



## CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho

Tuesday, September 06, 2022 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.

**2. INVOCATION –**

Pastor David Ax of Calvary Star Church provided the invocation.

**3. ROLL CALL**

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

City Staff present: City Clerk Jacob Qualls, City Planning Director Shawn Nickel; City Contract Attorney Chris Yorgason, Assistant City Planner Ryan Field, City Engineer Ryan Morgan, Public Information Officer Dana Partridge.

**A. Citizen Recognition**

Mayor Chadwick recognized Star resident Gavin Gard for a heroic act on July 19<sup>th</sup> while floating the Boise River. Mr. Gard saved a stranded mother and son, provided aid to another woman, and went on to help another man help a third stranded person. Mr. Gard was honored by Council with the City of Star pin and a certificate in recognition of his courage and selflessness in providing aid to others.

**B. Constitution Week Proclamation**

Mayor Chadwick proclaimed the week of September 17-23 as Constitution Week in honor of the 235<sup>th</sup> anniversary of the drafting of the U.S. Constitution. Chadwick presented the proclamation to several attending members of the local Eagle chapter of the Daughters of the American Revolution and the David Thompson chapter of the Children of the American Revolution, and asked the citizens of Star to continue to protect our freedoms.

**C. Elevate Our Heroes Day Proclamation**

Mayor Chadwick proclaimed September 11, 2022 as “Elevate Our Heroes Day Proclamation” which was read by Council President David Hershey. The proclamation acknowledges and honors the sacrifices made by our everyday heroes from law enforcement, fire fighters, EMS, dispatchers, corrections, coroners, chaplains, retired first responders, healthcare workers, military veterans and their families. Mayor Chadwick presented the signed proclamation to Christina Fletcher, a U.S. Navy veteran who has been serving with Courageous Survival.

**D. Star Police Monthly Report (July 2022)**

Before starting the report, Police Chief Zach Hessing thanked the Mayor and Council for the proclamation for Elevate Our Heroes Day and said that it means a lot for the community to reach out in this way. Chief Hessing presented the July 2022 Star Police Report. He noted that the report has changed format a few times since January and explained from this point forward the crime report will

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match the NIBRS data (the FBI's National Incident-based Reporting System) as NIBRS has made improvements and started to be able to provide accurate incident statistics more rapidly. Going forward, his report will be presented for the previous month on the second City Council Meeting of the month. In viewing the report, he clarified that the Projected # is now a Projected # Range. Hessing noted that the range at 16.1-18.2 has gone up a little from 13.6 since last year, and that 2019 was an anomaly given Covid. He noted that the City of Star remains on the low end in terms of crime rate as opposed to other surrounding West Ada cities. In breaking down the report by crime type, he explained that there were 6 person crimes, six property crimes, and four society crimes in July. In interpreting NIBRS, it is important to understand that each involved person/item is assigned as an incident. For example, there were five person crimes, but in one case, two people were involved – hence, six person crimes. For property, there were three petty thefts or grand larceny, one commercial, and one vandalism. For society crimes, there were two drug paraphernalia discoveries and one that involved BOTH paraphernalia and drugs, arriving at a total of four on the report. Star Police is able to match that data with data off their CAD systems in terms of number of actual calls. Chief Hessing emphasized the department's pro-active policing by patrol deputies. City Council members thanked the chief and said that they enjoyed seeing crime numbers remain low.

**5. DEPARTMENTAL STAFF REPORTS (INFORMATIONAL ONLY - NO ACTION)****A. Building Department Report**

Mayor Chadwick accepted the report (see Agenda Packet) and noted members of Council had read it.

**B. City Clerk - Treasurer Staff Report**

Mayor Chadwick accepted the report (see Agenda Packet) and noted members of Council had read it.

**6. 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. Claims Approval** - Claims Provided & Previously Approved**B. Meeting Minute Approval** - January 11, 2022; February 1, 2022; April 5, 2022; May 3, 2022; August 2, 2022 and August 16, 2022**C. Final Plats** - Cherished Estates #2 (FILE #FP-22-16); Inspirado #1 (FILE# FP-22-20); Fall Brook #6 (FILE # FP-22-18)

- Council Member Salmonsens moved to approve the Consent Agenda; Council President Hershey seconded the motion. **Roll Call Vote:** Hershey – aye; Wheelock – aye, Salmonsens – aye, and Nielsen – aye. Motion carried.



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### 7. ACTION ITEMS:

- A. **Proof Pizza Provisional Alcoholic Beverage License (Star Wood Fired LLC):** Provisionally approve a Beer, Wine and Liquor by the Drink License (**ACTION ITEM- ROLL CALL VOTE**)

City Clerk Qualls advised that the location of the new business was near Ridley's and clarified that with the process that Star's license approval is set up under, this action will allow the business to order their alcohol but not yet sell. Council Member Salmonsens asked about Star Fire approval and City Clerk Qualls verified receipt of the email from Star Fire and that another, final approval stage, would come allow for the conversion from provisional to regular.

- Council Member Salmonsens moved to approve the Proof Pizza Provisional Alcoholic Beverage License (Star Wood Fired LLC); Council President Hershey seconded the motion. **Roll Call Vote:** Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

- B. **Rescinding Previous Decision:** Rosti Farms Phase 6 (**FILE #FP-21-22**) - At request of applicant (**Action Item**)

City Planning Director Shawn Nickel explained the process; the requested action will help to create a paper trail of this activity and ensure that Council is aware. Nickel clarified that the developer has changed the housing plan and will re-submit a new version of the preliminary plat for Council approval. A small portion of the residential block is moving to another phase, so tonight's action is to rescind approval of Phase 6 so it can come back for approval in the future. Council Member Nielsen said she was not comfortable placing the item on a Consent Agenda; she would prefer it be an action item. Council Member Hershey suggested that it could actually be Consent Agenda and that the Council could pull it for discussion if needed.

- C. **Copier Lease - State Contract** - Entering into a contract with Valley Office Systems / Ricoh for leasing a new photo copier / printer under the State of Idaho's Master Purchasing Agreement (**Action Item**)

City Clerk Qualls gave a summary of the proposed copier lease for new copier for the second floor; he stated he was recently approached with a better lease contract than the one the City currently has in place for the downstairs copier. It will be \$163.93 per month for 5 years, which is well under the current budget. He also explained that it may work well for the FBI-approved fingerprinting process. Council asked various questions about current process and cost differential. Qualls clarified that not only was it a preferable rate to the current first-floor copier contract, that it was also better than the rate he had for the copier at his old City. Qualls also procured a comparative bid, which was \$80 higher than this one.

- Council Member Nielsen moved to approve the Copier Lease/State Contract with Valley Office Systems/Ricoh for leasing a new photo copier/printer under the State of Idaho's Master



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Purchasing Agreement. Council President Hershey seconded the motion. **Roll Call Vote:** Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

### **E. Traffic Box Art Winners** - Confirming Parks, Art & Beautification Committee's Selection by Resolution (**Action Item**)

Council Member Salmonsens explained that a call for artists and applications had been made, and that eight submissions that met all criteria had been received. Twenty-three respondents voted on the artwork, and two winners were chosen. “Heron” by Beth Jepson will be placed on the traffic box at the stoplight in front of Ridley’s, and “Star Charm” by Belinda Fish will be placed by Steve’s Auto. Council Member Salmonsens thanked Star’s Parks, Art, & Beautification Committee for coordinating efforts for the call for public art.

- Council Member Salmonsens moved to adopt the resolution approving the two winning entries of the traffic box art selection process; Council Member Wheelock seconded the motion. **Roll Call Vote:** Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye.

### **8. LAND USE 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 - Star River Ranch North Subdivision (FILE #PP-22-06)** - The Applicant is seeking approval of a Rezone (R-5-DA to R-3-DA), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 72 residential lots and 11 common lots. The property is located on the west side of Bent Lane in Star, Canyon County, Idaho, and consists of 23.8 acres with a proposed density of 3 dwelling units per acre.

Council discussion surrounded that they have talked several times over the years about not taking public hearings until all information is in. Council Member Nielsen commended the Mayor and Staff for holding off until Council has all needed data in order to make a decision.

- Council President Hershey moved to table the Public Hearing for Star River Ranch North Subdivision (FILE # PP-22-06) indefinitely in order to allow Canyon Highway District #4 time to complete their technical review and submit a report; Council Member Nielsen seconded the motion. **Roll Call Vote:** Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

- B. PUBLIC HEARING: Baron Properties Commercial Rezone (RZ-22-02) (DA-22-05):** The Applicant is seeking approval of a Rezone (C-1 to C-2) and a Development Agreement for a parcel of land consisting of 11.38 acres. The property is located at 342 S. Calhoun Place in Star, Idaho.

Mayor Chadwick mentioned that this was at the request of the applicant.

- Council President Hershey moved to table the Public Hearing for Baron Properties Commercial Rezone (RZ-22-02) (DA-22-05) to September 20, 2022; Council Member Wheelock seconded the



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motion. **Roll call Vote:** Hershey – aye; Salmonsens – aye; Nielsen – aye; Wheelock – aye. Motion carried.

- C. **PUBLIC HEARING - Addington Subdivision (PP-22-02) (PR-22-01):** The Applicant is requesting a reconsideration of the Star City Council's April 19, 2022 decision approving the subdivision application. Specifically, the applicant requests Council remove a condition of approval requiring a public easement along the southern proposed pathway. The property is located on the east side of N. Highbrook Way in Star, Idaho, and consists of 5.58 acres with a proposed density of 6.09 dwelling units per acre. **(Action Item)**

Mayor Chadwick asked the Council if there had been any ex parte contact and, hearing none, opened the public hearing at 7:42 p.m.

**Project developer Eric Davis of 199 N. Capital Boulevard #300, Boise, Idaho**, presented a map slide to explain the request for reconsideration of the original approach taken to sidewalks for the development. He showed that the Addington development has a number of the townhomes that back up onto the Endsley Court subdivision. Mr. Davis clarified there is a pathway with a 5-foot sidewalk and shrubs on either side planned to be constructed at the rear of the Addington townhomes; the pathway was originally geared to be public access. Mr. Davis explained that the pathway is geared to be an amenity at the rear of properties for residents to be able to walk their dogs, etc. Mr. Davis explained that the nature of the request to Council was to reconsider that it be designated as private rather than public; with the greenery maintained by the HOA, and an easement so neighbors could enjoy the pathway. He explained that the alternative would be for the pathway to be public but cautioned the outcome is that homeowners would have no control over activity going on in behind their houses. Davis also mentioned the plan for a minimum 4-foot-high wrought iron fence (see-through fence).

### Public Testimony:

**Evan Fisher of 11817 W. Endsley Court** explained that he was from the development to the north of a grouping of the townhomes in question. He said he supported the idea of a pathway between your neighbor's and your property as it created some separation and noted that it was great for members of their small HOA to be able to walk their dogs. Fisher expressed support on behalf of himself and other Endsley Court homeowners for the sidewalk to be designated as private, and that the designation as private would mean that people back there have a reasonable right to use the path.

**John Forcina of 11855 W. Endsley Court** mentioned that viewers might not have a great representation of the topic from just seeing it on a map. He said to put it in perspective, his neighborhood has a vinyl fence, and the pathway creates about 20 feet of buffer between his backyard and the rear neighbor property at Addington.



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Chief Hessing asked clarification on the idea behind having the sidewalk be designated as private vs. public.

### Applicant Rebuttal:

Project developer Eric Davis mentioned that the townhomes were geared more for empty nesters and single people/single parents, with no yard to maintain. The property line is up against the fence (exhibit map is only highlighted), and the HOA will be a higher price as they would maintain the greenery for the pathway. He clarified with respect to private vs. public, that for example it is different than if a shopping center was abutting the development. He said the thinking is if the HOA controls it and if there were a problem, police officers would be able to come in and say this is private property as opposed to public.

Mayor Chadwick closed the public hearing at 8:01 p.m.

### Council deliberation:

Council Member Nielsen said he believed it is a reasonable request, and that he does not believe the sidewalks have to be public, that they could be private. Nielsen noted the City's goal of neighborhood connectivity. Mayor Chadwick encouraged noting the fence in the motion.

- Council Member Nielsen moved to approve the applicants request to modify the plan for the southern pathway at the Addington Subdivision (PP-22-02) (PR-22-01) to be designated as private property with the addendum that the applicant is to use no less than four foot wrought iron fencing; Council Member Salmonsens seconded the motion, noting that she believes it makes sense and does not impact the overall connectivity of the neighborhood and will support it. **Roll Call Vote:** Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

D. **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. **(ACTION ITEM)**

- Council President Hershey moved to go into Executive Session to communicate with legal counsel under Idaho Code 74-206(f); Council Member Salmonsens seconded the motion. **Roll Call Vote:** Hershey-aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

The City Council entered Executive Session at 8:05 p.m. and returned to Regular Session at 8:40 p.m. No actions taken.



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### 9. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 8:41 p.m.

/s/ Trevor A Chadwick

/s/ Jacob M Qualls

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Trevor A Chadwick, Mayor

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