



CITY OF STAR, IDAHO  
**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho  
Tuesday, January 03, 2023 at 7:00 PM

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**1. CALL TO ORDER**

Mayor Trevor Chadwick called the meeting to order at 7:00 p.m.

**2. INVOCATION**

Relief Society President Kristi Dyer of the Church of Jesus Christ of Latter-Day Saints provided the invocation.

**3. ROLL CALL**

Council Members present: Council President Hershey, Council Members Wheelock and Salmonsén, and Mayor Chadwick were present. Council Member Nielsen was absent (excused absence).

City Staff present: City Clerk-Treasurer Qualls, Public Information Officer Partridge, City Attorney Yorgason, Police Chief Hessing, Planner Nickel, Assistant Planner Field, City Engineer Morgan, and Deputy City Clerk Conly.

**4. PRESENTATIONS**

A. Ada County Emergency Management / Emergency Operations Plan

Planner & Special Projects Manager Randy McLeland with the Ada County Emergency Management & Community Resilience Department spoke about the proposed Emergency Operations Plan. McLeland explained that emergency operation plans are not a specific tactical playbook, but rather a guideline for response. He stated that the existing EOP was originated back in 2014. This effort to produce a joint update involved feedback from City leaders, workshops, and seminars with staff from the city participating, using the National Emergency System as guidance. He said that the plan is designed to be a living document that will incorporate the currently proposed changes and continue to evolve in the future; and that the plan dovetails with Ada County's EOP.

No action taken at the time of presentation; see Item 7A below for the associated action via resolution.

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

A. Approval of Claims Provided & Previously Approved

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

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**6. PUBLIC HEARINGS with ACTION ITEMS:**

- A. **Public Hearing:** Jackson's Food Store Conditional Use Permit (**FILE: CUP-22-07**) - The Applicant is seeking approval of a Conditional Use Permit for a Jackson's Food Store. The property is located on the northwest corner of W. State Street and N. Star Road and includes 61 N. Star Road, 11273 W. 1st Street, 11289 W. 1st Street and 11253 W. 1st Street in Star, Idaho. Property consists of a total of 1.41 acres. (**ACTION ITEM**) - **TABLE TO FEBRUARY 7, 2023**
- Council Member Hershey moved to table the Jackson's Food Store Conditional Use Permit (FILE: CUP-22-07) Public Hearing to the City Council meeting date of February 7, 2023; Council Member Salmonsén seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsén – aye. Motion carried.
- B. **Public Hearing:** Vacation of Easement for Iron Mountain Vista Subdivision (**FILE: VAC-22-03**) - The Applicant is seeking approval of a vacation of an access easement for the Iron Mountain Vista Subdivision. The easement was for an original private street (N. Worsley Lane) accessing the property from W. Floating Feather Road. The property is located at 2327 N. Worsley Lane in Star, Idaho. (**ACTION ITEM**)

Mayor Chadwick explained the public hearing process. Chadwick asked the City Council members if any had ex parte communication, and hearing none, opened the Public Hearing at 7:09 p.m.

**Applicant presentation:**

Jay Walker of Kimley Horn at 849 E. State Street in Eagle presented on behalf of Todd Campbell Custom Homes Construction. Mr. Walker utilized the map (see Agenda Packet Topic 6B for map) to explain that the vacation has to do with the Iron Mountain Vista subdivision (IMV); IMR, IME, and IMV are all located within the vicinity near Star Middle School. He explained that this pertains to Lots 4 and 5 of the original subdivision plat of the property referenced as Worsley's Folly. The easement extended through Lot 4 for access to Lot 5. Because the applicant is working with the City on the platting process and there is now a preliminary plat, the easement is no longer needed due to public road access being developed. Walker further described that the corner of the property has a well and pump station. Per the map, Lots 4, 8, 10, 16, and 17 are part of the plat to be associated with the well. The third lot has its own well and is not included. He stated that Worsley Lane will continue as emergency access/egress in the interim until the road is in that connects to the Toll Brothers development. The applicant stood for questions.

Council Member Wheelock asked about water access for fire and if the line goes down the old Worsley Lane, Walker indicated it is an eight inch line and will remain to the north.



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### Public Testimony:

**Blake Estes of 8932 Broken Arrow Road, Star**, noted he lived at the middle lot. He said his lot is fed by the well on the corner. Mr. Estes stated he is not necessarily against the applicant's proceeding, but he needs to go back across to have access to the well. He noted the well will eventually need to be serviced/replaced, and expressed concern.

### Applicant Rebuttal:

Jay Walker explained that the easement over the common lot is going to continue over the referenced line, so a pump truck and any other needed service technician will be able to access the well. Walker also noted that Broken Arrow remains the northeasterly boundary with the adjacent easement for pump and well in the common lot.

Mayor Chadwick suggested that it be called out as part of the approval process to perpetually maintain the easement discussed by Mr. Walker and Mr. Estes. Mayor Chadwick closed the Public Hearing at 7:22 p.m.

### Council Deliberations:

- Council Member Hershey moved to approve the Easement Vacation for Iron Mtn Vista Subdivision with the condition of continuing to have the easement on Worsley's Folly for access to the pump and well in the common lot; Council Member Wheelock seconded the motion. Roll Call Vote: Hershey – aye; Wheelock – aye; Salmonsens – aye. Motion carried.
- C. **PUBLIC HEARING: Colt Heights Subdivision (FILES: PP-22-09 & PR-22-03)** - The Applicant is seeking approval of a Preliminary Plat and Private Street for a proposed residential subdivision consisting of 5 residential lots and 2 common lots. The property is located on the north side of the existing Colt Place Subdivision in Star, Idaho, and consists of 10.96 acres with a proposed density of .46 dwelling units per acre. **(ACTION ITEM)** - INITIALLY TABLED FROM NOVEMBER 15, 2022 TO DECEMBER 6, 2022 to JANUARY 3, 2023

Mayor Chadwick asked if Council had had any ex parte communication. Council members advised that they saw the recent news reports and an article; City Attorney Yorgason verified that this was okay and did not constitute ex parte communication.

Mayor Chadwick opened the Public Hearing at 7:24 p.m.



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### **Applicant Presentation:**

**Becky McKay of 1029 N Rizarrio in Meridian** presented the applicant, Barton. Ms. McKay stated the developer Harley Jones started the project back in 2005, and that subject development was 47.26 acres with an application for 102 lots. She explained that the Council approved the development agreement, and the zoning was R3DA density not to exceed three units per acre; with no more than five lots north of the Foothill Ditch. She explained that she was at Council to review the northern portion, with a request for five one-acre lots.

McKay testified there had been a neighbor meeting, and that neighbors were concerned about the wetlands, birds, and nesting.

After the developer's submittal, they made an appointment with the Army Corps of Engineers to review subject land; City Planner Shawn Nickel and City Engineer Ryan Morgan attended this meeting with the developer and the Army Corps of Engineers and walked the land. McKay summarized that after the Corps of Engineers representatives examined the site, the Corps considered it upland property.

The hydrology of the land was impacted by ditches and berms; and the quality of possible wetlands was considered marginal. She described the land as with a pond, and canopy of trees; with four identified drainage outlets into Foothills ditch. She asked Council to contemplate the riparian area for future connection to other paths.

McKay said that Wyatt Earp Drive will extend water and sewer, and they would plan to come in with a 28-foot-wide private road, with the idea being to have a smaller street, less grading, and less impact on properties. She noted the common lot is 4.36 acres and is attached to Foothills Canal.

The property is already annexed and zoned for improvement. She stated the applicant feels they are going over and above standards in this application.

There is an existing pump station onsite and another pump needs to be added and pump housing improved, and the applicant is willing to do this. McKay said they spoke with the HOA president.

McKay asked Council for a waiver for a 28-foot road instead of the required 36-foot width because there are very few lots and feel the 28-foot road is sufficient.

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The original preliminary plat was projected to have a 40 foot setback for these five lots on the northern boundary. She described that two houses in Star Acres abut the buildable lots. McKay noted that subject land was always shown as Phase 4, and the applicant feels it is a good compromise and took the suggestions given by the City Engineer, Planning Staff, and Army Corps of Engineers.

McKay mentioned a meeting with neighbors and referenced a 2006 wetland delineation study previously prepared by Carl Gephart, Engineer, who stated the wetlands were passable, that contributing irrigation created them, and did not find that the hydrology was naturally created. She noted the applicant sent City Planner Shawn Nickel a copy of this historical report. The applicant stood for questions.

Mayor Chadwick inquired about the 4.63 acre open space and asked if the applicant was proposing the City take that over. If yes, he asked if that could go into a Conservation Easement. City Attorney Yorgason verified the City could pursue that with other entities, and that it could be put in place. Council Member Hershey inquired if the 4.63 acre donation could be made as a condition of approval. City Attorney Yorgason guided that if the applicant is suggesting this, that a donation could be part of the final plat and that there were various ways to handle. Discussion surrounded the far eastern lot and whether it could be a viable nature path for the subdivision and a throughway for students to walk to the middle school.

Mayor Chadwick noted that with respect to the private road, that the lots would be part of the HOA but that the road would be funded by a separate account to be laid out in the CCNR's. Chadwick asked for feedback from Deputy Fire Chief Victor Islas (participating via remote online) as to whether or not he would support the 28 foot road. Deputy Chief Islas noted that he would need to see the AutoCAD models that proved that the Fire Department could get their ladder trucks through.

McKay noted that Shawn Nickel had a condition of the applicant seeking Fire Department approval. She explained that the street would have to be "no parking" and that subject properties would have ample parking available in their driveways. Shawn Nickel noted there would also be a waiver of sidewalks.

Council Member Salmonsén asked to verify that it was R3 setbacks, with the exception of the northern boundary at forty feet. McKay replied that the applicant was comfortable with R1 but noted the original approval was forty feet and assumes Council will wish to continue with that. Salmonsén asked if there were any other areas of the property that could have wetlands.

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McKay explained that the Army Corps of Engineers examined plants, walked various areas, and determined no wetland. They examined specific areas of concern, noting that there was some water present but plants on the Eastern side were not matched to wetland plants.

Council Member Salmonsens verified that with respect to the Colt Place CC&R, that the five lots would be subject to all other CC&R covenants, but that the private road is a separate matter. McKay answered in the affirmative, and noted also that the applicant supported the idea of a pathway to the school.

**Public Testimony:**

**Katy Slater of 2091 Sunny Lane, Star**, said she was here to ask Council in goodwill and in the spirit of the Comprehensive Plan to reduce the lots by one and approve four lots rather than five. She said she and her husband have been stewards of subject land for the 18 years that they have lived by it. She showed photos of hawks and ponds. She asked to protect her view from her property, noting she wants to protect her property value and avoid having headlights shining into her house.

**Peggy Fahy of 10274 W Wyatt Earp Drive, Star**, showed a video taken in her backyard. She said her home is East of Wagon Wheel, so she feels her property is most impacted. She said she is concerned about the development as proposed, and worries about depreciation in her property value.

**Carol Ward of 2090 N. Sunny Lane, Star**, said she noticed Owyhee County and Eagle limiting development and worries that developers may see Star as an easy mark. She presented slides on the issue of sliding homes in Boise's Foothills neighborhood. She said Boise now requires a second engineer be at the site at developments. She requested consideration for a study by a botanist. She showed images of trees at the north end of the Corey Barton property and noted they hold soil.

**Amy Berg of 10296 W Wyatt Earp Dr, Star**, said her family purchased their home one year ago and it was not disclosed that building might go on. She asked Council to take time in considering this matter. She expressed concern over the potential for her children's windows to be facing the proposed homes.

**Michael Ware of 12178 W Virginia City St., Star**, said he was a retired forest engineer and expressed concern over the proposal. He noted concern for possible adverse impact to existing roads in Colt Place and for the water supply. He expressed concern that there was only a single ingress/egress to this addition, with only one way to go. He noted that he felt neutral but had concerns.

Mayor Chadwick noted that Fire Code calls for one access point for every thirty homes.

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**Maxine McCombs of 2211 N Schreiner Lane, Star**, said she gave her support to those against the development. She said she supported open space and land, noting that deer, eagles, and quail are all gone near her property. She said this was a chance to help keep this land as a habitat.

**Rosalyn Studarus of 6474 Foothill Road, Star**, said she supported keeping everything as rural as possible. She said she did not realize she was living in an impact area. She stated she was not in favor of development.

**Layla Lockhart of 10158 Wyatt Earp Drive, Star**, said she and her husband were told the green space would continue. She said her home is near the southernmost, densest end of the riparian area. She is south of a large poplar nesting area and has seen two successful nestings of young hawks. She said she is concerned over the potential for middler schooler and smoking on the proposed foot path, but that she hopes for a carefully done wildlife path.

**Bob Fehlan of 2203 N Sunny Lane, Star**, said he is located just north of the Slater lot. He stated that he felt the current development proposal left open space, which is responsible. He requests open style fencing so wildlife can migrate. Fehlan noted that in the project narrative, the applicant states the road is owned by the development, and feels the graphic presented is inaccurate. He suggested that lots 3 and 4 be merged, to allow the developer to shelter some wetland area.

**Vic Warr of 2050 N. Brandon, Star**, said he owns the property to the West of Lots 5 and 6. He said he is not really for or against the development but attended the meeting for informational purposes. He said he feels the area near him is quite steep and is concerned about how they will fill or grade that. He asked about responsibility areas, and also asked for clarification on common lots. He said he would oppose an access to the West, as it would dead end at his property.

**Applicant rebuttal:**

Becky McKay referenced the neighborhood meeting with staff, and noted the intent was not to bully or speak over neighbors. She said she thought it was a good idea of Shawn Nickel to hold the round table, that Mr. Barton attended and mostly just listened. She said he wants the applicant wants to be a good neighbor, noted he has paid his property taxes all this time, and that it has always been identified as five lots.

McKay explained regarding the Boise slide and Terra Nativa, she said there is no comparison and explained why a natural spring had been filled which created the instability.

The property in this application does not have slopes even close to the level of Terra Nativa. McKay said the developer does not intend on filling natural drainage and that they are working on drainage



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and plans the design to use the topography of the land to create a natural pad for the houses and may incorporate retaining walls.

With respect to five lots, the infrastructure is there, and it is stubbed.

McKay reported the developer will add the second pump and make repairs of the irrigation well house.

Regarding the concern over the single lot access, there is one point of access allowed for every thirty lots. She said the developer will meet all Fire Department requirements. The project engineer will determine and get that road set up based on grading.

In regard to the trees, she noted that if trees can be saved, it will be done, especially as these are estate lots. She said open style fencing is a great idea.

McKay noted that the development agreement pre-exists tonight's action and is still valid. She stated that Mr. Barton recognizes sensitivities of the area but has owned the land for fifteen years and paid taxes and needs to do something with it. She further stated that they will be cautious with pads, etc., and that they have to rely on the experts. The developer feels they have worked with everyone and voluntarily deferred several matters in order to get this project right.

Mayor Chadwick closed the public hearing at approximately 9:20pm.

### **Council Deliberations:**

Council Member Wheelock expressed concern over the road, and that his point of view is that if it is moved, he would expect the new homeowner could potentially cut down any dead trees over time even if it is a riparian area. He also expressed concern over no available street parking. Ms. McKay replied that unlike with a standard urban lot, with lots of this size they will have nice large driveways.

Council Member Hershey expressed concern over the road, and support for merging the two aforementioned lots. He suggested waiving park impact fees and offered to table the action so the applicant's representative could go back to Mr. Barton to discuss the merging.

Mayor Chadwick noted canal easements are always included, that this is a private road and thus is included in the acreage calculation.

Shawn Nickel stated that Council has regularly approved lots with private roads previously, so this is not out of the ordinary.





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Council Member Wheelock stated support of blending lots 3 and 4 and noted he is not a fan of 32-foot roads.

Mayor Chadwick suggested tabling to the February 7<sup>th</sup> meeting for time for Ms. McKay to talk with Cory Barton and clarified for everyone that the public is not to contact Council Members during this time.

City Attorney Yorgason clarified the Public Hearing has closed, Council has received all information, and that this is being done for clarification to hear the applicant's response; he also clarified that the city collects various impact fees, the open matter for applicant is only the waiving of park impact fee and merging lot 3 and 4.

- Council Member Hershey moved to table the Colt Heights Subdivision Private Road and Preliminary Plat Public Hearing Decision to the February 7, 2023, meeting; Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye. Motion carried.

Mayor Chadwick called a brief recess at 9:26 p.m.

Chadwick called the meeting back to order at 9:32 p.m.

### 7. ACTION ITEMS

A. **Resolution TBD-2023:** Adopting the December 2022 Basic Emergency Operations Plan as presented by the Ada County Emergency Management (**ACTION ITEM**)

- Council President Hershey moved to approve Resolution TBD-2023 adopting the December 2022 Basic Emergency Operations Plan as presented; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye. Motion carried.

B. **Skate Park Shade Structure** - Discuss / Approve Skate Park Shade Structure Estimate (**ACTION ITEM**)

Mayor Chadwick explained that three groups were invited to provide bids and what the recommended amount was. Council Member Wheelock asked to lighten the color of the proposed sunshade, to help keep it cool in hot weather. Council Member Salmonsens noted the original plan for the skate park included the proposed shade structure and that stairs on the side would make it ADA compliant.

- Council President Hershey moved to approve the proposed skate park shade structure estimate as presented; Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye. Motion carried.



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C. **Highway 44 Widening Construction Contract Award** - Approval / Authorization Construction Contract Award (**ACTION ITEM**)

Mayor Chadwick asked City Engineer Ryan Morgan to approach the podium in case there might be any questions, and explained the bid process and proportional share process. He clarified that ITD has come back and said they only have to do 100 feet, so if approved the City award the contract and do a Change Order. Council Member Salmonsens asked clarification that this was the lowest responsible bidder. Ryan Morgan verified that all three bidders were qualified. Mayor Chadwick noted that it was a bonded project and the winner of the bid was obligated to complete the project on time. Ryan Morgan noted that the numbers were very close to the engineer's estimate.

Council discussion surrounded infrastructure and growth paying for itself.

- Council Member Salmonsens moved to approve the notice of award to Cap Paving not to exceed the bid amount and use ITD Proportionate Share funds; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye. Motion carried.

### 8. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 9:52 p.m.

\_\_\_\_\_/s/\_\_\_\_\_  
Trevor A Chadwick, Mayor

ATTEST \_\_\_\_\_/s/\_\_\_\_\_  
Jacob M Qualls, City Clerk - Treasurer