



CITY OF STAR, IDAHO
CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, October 04, 2022 at 7:00 PM

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.

For those cross-referencing Minutes to the live video, please note that the Mayor announced an out-of-order meeting in order to accommodate the large number of citizen speakers for public hearings this evening. After the Consent Agenda Item 5A-B vote occurred, the meeting proceeded as follows: Public Hearings Items 7A-B-C-D, then Action Items 6A-B-C.

2. INVOCATION

President Kristi Dyer of the Star 1st Ward Relief Society provided the invocation.

3. ROLL CALL

Council Members present: Council President Hershey, Council Members Nielsen, Wheelock, Salmonsens and Mayor Chadwick were present.

City Staff present: Public Information Officer Dana Partridge, Police Chief Zach Hessing, City Contract Attorney Chris Yorgason, City Planner Shawn Nickel, Assistant Planner Ryan Field, City Engineer Ryan Morgan and Deputy City Clerk Barbara Conly.

4. PRESENTATIONS

No proclamations/presentations were submitted for this evening's meeting.

5. CONSENT AGENDA (ACTION ITEM)

A. **Approval of Minutes:** September 20, 2022

B. **Findings of Fact:** Baron Properties Commercial Rezone (**FILE: RZ-22-02 / DA-20-28**)

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

6. ACTION ITEMS:

A. **SH-16 & Beacon Light Advanced Flasher:** Approval of Bid for Advanced Flasher using ITD Proportionate Share (**ACTION ITEM**)

Council discussion surrounded the point that City of Star will pay for and ITD will pay the City back for the advance flasher.



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- Council Member Wheelock moved to approve the Bid for SH-16 & Beacon Light Advanced Flasher using ITD Proportionate Share; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Nielsen - aye; Hershey - aye; Wheelock - aye; Salmonsens - aye. Motion carried.

B. Ada County / Star Hazard Mitigation Plan Resolution Adoption: Adopting the Ada County / Star City Multi-Hazard Mitigation Plan (**ACTION ITEM**)

Mayor Chadwick pulled this item to bring back at the later Council Meeting date.

C. Holiday Décor Purchase: Approval of purchase of decorations for Activities Committee Celebrations and booking the expense into FY 21/22 (**ACTION ITEM**)

Mayor Chadwick gave a slide presentation showing samples of the proposed town holiday decorations as submitted by Public Information Officer Dana Partridge and the Activities Committee. Council discussion noted the proposed purchase of an 18-foot pre-lighted tree that is stated as easy to assemble and store; note was made that Bob Little has located a safe place to store it. Council discussion also surrounded a proposed LED holiday star that could be used both at City Hall and at the upcoming New Year's Eve celebration at the Star Riverhouse. Chadwick noted that the proposal was to approve expenditure out of last year's budget in order to utilize the funds raised.

- Council President Hershey moved to approve the purchase of decorations for the Activities Committee Celebrations and booking the expense into FY 21/22; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Wheelock - aye; Salmonsens - aye; Hershey - aye; and Nielsen - aye. Motion carried.

7. 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:** Madenford Estates Subdivision (**FILES: AZ-22-06; DA-22-06 & PP-22-11**) - The Applicant is seeking approval of an Annexation and Zoning (R-3), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 15 residential lots and 3 common lots. The property is located at 3605 N. Pollard Lane in Star, Idaho, and consists of 5 acres with a proposed density of 3.0 dwelling units per acre. The parcel is part of a recent parcel division through Ada County. Access to the proposed development will be through a new subdivision that is currently under construction to the west (Cresta Del Sol Subdivision). (**ACTION ITEM**)

Mayor Chadwick asked the City Council members if they had any ex parte communication on the subject hearing and, hearing none, opened the public hearing at 7:04 p.m.



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Applicant presentation:

Antonio Conti of 7761 W. Riverside Drive in Garden City presented on behalf of the developer. Mr. Conti explained that the whole site area was five acres. He described the existing site and requested annexation and presented the site plan, which included a request for R3 zoning. Mr. Conti noted that the neighborhood just North would have a ten-foot wide landscape buffer, and for West of Lot 11 would have a proposed berm to help minimize impact to neighbors. Mr. Conti stood for questions.

Council questions:

Council Member Wheelock asked for clarification about proposed fencing on the north side, as to whether it would be fence and then fence again. Antonio Conti clarified that it is proposed to be landscaped grass with two fences, but that it won't be open and will be a solid fence in order to protect horses with an open fence on the development side and showed where the area was on the slide presentation.

Public testimony:

James Carlson of 3715 N. Pollard, Star, said that he was from the property directly to the North, which has livestock. He mentioned that the topic of livestock already came up with Toll Brothers to the West last year, and that the agreement with Toll Brothers was a safety fence. Carlson proposed a secondary fence so the border can be continuous. He said he feels the developer's fence as stated is insufficient safety-wise with livestock. He requested a twenty-foot setback in addition to the fence to help mitigate livestock sound, flies, etc.

Council Member Nielsen asked Mr. Carlson what type of fence is currently in use, mentioned the Right to Farm Act, and said he appreciated Mr. Carlson being a good neighbor with the suggestion of the twenty-foot setback. Mr. Carlson indicated that it was presently a four-by-four style fence directly on the property line.

Barbara Moyle of 9800 West Beacon Light Road, Star, said she lives within 300 feet of the hearing's subject property, and has concerns about the backfill pond impact with respect to the neighborhood vibration of developers work for potential damage. She mentioned conditional approval of irrigation, that all 125 floodgate users need to approve any addition. Mrs. Moyle noted the West Trident Ridge road access to cross over their water and referenced Idaho Code 4207 if a prior working system is moved.



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Gary Madenford of 3605 N. Pollard, Star, stated he owns the five acres to the East of subject property and noted all irrigation comes East and they use Gate 22. He said the water that cuts through his property will serve the subdivision. He expressed excitement over the subdivision, noting he has never had gas, etc.; the subdivision means he will have power facilities. He said he thinks they are doing a great job with the plan.

Developer rebuttal:

Antonio Conti spoke on planned setbacks and noted the irrigation water was coming from Gate 22. He also referred to the eight-foot berm for protection. With respect to fencing, he said they were planning fencing for a consistent look.

Council questions:

Council President Hershey asked about lots 2 and 17. Mr. Conti noted that they planned for consistency with the neighborhood next to them, that the designs were not yet set, and that they will plan accordingly if Toll Brothers does second stories. Mayor Chadwick asked if it was okay if lots 2 and 17 were noted in the approval. Mr. Conti said yes.

Council Member Salmonsens noted the vibration topic and asked for further explanation about that in relation to wells. The developer's explanation surrounded vibrating compaction, basically that it is impacted by distance when you compact dirt. He stated this is part of construction, that he does not consider it to be an issue. Council Member Salmonsens inquired how many neighbor properties this affected? Conti noted that the closest house is on the Southwest border, approximately thirty-five feet from the property line and sixty or seventy feet from the pond; with about fifty feet in between, he considers that this is not a concern. Council Member Salmonsens asked what would happen if it did turn out to have an impact. The development team explained that it would be the contractor's insurance that would cover such a situation.

Council Member Wheelock asked how deep the pond was – for example, six or ten feet? The developer replied that it is four to five feet maximum.

Mayor Chadwick gave Council guidance on arriving at a motion, and mentioned the secondary livestock fence, suggested single story designs for lots 2 and 17, and sheep's foot compacting for the lots. Shawn Nickel mentioned the conditional back of lots and the Right to Farm Act. Council Member Nielsen asked for the City Engineer to comment before the Council decided to pursue the sheep's foot compacter.

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City Engineer Ryan Morgan verified that sheep's foot is indeed the term for the aforementioned type of compactor, and said it has cutouts and extrusions, so rollers are not all hitting at the same time. He noted there is a pond that has been dry for a while, and said compacting should not be an issue, and that it would take a day or two to complete the needed compaction.

Mayor Chadwick closed the public hearing at 7:42 p.m.

Council deliberations:

- Council President Hershey moved to approve the Madenford Estates Subdivision (FILES: AZ-22-06; DA-22-06 & PP-22-11) an Annexation and Zoning (R-3), a Development Agreement, and Preliminary Plat, with the following additional condition of a stipulation that it be suggested that the neighbors video tape the sheep's foot compactor if possible. Council Member Nielsen seconded the motion. ROLL CALL VOTE: Nielsen – aye; Salmonsens – aye; Wheelock – aye; Hershey – aye. Motion carried.
- B. **PUBLIC HEARING:** Junction Crossing Subdivision #2 (**FILE: PP-22-08**) - The Applicant is seeking approval of a Preliminary Plat with 3 mixed-use lots, 3 commercial lots and 3 future buildable lots with 2 common lots. The property is located at 7884 W. State Street in Star, Idaho, and consists of 8.84 acres. (**ACTION ITEM**)

Mayor Chadwick asked if Council had had any ex parte communication and upon hearing none, opened the public hearing at 7:45 p.m.

Applicant presentation:

Developer Chris Todd of 12537 W. Goldcrest, Star, described the mixed-use new development that would be part of the original Amazon Falls. Phase I is under construction, and Phase II is what is under consideration tonight. Todd described the goal was to have a mix of destination retail, outdoor retail, some restaurants, townhomes, etc. with a village-like, high-end community that is walkable and bike-able to neighboring towns. He noted pursuing pre-application meetings with the City, the intent for true mixed-use, and said he hoped to convey the idea and vision of the project. Todd mentioned two additional building paths for lots 10 and 11. He said Highway 16 and 44 was a hub for commercial growth and showed mixed-use renderings, noting he worked with Shawn Nickel on height variances. The developer stated his goal is small businesses – restaurants, bars, retail/office mixed-use, with residential on top. Todd described the amenities such as a private drive with internal landscaped promenade with pavers that will help with storm water, a sunken amphitheater stage that is tiered and stepped down where concerts, movie nights, or plays could be held. He described that West of the amphitheater is a large common area with open space, fire pits, a water feature, and seating for some of the

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businesses. The developer asked for a height restriction extension to 58 feet for the front two buildings as well as mixed-use. He noted that he serves on the Transportation Committee and wants to match the width done on Short Road with this project, noting that C1/C2 type detached sidewalks are not a great idea. He said there will be plenty of outlets for people to walk. Mr. Todd distributed a letter to Council Members at the dais from Wright Brothers Construction in support of the development and proposed uses (letter on file at City Hall) and stood for questions.

Council President Hershey noted the 58-foot height restriction, asking how tall will the true mixed-use be. Todd responded about 46-48 feet, with three stories. Hershey also asked what type of range – shooting or other? The developer said either a pistol or archery range at the front buildings might make sense but possibly lots 10 and 11 could be a site where that could work as a use.

Council Member Nielsen referenced a development he passes frequently in Meridian that has a consistent high-end look and feel and noted it does not look like the standard “apartments on top” type of design that has been with us for the past forty or fifty years in mixed-used developments. He expressed a desire for more appealing architecture in mixed-use. Nielsen suggested not matching, but rather, standing out through design.

Council Member Salmonsens asked about bike lanes and also noted the request for parking reduction of ten percent and inquired if that included the two commercial paths. Todd said no, that where that comes in is the two buildings on State Street, if future potential users don’t max out, it wouldn’t need to be asked for. For bike lanes, he said that Short Road does not allow for one as it is a collector road, and that Amazon Drive would have a bike lane. Todd further described locations of bike racks to encourage bike parking so people can bike to but then walk within the development; however, he clarified that there is no planned Park-and-Ride.

Council Member Wheelock asked for clarification on total parking spots lost, and said we’ve had parking lot discrepancies before with respect to business/day use (for restaurants, etc.) vs. night-time use. Todd clarified that it would be total parking of 327 spots, which is 1.5 spots per unit for the apartments. Council Member Nielsen expressed concern long-term about the net effects of all the parking spot waivers that developers request; Nielsen said he would really like to see a four-level garage. Todd responded that he had no funds for that.



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Council discussion surrounded the potential donation of the center stage (lot 5 in preliminary plat) to the city for use as a City park/event space and eventual management discussion needs. Council discussion moved on to the Design Review process, and City Contract Attorney Yorgason noted that the goal tonight is to approve the overall project and zoning needs and have a process where the design may come back in front of Council via the Consent Agenda (Design Review Committee will provide a report) rather than come back as a public hearing.

Council Member Nielsen urged everyone to consider height requirements, especially if a hotel becomes a possibility; he said it might be a really attractive amenity for the City and asked for members of the public to specifically remark during Public Comment opportunities.

Public Testimony:

None was offered.

Applicant rebuttal:

Developer Chris Todd mentioned lots 1, 2, and 3 if a hotel were to become a possibility, in which case, it would come back.

Council deliberations:

Council President Hershey noted he was supportive and that a hotel would be an attractive option. He asked for the nursing residential facility to be removed as it was not a logical match.

Council Member Salmonsens mentioned she was in favor of parks especially donated ones but expressed concern over maintenance. Clarification was provided that it was about 0.6 of an acre.

Council President Hershey suggested stipulating that a park would come back, and the Council should not consider that issue now.

Council Member Nielsen noted that the City would be looking at full-time staff and an event center, and urged caution because the City would need to look at ongoing operating costs. He expressed concern over the look and feel of the buildings, and reiterated he wants the developer to look at downtown Meridian and have people give feedback on the design.



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- Council President Hershey moved to approve Junction Crossing #2 with the following stipulations: 1) A 58-foot height acceptable but for the mixed-use but Buildings 1, 2, and 3 would need to come back if a hotel; 2) Strike Nursing Home (Item 10) off the Acceptable Uses List to arrive at sixteen total acceptable uses. 3) Lot 5 as a donated park is something the City Council will consider further in the future; 4) Sidewalks match; 5) Shared parking agreement; and 6) Calling out the list of Acceptable Uses; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsens – aye; Nielsen -aye; Hershey – aye. Motion carried.

Mayor Chadwick called a brief break at 8:45 p.m. He re-opened the meeting at 8:50 p.m.

- C. **PUBLIC HEARING:** The Quarry at River Park Estates Subdivision (**FILE: AZ-22-13 & DA-22-13**) - The Applicant is seeking approval of an Annexation and Zoning (Residential R-3 & Mixed-Use MU) and a Development Agreement for a proposed future residential development. The property is located at 21339 Blessinger Road in Star, Idaho, and consists of 185.93 acres. **(ACTION ITEM)**

Mayor Chadwick asked if Council had had any ex parte communication and, hearing none, opened the public hearing at 8:52 p.m.

Applicant presentation:

Travis Hunter of 923 S. Bridgeway, Eagle, presented on behalf of Boise Hunter Homes and started with a company profile. The proposed annexation is adjacent to Star city limits, this would be the second phase of River Park. He noted there are no remaining agricultural endeavors on the land. Mr. Hunter described some of the amenities planned, including a boat launch, kids play lake, sand beach, cabana shelters, and indoor community center. He also noted the neighbors to the East and West did not have a paved green belt, and this development would. Hunter noted that the overall project size is 186 acres, with 228 residential lots, 6.9 acres of commercial/light industrial, and 86 acres remaining open. To the West is the Leighton Lakes Community who have an expressed concern over lower density; Hunter stated he hoped to relieve their concerns. He stated that The Quarry is noted as part of Star Sewer and Water's master improvement plan, and that they will extend six-foot main sewer and new regional lift station. He discussed proposed setbacks and showed images of the setback at Boise Hunter Homes' Dry Creek development in Boise. Hunter showed a slide of planned accommodations and said they had been communicating with the neighbors to the West at Leighton Lakes for a year; the proposed accommodations are: 1) 228 lot limit; 2) Easements for sewer/water; 3) Western border pathway fence cost share; 4) Move recreation facility; and 5) Traffic re-route along Western border to cul-de-sac. Hunter asked in conclusion for the approval of the



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annexation request, zoning to R3-DA and MU-DA, and approval of the development agreement. Mr. Hunter stood for questions.

Council Member Nielsen asked about storage businesses, noting that he was open to considering these because some of the newer ones in Eagle have buildings designed to aesthetically look like any other businesses. Nielsen stated the RV park is a bigger consideration, maybe okay but it would need to be conditional use and come back before Council.

Hunter answered that having self-storage was less important than property values, and that he was also not married to an RV park, but it could be done well for a few day stay/short term property.

Discussion surrounded setbacks. Council Member Nielsen said he felt the product shown would not fit on 7.5-foot setbacks and that he was anxious to hear discussion around that and would be looking for hard commitments on landscaping. Nielsen expressed concern over stack-and-pack.

Mayor Chadwick asked, why R3 if we have R2? Shawn Nickel explained that the staff recommendation was R3 because R2 would not allow for the smaller lots and waiver on setbacks; he clarified that at a minimum, the staff recommendation is for R2 to stay in place at least for lots on the Western boundary. Nickel gave further clarification on matching with the Comprehensive Plan and noted he is supportive of the uses. Nickel also noted that the RV park is not allowed in Commercial but is in Mixed Use, and that conditional use could be noted.

Public Comment:

Tina Collins of 488 N. Medesen, Meridian said she was at the meeting from locally owned All About lights. She said she has worked on Hunter subdivisions and feel the developer cares about their contractors and subs.

Jared Doty of KD Roofing 4234 Blue Creek Drive stated he has been in business for 30 years; construction is how they make their living and he said he really wants this to go forward to employ local families. He noted, Hunter is an Idaho developer building on Idaho land.

Ryan Niecko of 702 W. Beacon Light Road, Eagle, said he does excavation landscape, is a native of Idaho, and has worked with Boise Hunter Homes for 15 years. He says he enjoys working on their neighborhoods and his employees love to be a part of it.



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Lance Manning of 2048 N Foudy Avenue, Eagle, spoke on behalf of H&L Plumbing and said they have been a part of almost every Boise Hunter Homes neighborhood. He said they build high-end, quality homes and this would bring a lot of work to local workers.

Gene Tippitts of 9153 Perfect Lane, Kuna, said he owns Recreation Today and All About Lights, and expressed respect for the Hunter family, attested to positive way they go about their development process.

Raj Kandola of 21817 Blessinger Road stated that this development is being built all around his house. There are little pieces of land, neighbors can see each other. He says this is not your cookie cutter situation; he said it has been great working with the developer.

Tammy Castillo of 22318 Blessinger Road said it was originally against her property at Hwy 44 and Blessinger, but that she is working with Canyon County and will not have to move her barn. She stated she is no longer objecting to the development.

Mark Cron of 6808 Saddleman Ranch Court said the development is all little yellow boxes. He said he is on a five-acre property and there were originally corn fields and wheat fields surrounding him. Cron stated that Council has approved over one thousand new homes, that they keep approving quantity. He asked Council to slow down because he feels there is not enough infrastructure in place to support the growth.

Council Member Salmonsens asked Mr. Cron to clarify the one thousand homes remark. Cron mentioned Star River Ranch and said that other developers have approached him as the proposed land all borders him. Council Member Salmonsens noted that two of these projects have not come before Council yet, and that we need to consider accurate numbers. Mr. Cron noted that it will be about density.

Kay Harwood of 2218 River Ranch Lane said she is located to the West of the proposed subdivision. She stated she mailed a letter representing seventeen homeowners at Trigger Ranch and Leighton Ranch to the Council (letter is in Agenda Packet). Mrs. Harwood said they got off on the wrong foot as Boise Hunter Homes asked to meet with homeowners individually and asked them to sign a high-level letter of support. She said she felt it was too preliminary and that the neighbors continue to support the recommendations in their letter, especially about access roads. She expressed concern about access roads and asked for a traffic study.

Mayor Chadwick noted that access points are an ITD decision.

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John White of 21988 Trigger Ranch Lane said he has had three or four meeting with Boise Hunter Homes and that the first meeting was neighborly with the next ones not so. He stated the developer caused water damage to his property and tried to get him to sign his support in exchange for repairing damage they caused but would not back. He says he has video of them pumping water out. He said he wants to support this project and work with them, but his trust factor is zero and he wants to see things in writing.

Mayor Chadwick asked Mr. White clarifications his request on the proposed clubhouse that was on the map near his property, request for single story and privacy fence. Mr. White clarified the items referenced met his concerns.

Tina Nassavich Vucinich of 21846 Trigger Ranch Road said she seconded what Kay Harwood and John White said.

Laura Profit of 22154 Trigger Ranch Road said it was not just about the view, but that if they also have two story houses it presents a concern as the homes would be looking into her property.

Applicant rebuttal:

Mr. Hunter stated that single story was unreasonable, due to the amount of land in between properties. With respect to the topic of overhead power poles, he said he did not want to commit to removing overhead power poles. At Blessinger, he said Boise Hunter Homes was voluntarily putting in a half a million dollars to put in an acceleration lane. He explained that they had just completed a traffic study, and it has been determined that only thirty percent of residents are going to regularly use the new access point. Hunter noted that access was in place before Leighton Lakes was, as it was part of Community Gravel. For landscaping, he said they could submit pre-approved. For the RV Park concept, he said Boise Hunter Homes is happy to go through the conditional permitting and come back through City Council if it is determined to be a viable use. With respect to John White's testimony, Hunter said that they didn't get off to a good start when the developer was watering their lake and his property took on water. Mr. Hunter apologized to John White, and said that at the end of the day, they fixed the problem and hoped for a better relationship. Hunter mentioned the sewer lift station and improvements to the Intersection.

Council Member Wheelock pointed out the possibility of adjusting the end of the road, making it gated and bumping the road over so it would go straight down, with respect to supporting moving the clubhouse.



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Todd Hunter expressed concern over building another bridge as potentially being three-quarters of a million dollars, as road re-alignment would call for another bridge.

Council Member Salmonsens noted that the City has received a letter from Middleton School District estimating that this project would bring another 114-116 students to their district. She said the letter didn't outright not support the project, but noted it would impact both existing and new students. She asked if the developer would be open to this conversation. Mr. Hunter suggested that this not be conditional for the project, but expressed that he would like to be a part of this conversation and that he supports and understands paying for police, schools, etc. He noted that not all of the houses would be coming online at the same time. Council Member Salmonsens noted that the preliminary plat is still to come and stated that a top concern will be schools and the level of service to children.

Mayor Chadwick inquired if there was any other public comment; and noted that it is ITD's jurisdiction to address the concern over traffic. He asked Ryan Morgan to address water/sewer.

Ryan Morgan in his capacity as Engineer of Star Sewer & Water noted that the proposed regional station sits across the street and explained that Star Sewer & Water does not run sewer and water mains in the right of way as a practice.

Council Member Nielsen noted he is not convinced on the need for five-foot setbacks. The developer stated that their firm builds high-end, move-up homes, and that the setbacks are important to them. Mr. Hunter asked how his firm could convince Council that they were committed to betterment. Hunter said they would provide architectural renderings, floor plans, and color charts, but they are asking for the setbacks. Hunter said they would add the renderings to the review as an architectural package, which will list the homes, landscaping, etc., so it is locked into the development agreement and in turn, asked Council to relax on the setback, which would be for any of the properties that are less than an acre.

Mayor Chadwick asked if there were any further questions; hearing none, he closed the public hearing at 10:21 p.m.

Council deliberations:

Council Member Salmonsens said she sees the five-foot setbacks both ways, and bottom line, is okay with granting them.

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Council President Hershey said he has seen this go both ways and noted that he has seen this company do setbacks right, so it looks good. He expressed worry over the Fire Department. Hershey noted the road issue was not in Council's purview. Hershey stated because he has seen their work product in the past, he is okay with it. For all other conditions such as single story, etc., he said he was not overly concerned.

Council Member Nielsen said he was inclined to table the issue and ask for the developer to come back with further architectural information. Mayor Chadwick addressed that question over to the City Attorney. City Attorney Yorgason clarified that Council could re-open the development agreement, and that at this time, the City is not granting the setback specifically and could consider again on down the road; he suggested building the agreement to protect the City's interest.

- Council President Hershey moved to approve the annexation and development agreement with the following stipulations: R2 with R3 setback; mixed use to C1; conditional use permit for RV business or storage; five foot setbacks tentatively approved with development agreement stipulations; solid privacy fencing along the left side with neighbors not asked to pay for that; number of lots capped at 228 as stated; strongly recommended looking at limiting the five foot setback; clubhouse location to be moved to East side of the development. Sean Nickel re-read the stipulations, and Council Member Salmonsén seconded the motion.

Council Member Hershey asked Council Member Nielsen if it satisfied his concerns. Discussion continued on the motion. Nielsen expressed concern about the fence, as it was unclear whether or not the applicant wants to build the fence. Hershey stated he does not want to get into cost sharing if they have to put in a fence. Mayor Chadwick provided guidance on the motion.

Council President Hershey withdrew the initial motion and restated the motion as follows: approve the annexation and development agreement with the following stipulations: mixed use revised to C1; any proposed storage and RV businesses under conditional use permit; five foot setbacks not approved at this time but could be added; remainder to be R2 with R3 setbacks; privacy fence to be decided by the developer; all changes to the concept plan as submitted; 228 lots; and landscaped and setbacks to be reviewed. Council Member Nielsen said if fencing was requested by the public, please either be definitive or don't state it in the motion. He asked Hershey to remove that language and if so, said he would second. Council President Hershey agreed to the removal of the wording about the fence.

- The motion above was restated by Council President Hershey as follows: approve the annexation and development agreement with the following stipulations: mixed use revised to C1; any proposed storage and RV businesses under conditional use permit; five foot

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setbacks not approved at this time but could be added; remainder to be R2 with R3 setbacks; all changes to the concept plan as submitted; 228 lots; and landscaped and setbacks to be reviewed; Council Member Nielsen seconded the revised motion. ROLL CALL VOTE: Salmonsens - aye; Wheelock - aye; Nielsen - aye; Hershey - aye. Motion carried.

- D. **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 noted that this was a continuation of the public hearing on Police and Fire mitigation fees that had been opened at the prior Council meeting and asked for comment.

Ken Burgess off 7200 W. Mullen Street, Boise, said he was from the Building Contractors Association. He said the association doesn't love the idea of fees in general but does appreciate working with Mayor Chadwick and the Council to aid in this subject. For mitigation and impact fees, he said they are not opposed, that we are challenged with an 8% cap on budget growth and fees are creeping up. He noted nationwide statistics, and expressed concern that a percentage of families get priced out of a home for every one-thousand dollar increase in home cost. He said he does not want to see Idahoans priced out of homes but appreciates working out the agreement and hopes this is reasonable.

Council discussion focused on the national vs. Idaho statistics. Council Member Nielsen said it was astounding but not surprising seeing all this, and that he was committed to Police and Fire protection for citizens. He noted the legislative process on this matter as created by the State, and said he was proud that Mr. Burgess and the Building Contractors Association and the Mayor and Council for taking this issue on. Nielsen said if we can't provide Police and Fire, we have a health and welfare issue on our hands. He mentioned that we should look to the state legislature and HB389 and how it was passed.

Mayor Chadwick said he agreed with Nielsen and noted this was a pass-through fee. He said if HB389 wasn't there, we would have enough funds for personnel; and further noted an eight-minute response time from one station to a subdivision. Chadwick said that until citizens can get HB 389 repealed, this is the only route we have and that the State is failing to see it.



CITY OF STAR, IDAHO
CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, October 04, 2022 at 7:00 PM

Council Member Wheelock thanked Mr. Burgess and the Building Contractors Association for coming and helping put this in place, and further noted that this action, if approved, would protect people's money by keeping it in the right spot.

Mayor Chadwick closed the public hearing at 10:54 p.m.

- Council President Hershey moved to approve Resolution TBD-2022 (Police & Fire Mitigation Fee); Council Member Wheelock seconded the motion. ROLL CALL VOTE: Salmonsens - aye; Nielsen - aye; Wheelock - aye; Hershey - aye. Motion carried.
- 8. 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 - Actions after Executive Session

Mayor Chadwick noted that there was no need for an Executive Session this evening.

9. ADJOURNMENT

Mayor Chadwick adjourned the City Council Meeting at 11:01 p.m.

_____/s/_____
Trevor A. Chadwick, Mayor

ATTEST: ____/s/_____
Jacob M Qualls, City Clerk - Treasurer