



## CITY COUNCIL REGULAR MEETING NOTES

City Hall - 10769 W State Street, Star, Idaho  
Tuesday, December 17, 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 – Associate Pastor Nathan Held, Calvary Star Church

Associate Pastor Held led the invocation.

### 3. ROLL CALL

**ELECTED OFFICIALS:** Mayor Trevor Chadwick, Council President David Hershey and Council Members Kevan Wheelock and Jennifer Salmonsens. Council Member Kevin Neilsen was absent.

**STAFF:** City Attorney Chris Yorgason; City Clerk Shelly Tilton; City Planning Administrator Shawn Nickel; Assistant City Planner / Code Officer Ryan Field; Public Information Officer Dana Partridge; City Engineer Ryan Morgan; Star Police Chief Zach Hessing and Star Fire Chief Victor Islas.

### 4. PRESENTATIONS

#### A. Check Presentation to Warhawk Museum from Potato Feed

City Public Information Officer Dana Partridge discussed the potato feed that is held annually in honor of veterans. Local businesses provided the food, allowing the proceeds to go to a veteran's organization. A check for \$1000 was presented to Warhawk Museum Director Carson Spear. Mr. Spear thanked the city for hosting the event and discussed the museum, stating there will be expansion in 2025.

#### B. Check Presentation to Idaho Veteran's Wreaths

City Public Information Officer Dana Partridge discussed veterans' banners the Beautification Committee displays along State Street during the fall. Proceeds from that program are being given to the Idaho Veteran's Wreaths project. Jake Faulkner discussed the program which keeps funding in Idaho. The program helps veterans with rent assistance, vehicle repairs, etc.

#### C. IIIA Annual Report

Wellness Director Megan Smith with iiiA provided an annual report. iiiA manages health insurance for city employees. Megan discussed agencies serviced by iiiA and reviewed their Board of Trustees, finances, medical plan, high claimants and stop loss (catastrophic insurance), wellness screenings and medical programs that include dental, vision and mental health plans. She also reviewed the telehealth, on-site dermatology skin checks and digital physical therapy programs.

#### D. Star Police Chief Monthly Report

Star Police Chief Zach Hessing made his monthly report. He reviewed crimes by type, calls for service, crash response, citations and arrests. Code 3 response times are below the goal of 4 minutes. Zach discussed proactive policing calls. Location checks include citizens who ask for their homes or commercial properties to be checked on.

#### E. Star Fire Chief Monthly Report

Star Fire Chief Greg Timinsky was called to dinner with the Governor, no Fire report was given.

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**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**

B. **Approval of Minutes:** November 19, 2024

- Council Member Salmonsens moved to approve the Consent Agenda consisting of 5 A. Approval of Claims and 5 B. Approval of Minutes for November 19, 2024. Councilman Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye. The motion carried.

**6. PUBLIC COMMENT** – Members of the Public may address the Mayor and Council on any item not currently on the Agenda or on items currently or potentially set for a Public Hearing. Comments regarding City Staff, Elected Officials and Private Citizens should be set for a private meeting with the Mayor.

Oriana Lana addressed the Mayor and Council regarding a Facebook post she made asking about types of businesses that would be beneficial or interesting for the community. She came to share ideas gathered from that post. She learned that agriculture and cattle operations play a vital role in Star's identity, and she recommends integrating educational and participatory programs into businesses to foster a deeper appreciation for farming while helping to build a stronger, more unified community. Mayor Chadwick asked Oriana to leave the Community-Based Educational Program Farm and Cattle Operations binder she put together for review and asked her to contact the city Public Information Officer to schedule a meeting to discuss her ideas more fully with staff.

Peter Goodwin addressed the Mayor and Council regarding lack of performance by the developer of the Sunfield Estates Subdivision. He said there are a number of items within the subdivision that are incomplete, unsafe and don't represent what a development in the City of Star should look like. He feels the issues will affect their quality of life and property values and stated that code enforcement is needed. Mayor Chadwick said that there will be discussion later in the meeting regarding code enforcement being moved under the police department. He said one challenge is the prosecution of misdemeanors; some cities are looking into a process for hiring prosecutors to handle those misdemeanor violations to provide more teeth for code enforcement.

**7. PUBLIC HEARINGS with 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. **PUBLIC HEARING – Legado Subdivision Preliminary Plat Modification (PP-22-05 MOD)** The Applicant is seeking approval of a Preliminary Plat Modification and Private Street with gates for a proposed residential subdivision consisting of 71 single-family residential lots and 12 common lots. The property is located on the

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west side of Bent Lane in Star, Canyon County, Idaho and consists of 23.77 acres with a proposed density of 2.99 dwelling units per acre. The property is currently zoned Residential R-5. The original preliminary plat was approved by City Council on March 23, 2023. (tabled from November 19, 2024) - **(ACTION ITEM)**

Mayor Chadwick opened the public hearing at 7:32 p.m. Council members have had no ex-parte communication.

City Planning Administrator Shawn Nickel presented the application. The request is to convert public streets within the subdivision to private streets with gates. The application is for plat modification and for private streets. The original plat was for Star River Ranch North, now called Legado. This hearing had been tabled at the last meeting due to posting requirements. All requirements including noticing and posting have been completed. The application is compliant with the Unified Development Code and Comprehensive Plan and there are no late exhibits. Items for consideration are changing the previously approved preliminary plat to add gates. Staff is recommending denial.

Connor Lindstrom with KM Engineering spoke on behalf of the property owner. He said the preliminary plat was previously approved. The requested changes are to add gates to make it a private development, not allowing the public to drive through, and to upgrade amenities from a pickleball court to a pool with a changing room.

Developer Tim Eck stated this is currently an approved plat which was approved by all agencies and development has started. They are requesting to modify the development by changing the public roads to private roads to make it safer, quieter and more secure by gating the community. He said this would be similar to Lake Haven Estates and the Estates in Star River Ranch Subdivision #2. They made application to the highway district to gate the public roads and were denied unless the roads are made private. Accesses to the development were reviewed. He discussed emergency access and law enforcement for the subdivision. He said the only obstacle for emergency response would be the gates which would be equipped with first responder access devices. Tim stated there is no reason for through traffic. He feels that through traffic would be more inclined to drive through the subdivision at higher speeds than the homeowners would; limiting access would decrease the need for law enforcement. Tim discussed valley gutters that are planned for the development to encourage decreased driving speed, explaining why he feels they are more effective than speed bumps. He said that parking complaints are mitigated with a gated community and discussed HOA versus law enforcement for parking and speeding violations. Tim discussed the upgraded amenities to include a pool with dressing rooms. He discussed combining the HOA with a neighboring subdivision. Road maintenance, should the roads become private, was discussed. Tim stated the CC&Rs would reflect the maintenance obligation and dues would be accessed to fund an account through the HOA. He said this could also be accomplished through a Road Maintenance Agreement. He requested approval on the modification.

Connor Lindstrom added that roads would be constructed to city standards. Tim clarified that roads would meet all applicable standards.

Council Member Salmonsén asked what has changed since the prior preliminary plat approval that is prompting the modifications. Tim stated it is due to the significant delay in getting projects approved through Highway District 4 as well as the opportunity to upscale the subdivision and make it more

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secure. Additionally, if they decide to merge HOAs with a neighboring subdivision to share amenities it would be more equal as that subdivision has private gated streets.

Pete Bilicki spoke regarding the modification, wanting to reiterate that in the original hearing it was stated that this subdivision would not merge HOAs with Star River Ranch.

Police Chief Zach Hessing discussed repercussions that private roads have on law enforcement. The largest issue can be to ensure there is access for law enforcement; he said it sounds like there will be allowance for Opticon to be installed to allow that access. He said private roads are the same as parking lots, law enforcement cannot enforce infraction on private roads. The department receives calls with traffic complaints on private roads, speeding and running stop signs being the most common, and the police have to explain that law enforcement is unable to do much for them. Police can be on the roads, but they are not allowed to sit and run radar or make stops. The HOA is responsible for taking care of parking issues, police can help try to come up with solutions but aren't able to move or cite vehicles. They are also not able to investigate crashes on private roads. They can mediate between the two drivers to try to get them to exchange insurance information, but they cannot write a report or investigate the accident. Due to the inability to investigate accidents, school buses won't enter private subdivisions, kids would have to catch the bus outside of the subdivision. HOAs don't have good ways that Zach has seen to enforce parking or traffic laws, they struggle with it so they call police and find that they are unable to provide much help for them as the police can't enforce their rules.

Chris Spalino said he has 25 years of law enforcement experience; he found that more often than not primary offenders are usually residents of the neighborhood. He understands the private roads to be a work around in approval for the highway district, the frustration of he and his neighbors is there doesn't seem to be good coordination in the developments. It seems the density increases and access on the roads becomes more difficult. He would like to see road access planned out better. He would also like to see someone from planning and the highway district attend the development meetings to help answer questions and dispel misinformation.

Mayor Chadwick discussed the Master Street Plan Map. He said that Bent Lane will have a stoplight at Can Ada Road. Various roads in the area were discussed.

City Attorney Chris Yorganson clarified that staff attending neighborhood meetings isn't recommended. When city staff are there people assume that the city is making representations on what is said. Neighborhood meetings are for the neighbors to get together to discuss the project, public hearings are for the city to hear public comments. Town hall meetings are held for some of the larger developments. City Planner Shawn Nickel said that city staff is available for members of the public to come in and ask questions.

Mayor Chadwick appreciates the comments and discussion about the roads. Council Member Salmonsens said it is difficult because they don't see how everything fits together when they are looking at one application at a time. It was verified that the map of how roads connect is on the city website. Shawn stated the Master Transportation Plan is available on the website.

Norca Helmick said she built a home on Bud Lane with specific FEMA Standards. She wondered about the responsibility of the developer to grade the land to keep water from running on to her property. She also asked if home levels are taken into consideration, with the elevation in the area

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the homes would be looking into her backyard. Mayor Chadwick said that it is considered if it is brought up at the public hearing and could be put in the development agreement. City Planner Shawn Nickel said the original application didn't require single level homes. Mayor Chadwick said he will have staff meet with Norca to discuss water drainage concerns.

Tim Eck said there is no plan to annex with Star River Ranch HOA, they would like to merge with Tradition Capital Partners Subdivision which has private roads so they can have similar rules. They can both, through CC&Rs, enforce traffic and parking violations. They would not be able to mitigate an accident, but they could control the traffic and speed. He said there are multiple applications around this development that he believes were approved with private roads so there must have been a point in time they were being approved, he doesn't see a reason that people need to drive through the development. He showed other connections to State Street. They are glad to meet with emergency response agencies to ensure they have access and to have input on the CC&Rs to help prevent them from being burdened by complaints. Mayor Chadwick said that the two subdivisions could combine without one having private roads. Tim doesn't feel it is a fair offer to ask to combine HOAs for his subdivision residents to have access to those private gated amenities, it would seem the other subdivision would want access to private amenities in return.

Conner Lindstrom stated that zoning and number of lots aren't changing. Shawn Nickel explained that the R5 zoning was already in place but rather than changing the zoning they were limited in zoning to R3 through a development agreement.

Tim Eck said there will be no drainage onto neighboring properties. They will have a retaining wall or something to control the drainage.

Council Member Salmonson asked if there is an agreement in the works to merge the HOAs. Tim has talked with someone from the other HOA who feels it is a great idea.

In response to other subdivisions having private roads Mayor Chadwick said that lessons are learned as they go, this is why there are always changes being made to the Comprehensive Plan. He referenced Oriana speaking earlier in the meeting about the sense of Star. He said that private roads take away the sense of community that the City of Star wants to have. There will be sidewalks in there that people won't be able to use, kids wouldn't be able to use them to go visit friends. They are pulling back from private roads. He said it is interesting that there were years with only one development with private roads and now because of issues with Highway District 4, private roads are becoming requested more often which creates more issues for the city in the long run. Mayor Chadwick doesn't see much traffic trying to cut through with other road options available in the area.

Tim said the gated community makes lots more valuable, the increased value allows them to upgrade the amenities.

Council Member Wheelock said the other gated community is different with the other one being a dead end.

There was discussion regarding private sidewalks in the other gated communities, elimination of a small street that goes to Bent Lane and how amenities would be decided.

Mayor Chadwick closed the public hearing at 8:26 p.m.

Council Member Salmonson said that it sounds like there are difficulties for developments in working with Highway District 4 in Canyon County resulting in requests like these. She said that Star

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is a united community, if gates continue to be put up it doesn't foster a community feel. She has concerns with enforcement with so many homes in the subdivision and worries about safety of the homeowners not understanding when they move in there.

Mayor Chadwick has concerns about police. A mistake was made in approving the previous private roads, it creates more issue for the rest of the community if police are being tied up with things they aren't even able to take care of. He doesn't want to see these problems when so much has been done to focus on police to ensure crime is low in the city. He hopes that private roads don't continue to be approved with all of the information that has been gathered in the past several months.

Council Member Hershey said it takes it from a police problem to a property manager problem. He discussed HOA turnover.

- Council Member Hershey moved to deny this application for private streets. He doesn't feel that amenities are up to the council. Shawn verified that amenities were left to staff in the original approval; that leaves the private streets and road removal of the stub road going out to Little Bent Lane for council decision clarifying emergency response access and number of lots per phase which could be part of the findings on the decision. Council Member Hershey retained his original motion with the addition of the amenities being up to them and for the stub connection to be kept, not allow removal. Council Member Salmonsén seconded the motion. Council Member Wheelock wants to be sure that stub road that goes to the South is to full width that doesn't restrict future growth. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsén – aye. The motion carried.
- B. **PUBLIC HEARING – Pathway Master Plan Adoption.** Kimley-Horn/Logan Simpson Design has been contracted by the City for the creation of the City of Star Pathway Master Plan to consolidate the work done to date, detail the various pathway types, their locations, materials, and outline a system of supportive amenities. These plans have been further envisioned through the included Maintenance Plan and Capital Improvement Plan (CIP) for the implementation and regular maintenance of the trail system. - **(ACTION ITEM)**

Mayor Chadwick opened the public hearing at 8:33 p.m.

Nicolette Womack with Kemley Horn presented the Pathway Master Plan including reviewing the project timeline and goals regarding the importance of pathways and trails, community needs and participation process, pathway classifications, amenities along the pathway system, maintenance between the City of Star and Ada County Highway District and network recommendations. She stated this plan is conceptual in nature, everything will be worked out on a parcel-by-parcel basis.

Council Member Wheelock likes the breakdown of the priorities to see what the efforts and desires are.

Council Member Hershey thinks it is broken out to be logical and easily understandable.

Mayor Chadwick discussed an impact fee committee that will use the information from the plan to establish a fee on new homes that will help pay for the infrastructure of the pathway system. He discussed the greenbelt system that will run from Boise out to Star with a bridge crossing across the river. It is a good guide to connect our community.

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Council Member Salmonsén said this plan allows people to see the vision for this other mode of transportation that allows people to get out to connect with their neighbors and have that sense of community.

Shawn Nickel asked about elements of the plan Nicolette would specifically include in the Unified Development Code. She recommends it be referenced for design.

Mayor Chadwick closed the public hearing at 8:43 p.m.

- Council Member Salmonson made a motion to adopt the Pathway Master Plan. Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsén – aye. The motion carried.
- C. **PUBLIC HEARING: Municipality Code Ordinance Amendment** - Request from City Hall of Star to update and amend portions of their Municipal Code, including the current Development Code Title 8, Chapters 1 through 8, and titles 1 through 7 and Title 10. - (ACTION ITEM)

Mayor Chadwick opened the public hearing at 8:50 p.m.

City Planning Administrator Shawn Nickel stated that there are three Titles of the Municipal Code Ordinance to amend; Title 3: Health and Sanitation to add snow removal, Title 8: Unified Development Code definition, specific use and a requirement of Conditional Use Permits for Fitness Clubs and Title 10: Flood Control in response to a variance request a couple of months ago. In the Health and Sanitation section under the definition of nuisance wording is proposed for removal of snow or ice on any public sidewalk and addition of a section regarding responsible party. Timing and depth of snow parameters were discussed. City Attorney Chris Yorgason said that the way the code is written puts responsibility on the property owner. Sidewalks owned by Ada County Highway District (ACHD), Highway District 4 or the city would be the responsibility of those agencies. Ordinances in other cities include a general requirement for snow removal but they don't put time constraints on it. It would be difficult to enforce. Chris thinks it makes sense to have some standard. Shawn said putting a timeframe on it puts a strain on code enforcement. Council Member Wheelock said that is his concern as well. Chris said most code enforcement is complaint driven. Council Member Wheelock likes the way ACHD has written it.

Shawn moved on to the Unified Development Code section stating that fitness centers were defined in the section with theatres, museums and zoos, etc. and it didn't fit well in that section. A separate use has been created requiring fitness centers to have Conditional Use Permits which enables council to get a chance to see and approve them. Parking and noise are the concerns. People in developments are starting to ask if they are allowed uses. Council Member Salmonsén asked if spas would be included in this section. Shawn said they would be here if it were included with a fitness center and in Professional Services if it is a spa only. For fitness centers required parking would be handled by the council on a case by case basis rather than a specific number.

Shawn said the newly adopted pathways plan will be included in section 8-4A-13. Specifics can be added at a later time.

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Shawn discussed the Flood Control section stating that this was brought up because of the recent flood plain variance application. City Engineer Ryan Morgan said the amendment provides wording that says variances for personal health reasons aren't considered appropriate reasons by FEMA so it would discourage application like the one that came before the council recently. Council Member Salmonsens asked if the application would come to the council with this wording. Ryan explained that the application would still come to council but it helps staff support their recommendation and helps council in a denial of such requests.

During public comment Diane Murdock asked about measure and compliance for ice and snow, being naturally occurring conditions. She asked if the city plans to provide assistance for citizens with limitations and how the city would handle enforcement and penalties. She asked about salt for ice removal and said that HOA Boards had questions about this section. She said most of her questions were answered during the staff presentation. Mayor Chadwick read the suggested code wording, highlighting that the code reads "should" keep snow and ice cleared. He discussed putting together a group of volunteers who could help those who are elderly or disadvantaged. He said the city would not have salt to provide.

Mayor Chadwick closed the hearing at 9:16 p.m.

- Council Member Hershey moved to approve with the changes discussed in Section 3-1-2 definitions, including 3-1-4A & B, and adopt the ACHD language in that. He has no problems with the other changes (sections) as stated. Council Member Wheelock seconded the motion. Chris recommends keeping the section related to nuisances, that isn't specific to ice and snow it is just stating that the landowner is responsible for any nuisances. It was clarified that the motion includes adopting everything, removing the snow and ice and adopting the ACHD standard. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye. The motion carried.

## 8. ACTION ITEMS

### A. Amendment to Ada County Sheriff's Office (ACSO) Contract for approval of Code Enforcement Officer

Police Chief Zach Hessing discussed the Ada County Sheriff's Office Contract to add a Code Enforcement Officer. He said more calls are being received regarding code enforcement as the city grows. He reviewed the salary and vehicle expenses for adding the position to the contract. ACSO owns the vehicles, and the city pays monthly for them. Through the contract amendment the city will pay for this vehicle up front and then it will be added into the fleet. The addition of the code enforcement position and vehicle will increase the contract to \$3,573,907. Chief Hessing said the Code Enforcement Officer will be professional staff rather than a commissioned deputy. A deputy position would cost more and require more training. The person in this position will be able to handle low priority calls when not busy with code enforcement, low priority calls are those for parking issues, etc.





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Council Member Wheelock asked if the stats for this position would be included in the proactive section of the monthly report; that will be determined. Zack said that code enforcement is all civil, not criminal, it will be handled through the city rather than the court process.

- Council Member Hershey moved to authorize the Mayor to sign the contract for \$3,573,907. Council Member Salmonsén seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsén – aye. The motion carried.

Council Member Salmonsén thanked the Mayor for putting the mitigation fee in place to help fund the police contract.

### **B. Garnet Estates Subdivision Development Agreement Modification**

This item was not heard to allow for required posting. It will be included on a future agenda.

## **9. ADJOURNMENT**

Mayor Chadwick adjourned the meeting at 9:25 p.m.