



CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho

Tuesday, September 20, 2022, at 7:00

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** – Dylan Austin - LifeSpring Church

Pastor Dylan Austin with LifeSpring Church offered the invocation.

3. **ROLL CALL**

Council Members present: Council President Hershey, Council Members Wheelock, Salmonsens and Mayor Chadwick were present. Council Member Nielsen had an excused absence due to out-of-area travel.

City Staff present: Public Information Officer Partridge, Police Chief Hessing, Fire Chief Timinsky, City Contract Attorney Yorgason, City Planner Nickel, and Assistant Planner Field.

4. **PRESENTATIONS**

A. **Domestic Violence Month Proclamation**

Mayor Chadwick read a proclamation in honor of Domestic Violence Month and mentioned that Council Member Salmonsens would attend an event on September 30th in support of ending Domestic Violence.

5. **CONSENT AGENDA (ACTION ITEM)**

A. **Minutes** - September 6, 2022 & April 19, 2022

B. **Findings of Fact** - Addington Subdivision (**PP-22-02 / PR-22-01**)

C. **Final Plat** - Greiner Hope Springs Subdivision #6 (**FP-22-11**)

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

6. **ACTION ITEMS:**

A. **City Hall Sign Proposal** - Approve Capital Expense to replace the sign in front of Star City Hall.

Mayor Chadwick gave an overview of the request to replace the aging sign in front of City Hall. He stated that if approved, funds would come from savings and the fiscal year would need to be adjusted. Chadwick stated that the goal of the proposed replacement was to improve messaging to citizens; the modern electronic sign will be placed higher for better visibility and messaging could be adjusted remotely if there were ever an emergency. He said the proposed cost for the new sign is \$31,650.00.

- Council Member Hershey moved to approve the proposed Capital Expense to fund a new sign for City Hall, in an amount not to exceed \$31,650.00. Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye. Motion carried.



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7. PUBLIC HEARINGS with ACTION ITEMS:

- A. **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. (*TABLED FROM SEPTEMBER 6, 2022, AT APPLICANT REQUEST) **(ACTION ITEM)**

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

Applicant presentation:

Applicant's counsel, Debra Nelson of Givens Pursley, LLP, advised that she had members of the applicant's team with her this evening and presented a summary of the request. Ms. Nelson explained that the property in question is on the corner of Calhoun and Wildbranch and fronts on West State Street and Highway 44. Nelson stated the property is already annexed within the City and is presently zoned for C1 Commercial Neighborhood and summarized what was zoned for in surrounding neighborhoods. Baron Properties is requesting a rezone to C2 Commercial General in order to enable the owner to market the property for appropriate commercial purposes consistent with the City's Comprehensive Plan. Specifically, Nelson pointed out that the proposed rezone matches with two components of the Star Comprehensive Plan, to encourage commercial businesses to locate on transportation corridors and to build a stronger community by enhancing and developing Star's economy. Nelson stated that there were no changes in dimensional standards or setbacks, and that increased opportunities through C2 zoning would benefit the general public as it allows for more diverse commercial use on this visible corner intersection. She noted that sewer and water were available, and that the property was within Star Police and Fire coverage areas. Nelson said the applicant is amenable to a condition of approval requiring them to provide written documentation that ITD has issued a permit for the proposed right-in/right out driveway onto SH-44 located East of Moyle Avenue and that it should be constructed consistent with ITD standards and approval. Nelson further made a request with respect to two requested changes on page 16 of the Staff Report. She stated the developer was asking for brewpub and wine-tasting to be allowed, and for building material/gardening equipment/supplies to be allowed as uses, noting that the property is a gateway property coming into the City of Star and proposing that it be approved as such and go through the Design Review Committee and come back to Council. Ms. Nelson stood for questions.

Mayor Chadwick asked for clarification on the zoning and called out a similarity; he said he recalled Paul Larsen's property was originally C1 under the old code and had been rezoned to C2. Staff verified this was correct.

Council Member Hershey inquired about the final review process and asked how approval would work if it went through Design Review and not a public hearing process. Council discussion



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surrounded design standards and whether Council needed to see it again. City Contract Attorney Yorgason guided that if it came back as a Consent Agenda item, it could still be pulled and discussed if there were remaining questions or concerns since Council will view the agenda packet materials in advance of the meeting. City Planner Nickel clarified that tonight was specifically for approving land use, and that in coming back it would only be design related.

Public Testimony:

None offered.

Applicant rebuttal:

None offered.

City Planner Nickel noted that Staff has reviewed the two items Ms. Nelson read into the record and is fine with it and would have City Staff work with them on contract revisions.

Mayor Chadwick closed the public hearing at 7:26 p.m.

Council Deliberations:

- Council Member Hershey moved to approve the Baron Properties Commercial Rezone (RZ-22-02) (DA-22-05) as requested, with a modification that the change in use be made to allow brewpub/wine-tasting and building materials/garden/supplies. Council Member Wheelock said he was not seconding and asked for the modification to remove building materials/garden/supplies from the motion, noting he would support leaving brewpub/wine-tasting in the motion. Council Member Salmonsens noted that she supported leaving Council Member Hershey's motion as-is. Council Member Yorgason verified the seconder could not change the motion; Council Member Wheelock clarified that he was not seconding. Council Member Salmonsens seconded the motion as made by Council Member Hershey. **ROLL CALL VOTE:** Hershey – aye; Wheelock – nay; Salmonsens – aye. Motion carried
- B. **PUBLIC HEARING on Resolution TBD-2022 (Police & Fire Mitigation Fee):** The City Council will hear testimony on Approving a resolution of the City of Star creating a policy for the issuance of mitigation fees for Star Police and Mid-Star Fire Personnel on Residential and Multi-Family Building Permits; explaining the reasons for issuance of mitigation fees; encouraging other entities to repeal and replace or modify House Bill 389 (2021) **(ACTION ITEM)**

Mayor Chadwick opening the public hearing at 7:31 p.m. Chadwick summarized the background on the public hearing for a Police and Fire Mitigation Fee, stating House Bill 389 created challenges for the city to fund police and fire services at a rate that keeps up with the rapid growth. Mayor

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Chadwick said he has been working with Ken Burgess and Dave Yorgason and the Building Contractors Association (BCA) to help determine the best route. He stated the resolution will allow the city to collect mitigation fees. Chadwick explained that on the police side, it costs \$140,000.00 a year to hire and outfit a new police officer, which equates to 370 houses as we have one of the lowest per capita property tax rates in the Treasure Valley. He mentioned that two members of the BCA, Ken Burgess, and Dave Yorgason, had signed in support of the resolution, but declined to speak this evening. Mayor Chadwick mentioned the need to leave the public hearing open and continue until October 4, as it was not noticed correctly, so a decision will not be made until that date. Chadwick clarified that the resolution would apply to all residential building permits, and with respect to multi-family dwellings it will be per-door. Council Member Wheelock expressed concern that qualifier wording might be needed, such as "strive to," with respect to the wording on the Comprehensive Plan metrics "four minutes or less response time on Code 3." Mayor Chadwick verified the recommended wording came from the Comprehensive Plan and noted this would help get funding for personnel for the proposed new fire station on Floating Feather, as well as police personnel. Police Chief Hessing and Fire Chief Timinsky were present, but elected to wait to speak until the October 4, 2022, meeting.

- Council Member Hershey made a motion to continue the public hearing until the October 4, 2022, City Council meeting. Council Member Wheelock seconded the motion. ROLL CALL VOTE: Salmonsens – aye; Wheelock – aye; Hershey – aye. Motion carried.
- C. **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 Member Hershey moved to enter into Executive Session under Idaho Code 74-206(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Council Member Wheelock seconded the motion. ROLL CALL VOTE: Wheelock-aye; Salmonsens – aye, Hershey - aye. Motion carried.

Council retired to Executive Session at 7:39pm; with Wheelock, Chadwick, Salmonsens, Hershey, City Contract Counsel Yorgasen, Special Counsel Nielsen, City Planner Nickel, Assistant Planner Field, and Public Information Officer Partridge.

The Star City Council reconvened in open session at 8:42pm after speaking about pending litigation.

ACTIONS AFTER EXECUTIVE SESSION: Any actions made after the executive session that may be disclosed will be approved by motion in open session but may be generalized. **(ACTION ITEM)**

- No actions were taken.



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8. ADJOURNMENT:

Mayor Chadwick adjourned the Star City Council meeting at 8:42 pm.

/s/ Trevor A. Chadwick

Trevor A Chadwick, Mayor

/s/ Dana Partridge

ATTEST: _____
Dana Partridge, Public Information Officer