

**Star City Council
Meeting Minutes
July 16, 2019**

The regular meeting of the Star City Council was held on July 16, 2019 at 7:00 pm at Star City Hall, 10769 W. State Street in Star, Idaho. Mayor Chad Bell called the meeting to order and all stood for the Pledge of Allegiance.

Roll Call: Councilmen David Hershey, Michael Keyes, Trevor Chadwick, and Kevin Nielsen were present.

Approval of the Agenda: Chadwick moved to approve the amended agenda, Keyes seconded the motion. All ayes: motion carried.

Consent Agenda: Chadwick moved to approve the Consent Agenda consisting of: Regular Meeting Minutes for June 18, 2019, Workshop Notes for May 3 - June 1, 2019, Claims Against the City for June 2019, Findings of Fact & Conclusions of Law for the Greendale and Greendale Grove Subdivision and the Milligan Rezone & DA, and Final Plats for Trapper Ridge Subdivision, Seneca Springs Subdivision, and Reunion Subdivision, Keyes seconded the motion. Keyes noted as he went through the packet all the final plats still had a checklist that hadn't been completed and asked if they needed to wait for them to be done or have they been done. City Planner, Shawn Nickel, stated they are minor items and the City Engineer will not sign the final plat until they are taken care of and felt they could move forward. All ayes: motion carried.

Presentations/Public Input:

Tina Wilson - Western Alliance for Economic Development - Tina Wilson, 158 S. Streamleaf, Star, Idaho, noted she is a volunteer on the City's Economic Development Committee as she is a resident of the City. Through that she was asked if she was interested in doing any individual consulting. She stated she is Executive Director of the Western Alliance for Economic Development (WAED) and passed out a copy of her personal resume as well as a copy of the annual report for WAED. The WAED is a non-profit collaborative effort between the Idaho Department of Commerce, Canyon and Gem Counties and the cities of Emmett, Notus, Parma, Wilder and Greenleaf and everything rural in-between. She explained they are funded through memberships and grant funds through the Department of Commerce. She explained she is able to provide services to communities through her connections with agencies. Her work plan is dictated by her Board of Directors which is represented by the municipalities and County Commissions that she serves as well as her corporate partners. Each year she puts together a work plan based on what individual cities need and require. She noted she is also a grant writer and provided a list of grants she has acquired which she attached to the back of her resume. The WAED has a membership fee of \$1.50 per resident. With the 2010 census it would put the City's membership fee at about \$8,900.00. After conversations with her Executive Board, to become a member it would cost the City only \$6,000.00, which is the same as dues for the City of Emmett. It would be for services for one year, from October 1, 2019 through September 30, 2020. As a member of Star's EDC Committee she noted she has some familiarity with the City's economic development. If the City chooses to join WAED she would need to know by the third Tuesday in August as she has to file her work plan for approval by the Board of Directors and she would

need to add the City to the plan. She stated she will work with the Mayor and Council and will take input from whomever the Council asks her to work with. She would do an asset inventory, look at what are the City's strengths and weaknesses, and work together to come up with a formal plan that fits the needs of the City.

Dave Lincoln, Assistant Board of Director, stated the biggest key here is to use the resources the City has, and felt there are opportunities here.

Wilson stated she also interacts with Boise Valley Economic Partnership and when someone is looking for property she can look at the inventory to see whether or not there is something from our community that would be applicable.

Keyes thanked Wilson for coming and noted the City's property taxes balance is out of whack and wondered if this is something she can help them address. Wilson stated she would hope so, her job would be to bring in development; making sure you bring in the right neighbor. She noted she has read the City's strategic plan, the new comprehensive plan and felt she knew what direction they want to go. One of the things she does is facilitate conversations between groups. She would take a look at the City's zoning and what the zone sizing is and then start targeting what will fit in that spot. Keyes asked Wilson if the cities and organizations she works with typically have their own economic development directors or departments. Wilson stated no, WAED was formed to help small cities who couldn't afford to pay for a full time economic developer. She can help coordinate getting funding for infrastructure as she works with the Department of Transportation, ACHD, and Canyon County Highway Districts.

Wilson noted that as a member of the Alliance the City will be a part of the Executive Board and as a member of the Executive Board they direct her day to day activities and have input into anything financial. Mayor Bell stated they would let her know of their decision before the third Tuesday of August.

Public Input - No one from the public spoke.

Old/New Business:

Public Hearing: Richard Evans Rezone - Mayor Bell explained for this public hearing they will have the applicant present his proposal, following that the Council will ask questions of the applicant, will then take public comments, then the applicant will be given time to rebut any testimony that was given, then the public hearing will be closed and the Council will move to deliberations. The Mayor asked Council if they had any ex-parte contact or conflicts of interest concerning this application, hearing none, Mayor Bell opened the public hearing and asked the applicant to speak.

Applicant: Richard Evans, 9560 W. Pebble Brook Lane, Garden City, Idaho, stated they are proposing a single family resident subdivision at 864 N. Star Road consisting of 9.77 acres. There are currently a house and outbuilding on the property that will be demolished. They proposed a street coming off of Star Road that will go east down the property and intersect with stub streets Park Vista Avenue and N. Knox Avenue to the north and the south. They will put in all utilities and will meet Star's requirements regarding open space and other items. They have

talked with the Flake Irrigation Ditch and have received some ideas regarding what they would like to see that would benefit their development and them. They are wanting this zoned so they can do medium density single family residences. Evans noted they have a preliminary view of the project, a topography which shows where the buildings are and the drainage swales. Evans noted they are now proposing forty-nine lots, four drainage lots, and open space extending the entire length of the property going east and west. The idea was to have a walking path going east to west along the canal on the north boundary; and this seemed to be what neighbors wanted at the neighborhood meeting.

Nielsen asked what kind of finishes will they have on that open space. Evans stated that had not been determined but at the meeting the neighbors wanted to leave it as a riparian area. Nielsen asked if this is along the canal, what would happen if the canal company cleans out the canal and drops everything on that space. Evans stated he didn't know what they are doing with it now as there is nothing there now. Evans pointed out there will be an association that will be doing maintenance. Nielsen noted they can use that easement for anything they want and that is why the easement is there. What he is looking for is something that complies with our code and our code says useable open space and he questions whether or not this would be considered useable open space. Evans stated these are things that need to be determined in the preliminary plat.

Keyes asked what the maximum block length is and Evans stated he believed it was about 1,200 feet. Keyes pointed out they are looking for 750 feet or less and wondered if he had addressed this with staff. Evans stated he had not. Keyes asked if it was his intention to tile any of the ditches and he was most interested in the one next to the school. Evans stated he has had discussions with the Flake Ditch folks and they are not certain what they want; and they will have a lot of input on that. Keyes wondered where the drainage lots are and asked if they are proposed to put a walking path into the school property. Evans stated they were not currently planning to and Keyes asked if that was something they would consider to which Evans stated yes. Keyes asked where they were planning to put the irrigation equipment and pump house. Evans stated that was a discussion they had with the ditch company and depending on how they want to keep their water route; they want their pump as far to the east as they can get it because there is more water to utilize.

Chadwick asked for clarification as to whether the forty-nine lots include the four drainage lots or will there be forty-nine buildable lots. Evans stated there would be forty-nine buildable lots. Chadwick asked in regards to information from ACHD regarding block lengths, what kind of mitigation were they planning to calm traffic from flying through the neighborhood. Evans stated there may have to be some kind of speed bump or whatever; this is something they haven't gotten into the total design of. Chadwick stated they are trying to put higher density in a small area with a straight shot. He feels these are things that should be worked out and brought back to them as a whole before they make a decision as to whether to rezone it to the density they are asking for. In his opinion he would hope they would have some answers to some of the questions they have. He has some concerns with how it is laid out. Evans noted the shape of the property limits the design of the street. The street cannot meander or you can't have buildable lots. Chadwick stated they could have bulb outs in there and create open space next to the bulb outs to make it more attractive to the community.

Keyes noted the application indicates a development agreement and he does not see one in the packet to review. Hershey pointed out the staff report states it is not here yet. City Planner, Shawn Nickel, pointed out what they have before them is an annexation and rezone with a development agreement and as they can't condition the rezone the development agreement will act as that conditioning item. One of the things they will review when the preliminary plat does come is block lengths, open space requirements, and things like that. The Council can put conditions on this to limit the density, require they have to meet the requirements of the irrigation district, and have to meet the requirements of the subdivision ordinance when they bring it back. They will get another chance to look at the design when the applicant brings it back. All he is asking for right now is a rezone and annexation and you can condition whatever you want within that development agreement.

Chadwick asked if this is an annexation and rezone or just a rezone, and Nickel clarified it was only for a rezone.

Public Testimony: Ballard Larsen, 10637 W. Kyoga, Star, Idaho, stated he has no problem with them developing but is concerned with traffic exiting out onto S. Star Road, especially when school lets out. He suggested they buy the vacant lot next to the school and make it a parking lot for parents to pick their kids up and not block traffic on Star Road. His other concern is with where the only signal light on Star Road is and all the traffic trying to get onto Star Road. He feels they need another signal light and/or need to widen the road for parking. Larsen stated he felt forty-nine homes was a lot. He stated he knows the ditch company's hate walking paths along their ditches.

Thor Jorgensen, 914 N. Park Vista Avenue, Star, Idaho, stated he moved here in 2004 and chose to be on a dead-end street because it's safer, private, and has less traffic. He is concerned with privacy, safety issues, and with infrastructure. There are no lights yet. When considering current local Star residents he is surprised to hear it takes three to five years to get people who are responsible for infrastructure to respond to putting in the lights and widening the streets. He is concerned he may see the street in front of him become a main artery and it will change things.

Ginny Brumpton, 10988 W. Hidden Brook, Star, Idaho, stated she knew for a fact the easement area that is on their side (Waterview Sub.) that they don't want anyone walking there; neither the homeowners association or the homeowners. She is concerned the street will feed into Hidden Brook and is concerned with child safety. Brumpton feels this is too many homes feeding onto Star Road. She noted she cannot see where there is any green space/open space and feels the number of homes should be cut in half at least. She stated she knows all her neighbors are against this for this amount.

John Osmond, 10982 W. Rose Lake Street, Star, Idaho, stated he feels this is too many houses. The area around it is R-3 and they are asking for R-6 which is double and will make it far too crowded. He stated it is ridiculous to claim their green space is along the ditch easement. Thinks they need to consider what the surrounding area looks like and should try and match it. He stated he has no objection to putting a subdivision there but it should be more compatible to what is already there.

Wade Hobbs, 11161 W. Box Canyon Court, Star, Idaho, stated he moved where he is specifically to have the space they have behind them. He is concerned with the greenbelt they are talking about putting in, it is questionable if they can or cannot use that easement, which puts more people walking behind their homes, more kids and more garbage. He feels they really need to call this plan what it is, it is a multi-family development with single family homes. He is concerned with what affect it will have on their property values and the congestion. He stated he is against it.

Applicant Rebuttal: Evans stated his understanding of the Comprehensive Plan calls for seven units per acre and it changed to five; and they are below the five. They designed this project based on the City's Comprehensive Plan.

Chadwick asked if he would consider making it an R-4 as the rest of the neighborhood and consider creating an acre of open space as he considers the pathway along the ditch as unusable. Evans stated he would have to crunch some numbers to see if it works. Chadwick noted the larger lots would have a higher value, and they are asking for fifteen percent of open space with ten percent being usable with some amenities, and they need some traffic calming.

Keyes asked Mr. Evans if he would be willing to consider in the development agreement a condition that the ditch along the side of the school be tiled. Evans noted that would be up to the irrigation company and he was not sure they would want that. Keyes stated they will wait for Evans proposal and if he proposes it then they would have something to respond to. He asked if they would permit it, would he agree this is something he would do. Evan's stated they were going to get to him with water flows in both ditches and the invert levels have a lot to do with that; and if all the water gets tiled there then what do they do with the rest of the water. Evan's stated he was unsure how that would work, how big the tiling would be or the cost. When Keyes asked Evans if he was saying no, Evans stated he was not saying no he was saying he did not know.

Keyes asked if they would consider in the development agreement a walk way into the back of the school. Evans stated they would and tiling may be the easiest way.

Nielsen stated in considering the open space requirements he is with Chadwick in that the unimproved ditch bank is not usable open space. Evans stated that concept came out of their neighborhood meeting and that was all he heard from the neighbors. Nielsen stated that was fair but felt it was important for Evans to understand what the Council is going to be looking for to get approval and this is a sticky point for him. He would like to see their concept plan include some traffic calming measures and suggested Evans work with ACHD on what some of the options are. Nielsen stated he would like to see this come back to them with some of their concerns worked out before he is ready to approve this.

Hershey stated he thinks medium density is too much and is concerned with traffic calming and open space. He realizes this is a long thin piece of property and has some unique issues. He felt the density needs to come down to incorporate more open space, and there needs to be some calming features.

The Mayor reminded the Council this application is for a rezone, not for a preliminary plat. They can put some conditions into a development agreement. They need to remember some changes they recently made to the Comp Plan and that the guidelines they put into place are being used.

Mayor Bell closed the public hearing and Council went into deliberations.

Chadwick noted the Comprehensive Plan says medium density but when you plot it on paper and see it spelled out sometimes you need to re-evaluate it and consider other options. The Mayor pointed out there are things they can require, such as the open space. They are going to enforce the open space, the block lengths, and various other things. These may change the design when you do that. Chadwick stated he was correct, but at the same time the applicant stated he would need to pencil it out to see if the R-4 would even work for him. He would like to see the applicant do that and come back to the Council and at that time look at placing conditions on it to make it a neighborhood of the future that is sustainable. The open space is a concern and it needs to have ten percent of usable open space; with the plan before them it is hard to visualize that. Chadwick stated he is for tabling it to a date certain and get an updated idea of what they are looking at.

Hershey stated he feels this is a start and they need to see what the developer envisions. He is concerned the density is too high, with the open space they require, the walkways they are looking at, and with traffic calming. He stated he was in agreement to possibly tabling.

Keyes asked to clarify with staff that Chadwick mentioned in the Comp Plan that this is medium density and he was understanding that this was in our Comprehensive Plan as compact residential which is six to ten units per acre. Nichols stated that was correct, the compact residential is six to ten dwelling units per acre. Keyes verified this was what was in the Comprehensive Plan they passed three months ago. He noted they didn't get any input at the public hearing for the Comprehensive Plan that said this should be anything different than what was in the Comprehensive Plan. There's been a lot of discussion tonight about density, but the time to do that was back in April and the months leading up to approval of the Comp Plan. Part of the reason to do high density in this kind of area is because it is near a school, is near a park, and it is near what in Star passes for public transportation. The applicant is asking for rezoning to medium density, which is actually a notch below compact residential, and he could be asking for more. Keyes stated he would consider tabling this to get more detail on it but wanted to remind everyone the density here is considerably lower than what is in their Comprehensive Plan.

Nielsen stated when he looked at this property it actually could work out at a higher density, have more open space, and if went multi-family instead of single family could possibly be more aesthetically pleasing. He stated his biggest concerns are the conditions the City has worked into it; the 750 foot block lengths and open space they need to comply with. Nielsen stated he felt once they comply with these the density may need to drop to R-4, and some of these concerns will be addressed when they redesign and meet code. Considering this is a rezone with a development agreement he could be ready to vote on this tonight although he thinks they need more information in order to put together a development agreement; possibly putting in the

amenities, open space type stuff, and traffic calming. With a development agreement he would consider approving tonight.

Keyes stated for clarity he was not suggesting developer come back with higher density, but a reminder that the density he is asking for is much lower than what he could have proposed.

Hershey stated he would like to see more of a development before they move forward. He just sees a straight row of houses and feels they could do more.

Chadwick stated he would like to table and have them review the R-4 and items they talked about and then put a development agreement together that can come before them to actually look at before making a decision for rezone.

Chadwick motioned to table this application to get a development agreement put into place with fifteen percent open space with ten percent usable, traffic calming measures, potential ditch tiling, and a pathway to the school; and for the applicant to take a look and see if R-4 pencils out for them on this 9.77 acres, Nielsen seconded the motion. Mayor Bell asked for a date specific and Chadwick stated to table to date certain August 20, 2019. All ayes: motion carried.

Reconsideration of Star RV Resort - Mayor Bell explained in their packets is correspondence from the applicant's attorney and asked Legal Counsel to explain what the reconsideration is asking.

Yorgason explained in code we have a process for reconsideration before approving the Findings of Fact and Conclusions of Law. A request for reconsideration has to be filed within seven days of the Council decision. That process was done by the applicant, was denied, and the City adopted its Findings of Fact and Conclusions of Law. Under the State Code there's another requirement for request of reconsideration before an applicant or affected party can appeal the decision to court. To file an appeal they must file within twenty-eight days of the adoption of the Findings. But the Statute requires that within fourteen days of adoption of Findings a filing for reconsideration has to be submitted in writing to the City, which is a step that is mandatory before an appeal can occur. If a reconsideration request doesn't happen then affected parties are not allowed to appeal a decision. What they have in front of them is the second request for reconsideration which is the Statutory request for reconsideration. They have a letter from Mr. Allen, the attorney for the applicant, and they detail a number of issues they believe the Council missed on when making their decision, specifically whether it was compliant on the designation of the Comp Plan, the land use map, reliance on the purpose statement of the RT zone, decision based on adverse impact or lack of compatibility, and lack of harmony with the Comprehensive Plan and requirements of title. The statute doesn't exactly provide any process to follow other than there's a sixty day window from when they submit their letter for reconsideration until a final decision has to be made on it and submitted to the requestor. The request was submitted on June 24th, so August 23rd would be that deadline. If the Council chooses to reconsider its decision, then we would schedule another public hearing and that hearing could happen before August 6th if we do immediate notice giving us fifteen days before that meeting. Then findings could be adopted again on August 20th and we would still be within our sixty day window. If the Council decides not to reconsider then the time period for an appeal starts running again for the twenty-eight day timeframe.

Keyes stated he looked at the letter from the applicants attorney and asked Yorgason he if he felt the items cited have merit and if he thought that if they have merit is it something they can cure in part or full by reconsidering this. Yorgason stated he felt a few of them are basically that your Findings didn't have enough support or meat in the Findings to support the decision the Council made. There's always more the City can do when doing their Findings. There's not really an upper limit that says I have done everything I can to put everything in my Findings. So if that decision goes before a judge, a judge may very well say there needs to be more information here. So some of those things could be beefed up. You wouldn't even necessarily need to do another public hearing, may just need to redo the Findings which would start over another hearing timeframe. He felt some of the specific statements, for instance you cannot use the purpose statement as part of the statute, but it is part of the code and you take everything as a whole. They had that discussion during the hearing. The discussion about the lack of compatibility they say the decision doesn't reference code provisions, it doesn't say any authority that would allow you to say the RV Park is a commercial or business use. Based on this they feel it was an erroneous decision. He can't say for certainty if they went before a judge whether the City could win or lose. The issue with the harmony of the Comprehensive Plan was brought up, but there had been a lot of discussion during the public hearing process and so the City would have to defend those on appeal and say this is on the records and this is what we said. Yorgason stated they can always do another hearing, take public testimony again, and do another set of Findings and beef them up and see where that takes them. Not sure there is anything the City can do to avoid an automatic appeal if the same decision is made, as the applicant has shown they really want an RV Park. There's no way to say you can do something and there's no way anyone can appeal it.

Keyes asked if they wanted to beef up the Findings, is that something they do unilaterally or something they do under reconsideration; asked what would be the mechanism to do that. Yorgason stated the first step would be to reconsider; the decision to not reconsider and you are done and you stay with what you have. There wouldn't be reconsideration. The City could do that unilaterally as long as everything that is put in the amended Findings was already in the record. You could say the reconsideration is to review our Findings to make sure they have all the information they need to make that decision. He stated he felt that would be an acceptable decision by the City. The reality is as far as the applicant goes is you either deny the reconsideration which tells them if they want to go appeal to go appeal. If you reconsider, whatever that decision is they'll decide if they are satisfied with it or not; and if not will move forward with an appeal. If they are satisfied they are done. Doesn't think they will need to do another public hearing if all they want to do is amend the Findings. Keyes stated to clarify if they wanted this evening they could direct staff to beef up the Findings and resubmit them. Yorgason stated that was correct, you would approve reconsideration and as a result of reconsideration you would direct staff to bring back new findings that would hopefully comply or satisfy the arguments made in the letter. It could be done at either the August 6th or 20th meeting. If that is all you do you are saying you will not have another hearing, which is okay if all you are doing is changing the Findings. Yorgason read the statutory requirement, "upon reconsideration the decision may be affirmed, reversed, or modified after complying with applicable legal standards". That's all the guidance they have in the statutes.

Hershey asked Yorgason if they reconsider and find nothing else and just stick with their decision, the worst that can happen is probably what will happen if they turn it down right now. Yorgason stated the worst case scenario whether you reconsider or don't reconsider and it goes to court then you go through the appellate court. If you do reconsider there's an opportunity to maybe to cure some of the alleged defects in the Findings and maybe you don't have an appeal after that, but again even if you have another hearing, reach findings, and even if you approve the RV Park that doesn't mean you may not get appealed because there were a number of people who did not like the RV Park and they may choose to appeal. The two appeals the City has been involved in have been brought by affected parties not the applicant.

The Mayor stated they will move to deliberations as to whether they want to consider the reconsideration.

Hershey stated everyone knows how he has voted the last two times on this and his opinion has not changed. However, if there is a way they can strengthen their argument without having another hearing he would be considerate of that.

Keyes moved to deny the reconsideration for the Star RV Resort and direct staff to amend their Findings to address any deficiencies they can find. Yorgason noted they would need to grant the request for reconsideration and then direct staff to redo the Findings. If you deny the reconsideration you are saying you are keeping things as they are.

Keyes amended his motion to deny the request for reconsideration, Chadwick seconded the motion. Hershey, Keyes, Chadwick ayes, Nielsen nay. Motion carried three to one to deny reconsideration of the Star RV Resort.

Resolution 2019-07 Impact Fee Committee - The Mayor explained they are reconvening their Impact Fee Committee to review the City's park impact fees. They have the Resolution in their packets. Chadwick asked if they have all the required individuals to be part of the Impact Fee Committee as far as business relationships. The Mayor stated they do, they are from a business, construction and real estate.

Keyes moved to approve Resolution No. 2019-07; establishment of the Development Impact Fee Advisory Committee, Chadwick seconded the motion. All ayes: motion carried.

Public Hearing – Ordinance No. 290 Interim Land Use - Mayor Bell explained they have put together an interim land use ordinance to cover items needing to be covered quickly before they redo the entire Unified Development Code. The Mayor opened the public hearing, noting this is a City public hearing, not a land use hearing, but is on land use regulations, and asked Legal Counsel, Chris Yorgason, to give an overview.

Yorgason explained the interim ordinances fall under Idaho Code 67-6524 and basically what it does is if a City is working on a big plan change or amendment to their code the legislature has allowed cities to adopt an interim ordinance to get in place quickly while you are working on everything else. We still followed the same notice of hearing requirement as a typical ordinance. The one thing that is different about this ordinance than a regular ordinance is that it can't last more than one year as set by statute. In order to make this permanent they will need to go

through the formal amendment process, which the City is already doing. For the public's benefit Yorgason read the list of proposed changes affecting food trucks, residential driveways having to be paved, residential block length restrictions, mixed-use zoning setbacks, open space requirements, landscaping regarding the type of trees required by the City, and flag lots and common driveways within residential subdivision which will be prohibited by this ordinance unless otherwise approved by the Star Fire Chief. This will go through the same public hearing process as was done earlier tonight, but instead of it being a permanent ordinance it is an interim ordinance lasting for one year or until it is formally adopted as part of the bigger Unified Development Code amendment.

Nielsen asked for clarification on the why behind the food truck section of this. What are they trying to accomplish here? Mayor Bell explained they started having a lot of requests to have food trucks all over town and some wanting to be in the same place. They are trying to get something in place so they have a way to regulate it. Nielsen asked what the need for the regulation was. The Mayor stated a lot has to do with their regular businesses in town that are required to do these things and are concerned with having other people come in and set up. It is also to make certain we can put them where we feel like they are appropriate. Nielsen asked if they are aware the current snow shack and food truck are in violation of this ordinance. He asked if they are taking action that will affect what we have already given them permission to do. The Mayor stated he didn't think the snow shack was considered a food truck. Nielsen stated the other two are sitting on dirt. The Mayor stated that was something they discussed and if they wanted to change it they can.

Chadwick stated it was his understanding to protect the brick and mortar businesses that are required to provide asphalt paving and these different amenities; where these food trucks can just go set up anywhere and start selling. Feels they need to protect those businesses doing business in our City on an ongoing basis.

Nielsen stated he questions the role of government to engage in such protectionism. He feels free market is more desirable than writing an ordinance that would immediately shut down those who are doing business in the City that they have permitted already. Chadwick stated they are not saying they are going to shut them down, they are saying you are going to have to go to a location that meets these requirements. Nielsen stated it would shut them down until they found a new location. He feels they should take a different approach on how they want to regulate and deal with this; at least grandfather those in who are already doing business. Chadwick stated that could be for a time certain, not perpetual. They could be grandfathered for a certain amount of time but not forever. Nielsen agreed. Hershey pointed out the ordinance is only good for a year so how long could the grandfathering be. Nielsen stated this is interim and the intent is that it end up in our Code eventually.

The Mayor stated they could re-write this particular item or re-look at it. Nielsen stated he feels they need to and he feels this is an un-American ordinance or at least this section of it.

Keyes stated he is willing to strike Section 2 from this ordinance because they are going to have a public hearing on the replacement ordinance within thirty days anyway. If Nielsen would like some time to address this issue it would give them a month to get things addressed. He did state he would like to note that this does treat food trucks differently than food trailers. Trucks are

transient and come and go. Once you set up a trailer you don't move it and it really becomes semi-permanent and he thinks that it is fair to have different regulations for something that is semi-permanent, that competes with permanent business rather than with something that is completely transient and comes and goes over a couple of hours.

The Mayor stated if they would like they can take it out and re-write. Chadwick asked to have it removed. Keyes stated he would like to pass this ordinance and strike section 2; it is only an interim ordinance.

Public Testimony: Chris Todd, 53 N. Plummer Road, Star, Idaho, stated he had talked with the City Planner regarding regulations for the Central Business District (CBD) and in looking at different properties in the CBD district it doesn't allow for any senior living, assisted living, or independent living. Many say you don't need it in your downtown, but the CBD is bigger than just the downtown area. He stated it is a benefit to have senior living or retirement living close to businesses. He asked the Mayor and Council to look at this and consider allowing this type of living situation in the CBD district. He realized this doesn't really involve this ordinance but maybe it could be considered in a few weeks when considering the complete amendment.

Mayor Bell closed the public hearing and Council went to deliberations.

Nielsen moved that pursuant to Idaho Code Section 50-902 the rule requiring an Ordinance to be read on three different days, with one reading to be in full, be dispensed with and that Ordinance No. 290 be considered after reading once by title only, Chadwick seconded the motion. Roll Call: Hershey – aye, Keyes – aye, Chadwick – aye, Nielsen – aye: motion carried.

Keyes moved to approve Ordinance No. 290, Land Use Regulations, an Ordinance of the City of Star, Idaho, providing for land use regulations for the City of Star pursuant to the provisions of Section 67-6523, Idaho Code; amending the Unified Development Code adopted on November 2, 2011 and including all subsequent revisions; and providing an effective date, and striking Section 2: Food Trucks, Hershey seconded the motion. All ayes: motion carried.

Honey Bee Ordinance Discussion – Mayor Bell announced they would reschedule this discussion item as there was nobody present to present or any information in the packet.

Reports:

Staff: Jake Vogt, Police Chief, explained the Sheriff's Office has been shopping for new mobile computers to put in their vehicles. They will be installing several test computers in vehicles to test and our day shift will be testing two of them. As it is easier to switch vehicles than to switch computers in and out of vehicles, we will be seeing other city's vehicles being used by our officers for a couple of months.

Mayor: Mayor Bell thanked the Star officers for all the work they did at the Hometown Celebration and the Ada County Sheriff for coming and presenting a \$1,000.00 check for the Mayor's youth scholarship fund. He thanked everyone involved in the Hometown Celebration and felt it gets bigger and better every year. The pie auction raised over a \$1,000.00 for the Senior Center.

Council: Nielsen commented he had been unsure what Tina Wilson was going to present and knows she struggles a little bit as a member of the EDC Committee with the temptation to provide professional services versus just being a volunteer. She provided information tonight regarding the Western Alliance and membership. The EDC Committee is going to consider it and will come to the Council with recommendations. He stated tonight was the first he had heard the presentation and didn't feel they needed to worry about making a decision until they receive a recommendation from the Committee; and he will help that Committee to make that recommendation in a timely fashion so they can meet the second Tuesday of August. The Mayor stated they need to make sure it gets on their next agenda. Nielsen stated it sounds like something they should consider doing but let's keep that open.

Chadwick attended the Trail System meeting and they are working on providing better language for trail easement and better connectivity between Star and Eagle. They had asked ITD to do a speed study through town along Highway 44 between Highway 16 and Middleton at the freeway; and they are looking at changing the speed limit through town. There is concern with pedestrians crossing Highway 44 and they are looking at putting out crossing flags.

Keyes is on the Ada County Air Quality Board and they are working on their transitional oversight with COMPASS. The first City entry sign is up and the solar panel is installed. They are about a week away from obtaining permission from ITD for installing the third sign. They are also about a week away from installing the second sign as well. He stated he felt the Hometown Celebration went really well and appreciated everyone who showed up.

Hershey stated he had met with the Fire District and the Fire Department is looking to hold the Pheasant Hunters Breakfast at the new fire station. He received an official nomination from the Solid Waste Committee and will be going to their first meeting on the 31st.

Adjournment: The Mayor adjourned the meeting at 8:45 pm.

Approved:

Respectfully submitted:

Charlten Bell, Mayor

Kathleen Hutton, Deputy City Clerk