Development Agreement (DA-24-03) for 7.17 acres The property is located on the North/South section of Stump Lane. Star, Canyon County, Idaho. **(ACTION ITEM)**

Mayor Chadwick asked City Council members if there had been any ex parte communication and hearing none, opened the Public Hearing at 7:28 p.m.

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City Planner/Zoning Administrator Shawn Nickel used a brief slide presentation to provide an overview of the proposal. He noted it was for 7.17 acres zoned as R-1 and had an associated development agreement. Nickel said there was no official address assigned yet, the application met the Comprehensive Plan and Zoning Code, and no late exhibits were received. He said Staff recommended approval with Rural Residential (RR) zoning as it was greater than five acres. Nickel noted application requirements were met, and there would be ITD proportionate share. The land is situated by Can Ada Road and Stump Lane north of Hwy 44. Staff stood for questions.

Council Member Nielsen asked regarding the zoning of RR vs. R-1, what would happen if the applicant were to plan to subdivide in the future. Nickel replied that Staff supports RR.

Applicant presentation:

Joseph Watson, of 9497 W. Clancy, Star, since there was no address assigned to the new land yet and he was appearing on behalf of himself and his wife. He said their goal is to have the land annexed into the City, and their plan is to build a single family home with equestrian zoned as Rural Residential.

Council Member Salmonsens inquired about the agency reports. Nickel said the conditions were met with respect to the Fire District. Nickel reiterated the recommendation on zoning and reminded Council of proportionate share.

Public Testimony:

None was offered.

Mayor Chadwick closed the public hearing at 7:34 p.m.

Council Deliberations:

Council Member Nielsen said he felt it was a very straightforward application.

- Council Member Nielsen moved to approve the Mary & Joseph Watson Annexation & Development Agreement (AZ-24-03 & DA-24-03); Council Member Salmonsens seconded the motion. **ROLL CALL VOTE:** Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

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- C. **PUBLIC HEARING - Milled Olive Conditional Use Permit Reconsideration (FILE # CU-23-06)** - The Applicant is requesting a reconsideration of the Star City Council's December 5, 2023 decision approving the conditional use permit for the Milled Olive. Specifically, the applicant requests Council modify the approved conditions of approval. **(ACTION ITEM)**

Mayor Chadwick opened the Public Hearing at 7:36 p.m.

City Planner/Zoning Administrator Shawn Nickel provided a brief overview of the request for reconsideration. He said that rules and legal noticing for Council reconsideration were met, and the applicant has provided relevant detail that was not previously available. The specific items under reconsideration were with respect to hours of operation and the ability to have outdoor music. Nickel pointed out to City Council two letters received from neighbors of subject property. Staff stood for questions.

Council Member Nielsen asked to go back in the presentation slides. He asked what the relevant but not-yet-provided detail was. Nickel clarified that the applicant was not allowed to rebut. Mayor Chadwick cautioned that Council needed to hear the applicant out, and that the hearing must be done.

Applicant Presentation:

Dan McGettrick of 12247 W. Pavo Street, Star, presented on behalf of The Milled Olive. McGettrick explained the operating hours of the store were 10:00 a.m.-6:00 p.m. but said in the future the business was looking to expand that given the plan for a cooking classroom and the upstairs meeting space. For the Farmers Market, he described a desire for permanent food trucks in Star since he said those he had spoken with would like a spot where they can be conveniently placed to serve events held at Star Riverhouse.

With respect to outdoor music, McGettrick stated no other businesses in Star had the restrictions that were placed on The Milled Olive at the last hearing. He said he used Google Maps and gave comparisons to Beer Guys, Tap House, Dude DeWalt Cellars, and Star Riverhouse in terms of their distance from the nearest residence and their ability to have outdoor music. He said his intent was not to have concerts, but to be able to have a couple musicians at a time and an amplifier.

Council Member Wheelock said he generally supported the project at the first hearing, but said he felt with respect to outdoor music the property to the north needs time to transition. He said he felt the hours of operation in the original application should be supported. Wheelock noted he personally had the City change things on a matter after an original decision, so he is sensitive to the subject. He said he loves the idea of The Milled Olive development and prefers indoor music.



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Council President Hershey said he has no current questions, and he will wait until later in the discussion to remark, and he is generally supportive of McGettrick's requested changes.

Council discussion focused on cooking classes and other potential events. McGettrick said the plan was to host cooking classes, wine and paint parties, small bridal showers, and small business group meetings. He clarified the event center is not a separate business, but part of The Milled Olive business.

Per Council Member Salmonsens's question on whether the Farmers Market would require a Conditional Use Permit (CUP), Nickel verified the Farmers Market and food trucks were already approved at the previous hearing under the original CUP.

Council Member Nielsen expressed concern over potentially treating food trucks like they were permanent items, because then they become just like a restaurant; he noted specific concerns about tables, facilities, and access to restrooms.

McGettrick expressed concern about managing citizens coming over from the river and wanting to use the facilities.

Council discussion moved back to the hours of operation for the various portions of the development and the proposed music. Mayor Chadwick asked if McGettrick would consider acoustic music. McGettrick replied that lots of musicians nowadays bring small amps and a microphone to use. Council Member Wheelock said he was not inclined to recommend outdoor music.

Public Testimony:

None was offered.

Applicant Closing Statement:

Dan McGettrick said he felt everyone needed to agree to disagree. He said the City approved the area to be Commercial, and the residents had time to remark at the original hearing, so any current Council concerns over commercial impacting the other properties was counterintuitive. For the topic of music, McGettrick said he was just asking for the same level playing field as any other business in Star that had live music.

Council Member Salmonsens asked to review the different uses and times, noting the following requests: Retail and classes (8:00 a.m.-10:00 p.m.), Wine bar (no change requested, 10:00 a.m.-11:00 p.m.), Food truck and Farmers Market (market Friday/Saturday/Sunday, and food trucks by special hours).

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Council Member Wheelock brought up the idea of listing “dusk” instead of a specific end time being posted for the food trucks, to allow for varying light due to the changes in season. McGettrick said when they originally opened The Milled Olive, no one asked them about hours, and they set their own. He said he doesn’t know of anyone else who had to set their business hours. Council Member Nielsen noted in his opinion the presence of the event center changes things.

Council discussion ensued on temporary food permitting and renewal; Nickel verified food trucks renew annually and Deputy Fire Chief Islas said the trucks had an annual Fire Department inspection.

With respect to restrooms and access for food truck employees, McGettrick compared The Milled Olive to the Star Merc, saying food truck employees could use their restrooms. Nickel noted the way the City code reads on the topic is the workers have access, so workers of the food trucks would have access to restrooms, not the patrons of the outdoor food trucks.

Mayor Chadwick asked to circle back on the outdoor music.

Nickel noted the City noise ordinance is 7:00 a.m.-10:00 p.m. Council Member Salmonsén said she was good with the current noise ordinance. Council Member Wheelock said he agreed to disagree, even if he was outvoted.

Council President Hershey pointed out since there was an existing noise ordinance, he felt there should be no different treatment for this vendor over anyone else.

McGettrick replied it was not envisioned to be like Motley Crue/rock concert music, but rather to create ambiance of having some outdoor music available as people shopped and ate.

Mayor Chadwick asked Sergeant Steele about enforcement. Sergeant Steele said he was not sure how the Police Department would be able to enforce a CUP that was written to be separate from the existing City ordinances.

Mayor Chadwick closed the public hearing at 8:44 p.m.

Council Deliberations:

- Council Member Nielsen moved to approve the times and uses of the Milled Olive Conditional Use Permit (FILE # CU-23-06) as follows: for Retail to be allowed Monday-Sunday from 8:00 a.m.-10:00 p.m. with patrons of the retail and food trucks allowed to use The Milled Olive’s restroom facilities; Farmers Market/Food Trucks from Friday -Sunday from 9:00 a.m.- 6:00 p.m., and for Live Music to

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be allowed outdoors in the patio and wine bar area only until 10:00 p.m. in compliance with the City noise ordinance and the rest of the facility to have indoor music only; Council Member Salmonsens seconded the motion. **ROLL CALL VOTE:** Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

- D. **PUBLIC HEARING - Stonecrest LLC - Dennis Downs Conditional Use Permit (FILE: CUP-24-01)** - The Applicant is seeking approval of a Conditional Use Permit for a 10 unit live-work condo building. The property is located at 12550 W Goldcrest Rd in Star, Idaho. **(ACTION ITEM)**

Mayor Chadwick asked the City Council if they had any ex parte communication to report and hearing none, opened the Public Hearing at 8:48 p.m.

Council Member Salmonsens asked if this had gone before Architectural Review yet; City Planner/Zoning Administrator Nickel said no.

Nickel utilized a slide presentation to give a brief overview of the proposed CUP, for a ten-unit live/workspace at 12550 W. Goldcrest. He said Staff recommended approval with conditions.

Chris Todd, 12561 W. Goldcrest Street, spoke on behalf of his client, Dennis Downs. Mr. Todd mentioned eighteen units total within the building. He said there were a variety of business uses for the property, and buyers were to be required to take a bottom and top unit as part of their space. Upstairs is being configured as residential and downstairs as business. The building will have a metal roof and overhanging signage, designed to be consistent with existing Goldcrest area architecture. The building will also have transom windows and a balcony with twelve-foot privacy screens separating the porches. The downstairs is configured for eight business condos (two will be larger) and the upstairs will have ten living condos.

Council Member Wheelock asked about access upstairs. Todd replied there would be a separate residential entrance access on Goldcrest, and interior access from the business upstairs to the residential.

Council questions ensued on parking needs and types of businesses. Todd noted the proposed yoga studio is one reason for having additional temporary parking spaces set aside. Todd said proposed uses included hair salons, doctors' offices, women's boutiques, etc. He said restaurants and daycares were not being proposed.

Public Testimony:

None was offered.



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Applicant Closing Statement:

Todd reiterated the mixed-use nature of the proposed development, and thanked City Staff for working with his team to develop this project. He said one reason for the requested CUP was to add the residential element into the project.

Nickel noted a new ordinance will come before Council at the May meeting, and verified Todd is requesting the CUP now to be able to add the residential under the existing process.

Mayor Chadwick closed the Public Hearing at 9:25 p.m.

Council Deliberations:

Council Member Nielsen said he was not concerned about it being one-hundred percent commercial and that he likes the live/work concept, and he is supportive of the proposal.

Council President Hershey said he is supportive and likes that the project is very walkable.

Council Member Wheelock thanked Chris Todd for his attention to the parking matter and commented on the recent successful openings at Goldcrest.

- Council Member Salmonsén moved to approve the Stonecrest LLC – Dennis Downs Conditional Use Permit (FILE: CUP-24-01); Council Member Nielsen seconded the motion. **ROLL CALL VOTE:** Hershey – aye; Wheelock – aye; Salmonsén – aye; Nielsen – aye. Motion carried.

8. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 9:28 p.m.

Trevor A Chadwick, Mayor

ATTEST: _____
Jacob M Qualls, City Clerk / Treasurer