



CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho

Tuesday, May 02, 2023 at 7:00 PM

1. CALL TO ORDER – Welcome/Pledge of Allegiance

Mayor Chadwick called the Star City Council meeting to order at 7:00 p.m.

2. INVOCATION

Bishop Cody Larsen of the Church of Jesus Christ of Latter-Day Saints provided the invocation.

3. ROLL CALL

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

Staff present: Star Police Chief Zach Hessing, Deputy Nathan Picciuto, Public Information Officer Dana Partridge, Star Fire Marshall Victor Islas, City Clerk/Treasurer Jacob Qualls, City Planner/Zoning Administrator Shawn Nickel, Assistant City Planner/Zoning Official Ryan Field, City Engineer Ryan Morgan, and Deputy City Clerk Barbara Conly.

Chief Hessing introduced and welcomed Deputy Nathan Picciuto, who he said replaced Jason Woodcock. Picciuto served in the Air Force from 2007-2013 with nine overseas tours. He holds an Associate's degree in Electronic Warfare and served on the L.A.P.D. in South Central Los Angeles. Deputy Picciuto's family relocated to Star and he began work with Ada County. This is a lateral move to serve in Star. Deputy Picciuto also serves as a Youth Leader at Rock Harbor Church.

4. PRESENTATIONS

A. PROCLAMATION - Municipal Clerks Week

Mayor Chadwick read the proclamation in honor of Municipal Clerks Week, and thanked City Clerk-Treasurer Department staff Jacob Qualls, Meredith Hudson, Barbara Conly, and Kayla Thompson for their work on behalf of the City of Star. He also noted that the Clerk-Treasurer's office has successfully opened Passport Services in the last few weeks.

5. CONSENT AGENDA (ACTION ITEM)

- A. **Approval of Minutes & Claims:** January 25, 2022 Willowbrook Transportation Workshop Minutes; February 8, 2022 Willowbrook Agency Workshop Minutes; February 22, 2022 Willowbrook Utilities Workshop Minutes
- B. **Final Plat** - Moon Valley Subdivision Phase 7 (**FILE: FP-23-02**) [Item Removed]
- C. **Final Plat** - Cranefield Subdivision Phase 1 (**FILE: FP-22-03**)

Mayor Chadwick announced that Item 5B was removed from this evening's Consent Agenda.

- Council Member Salmonsens moved to approve Consent Agenda Items 5A and 5C. Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsens - aye; Nielsen - aye. Motion carried.



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6. PUBLIC HEARINGS with ACTION ITEMS: (The Council at its option may suspend the rules requiring three separate readings on three separate days for ordinances on the agenda for approval. This may be by a single motion to suspend the rules under Idaho Code 50-902; second of the motion; ROLL CALL VOTE; Title of the Ordinance is read aloud; motion to approve; second of the motion: ROLL CALL VOTE.)

A. PUBLIC HEARING: Garnet Subdivision (FILE: AZ-23-01, DA-23-01, PP-22-01, FP-22-01, PR23-01) - The Applicant is seeking approval of an Annexation and Zoning (R-1), a Development Agreement, a Combined Preliminary Plat/Final Plat for a residential subdivision consisting of 5 residential lots, and a Private Street. The property is located at 6697 Foothill Road in Star, Idaho, and consists of 5.15 acres with a proposed density of 1.03 dwelling units per acre. Continuation from April 18, 2023 (ACTION ITEM)

Mayor Chadwick explained the rules of the Public Hearing and asked Council if they had had any ex parte communication. Hearing none, Chadwick opened the Public Hearing at 7:11 p.m.

City Attorney Yorgason clarified that Public Testimony at the April 18, 2023, where at the City Council Meeting a citizen questioned ownership of the land. Documents have now been submitted and reviewed by the City Attorney and Planning Staff, and there are no concerns that ownership was established properly.

City Planner Nickel noted that the applicant provided a revised preliminary plat to address a concern of the Eastern neighbor and asked Council to include the revised map in their motion.

Council Member Salmonsens asked Shawn Nickel to review the recommended conditions of approval. Nickel reiterated that the list included that all homes have fire sprinklers, add a school bus stop area like the one at Ryken Meadows, a condition that 24-foot roads must meet Fire District regulations, and installation of dry lines for future sewer/water. City Engineer Morgan clarified that any future ability to have sewer/water connected to the dry lines would be part of an annexation process.

Mayor Chadwick closed the Public Hearing at 7:15 p.m.

Council Deliberation:

- Council Member Hershey moved to approve the Garnet Subdivision with the following conditions of approval: that all homes have fire sprinklers, addition of a school bus stop area like the one at Ryken Meadows, a condition that 24-foot roads must meet Fire District regulations, installation of dry lines for future sewer/water, and acknowledging the presence of a revised preliminary plat.

Council Member Salmonsens asked Hershey to revise the motion to include the streetlight discussed earlier in the hearing at the April 18, 2023 Council meeting.

- Council Member Hershey moved to approve the Garnet Subdivision with the following revised conditions of approval: a streetlight, that all homes have fire sprinklers, addition of a school bus stop area like the one at Ryken Meadows, a condition that 24-foot roads must meet Fire District regulations, installation of dry lines for future sewer/water, and acknowledging the presence of a revised preliminary plat; Council



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Member Salmonsens seconded the revised motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsens - aye; Nielsen - aye. Motion carried.

- B. **PUBLIC HEARING: Mink Creek Subdivision (FILE PP-23-02, FP-23-04)** - The Applicant is seeking approval of a Preliminary Plat and Final Plat for a subdivision consisting of 9 residential lots, 1 commercial lot and 1 industrial lot. The property is located at 9374 W. State Street, 350 N. Calhoun Place and 8802 W, State Street in Star, Idaho, and consists of 48.48 acres. **The preliminary plat application was originally approved in 2019 as part of application AZ-19-03/PP-19-02 for Mink Creek Subdivision. (ACTION ITEM)**

Mayor Chadwick explained the Public Hearing rules and verified that no one had had any ex parte contact. Hearing none.

Mayor Chadwick opened the Public Hearing at 7:17 p.m. Mayor Chadwick stated that he wanted to place on the record that everyone on Council knows Mike Moyle, the owner.

City Planner Shawn Nickel gave a brief overview, explaining that the Mink Creek public hearing is for a preliminary plat for nine residential lots, one common lot, and one industrial lot. The industrial lot is the location of Greylock Cabinets. In 2019, the City Council saw the original preliminary plat for approval; it expired in 2022. Nickel recommended that the Council discuss two specific areas: detached sidewalks and economic corridors. Nickel noted that two separate motions would be needed from Council.

Applicant Presentation:

Nate Mitchell, 1470 N. Rook Way, Star, presented on behalf of the applicant, the Joseph A. & Lynn S. Moyle Trust. Mr. Mitchell noted that he had visited City Council recently for the conditional use permit for Greylock and that he was back to renew the preliminary plat. The applicant stood for questions.

Council Member Nielsen asked if they had finished the gravel extraction on the property. It was verified that the gravel extraction is finished but that some material still had to be removed from the pit.

Council Member Salmonsens inquired about the letter from Burnett Storage, which she said was asking for fire access. Mitchell noted that canal access would need to be built. He said the road follows north, and he feels the neighbor has an option at the far north. He said the ACHD idea was to direct traffic to Floating Feather, not State.

Council discussion noted that a property owner is not currently cooperating, and that if the concern is temporary access, that it would be allowable at that property owner's expense.



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Mayor Chadwick reiterated the timing of when the surrounding property projects were approved versus the timing on this application.

Shawn Nickel explained that Burnett Storage was approved with one main access on Highway 16. When the road widens, the idea was to be able to ensure internal access. He said that when Rosti Farms is in the final phase, that it will be easier to get northern access.

Council Member Salmonsens said that fencing was a concern with respect to wildlife. Mitchell asked if the City recommended specific wildlife-friendly fencing. It was recommended that he contact Fish & Game.

Public Testimony:

Brian Burnett of 771 Highway 16, Star, stated that his concern was access off Highway 16. His fire exit would be toward the Moyles' property. He said ACHD doesn't want a road going through his property, but that a secondary access is still needed.

Applicant Rebuttal:

Nate Mitchell said it was difficult to project how development would work out over the years with neighboring properties. He said he thought the Moyles would be open to having a temporary access to the North to accommodate the Brian Burnett's concern about fire access while Mr. Burnett worked out the fire access on the other side of his property while Burnett's neighboring properties developed.

Council Member Wheelock asked if Moyle was open to the road to the West being developed. Mitchell said he believed so, noting property placement in proximity to Burnett Storage and Toll Brothers.

Wheelock asked if anyone had spoken to the landowner to the North; Chadwick noted that was not a City issue. Mitchell stated that a solution does not exist on that property. Chadwick said ACHD changed the road in 2020.

City Attorney Yorgason cautioned that the Council cannot put a condition on a property owner/applicant for property that they do not own. He said scenarios may or may not occur and urged Council to keep focus on this project.

Council discussion touched on pathways and moved on to fire access. Deputy Fire Chief Islas said there was a fire truck access in the cul-de-sac to the north, and that he will work with Burnett Storage on the issue.



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Council Deliberation:

The two necessary motions were addressed as follows:

- Council Member Nielsen moved to approve the Mink Creek subdivision preliminary plat with the following condition of approval: that detached sidewalks be installed. Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsens - aye; Nielsen - aye. Motion carried.
- Council Member Nielsen moved to approve the Mink Creek subdivision final plat. Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsens - aye; Nielsen - aye. Motion carried.

- C. **PUBLIC HEARING: Red Barn Inn (FILE: RZ-23-02, DA-23-03, CU-23-04)** - The Applicant is seeking approval of a Rezone (CBD), a Development Agreement, and Conditional Use Permit to open The Red Barn Inn (a 12 room Inn). The application is being reviewed as a motel/hotel land use and is located at 309 S Main, Star. **(ACTION ITEM)**

Mayor Chadwick explained the rules of the Public Hearing. He asked Council members if there had been any ex parte communication; none was reported.

Mayor Chadwick opened the Public Hearing at 7:48 pm.

Shawn Nickel summarized this project was a re-zone from R4 to CBD (Commercial Business District) for a development agreement and conditional use permit for a twelve-room inn on a property located at 309 S. Main Street in Star on .92 acres. Nickel pointed out a late exhibit, an email from a neighbor which arrived after the Agenda Packet deadline.

Applicant Presentation:

DiAnn Lei of 341 S. Main Street, Star, said that she lives on the adjacent property and bought the neighboring property to develop as a family business. In their process, she said her family wanted to be good neighbors and bring a business in that would be an asset to Star; she did not want to build a bar or bring in lots of extra car traffic and noise. She stated that her family looked for a business that would be compatible to the neighborhood and thinks her project will be beneficial and welcoming. She noted the proximity of her proposed business to the Star Riverhouse and said her family participated in a positive neighborhood meeting. She described the design of the inn as a red barn style, limited to twelve rooms and with a pleasing front. Her prior business experience is in running a diner. She explained that she and her husband are retired and that their kids are in college, so they wanted to open a business and contribute to the community. The applicant stood for questions.



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Public Testimony:

Gary Avise of 210 S. Main, Star, said he is a neighbor, and that the neighborhood meeting was well conducted. He said he is pleased with the plan and complimented the Lei's on their property. He said he was a little concerned about the rezone. However, he feels the setbacks are good and said he is supportive of the project.

Council Member Nielsen noted a twenty-foot roadway in the proposal and asked if that met the intent of the code.

John Lei, 341 S. Main, Star, said he is the other half of the business and explained in answer to Nielsen that they wanted to leave some space and not encroach on neighbors. Shawn Nickel also clarified that it was not a road, but rather a drive aisle, designed in an attempt to keep a buffer from the northern property and that no parking would be allowed on it. Nickel cautioned that the drive aisle does need signoff from the Fire District.

Council Member Salmonsens asked about the sidewalk. The applicant explained that it was a five foot, ADA-compliant sidewalk around the building. Salmonsens expressed concern about meeting Fire District regulations and making sure a garbage truck would be able to access the property appropriately.

Council Member Nielsen said he was excited for Star to have this business and noted that it was the City's first hospitality business and that it met code. He said he liked the rural feel of the red barn design.

- Council Member Nielsen moved to approve the Red Barn Inn rezone, development agreement, and conditional use permit; Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsens - aye; Nielsen - aye. Motion carried.

- D. **PUBLIC HEARING: Hood Rats Automotive Garage (FILE: RZ-23-01, DA-23-02 & CU-23-01)** – The Applicant is seeking approval of a Rezone (C-1 to CBD), a Development Agreement, and a Conditional Use Permit for a 1,300 square foot automotive garage. The property is located at 11525 W. State Street in Star, Idaho. **(ACTION ITEM)**

Mayor Chadwick read the rules for Public Hearings, and asked Council if they had any ex parte communication; none was reported.

Chadwick opened the Public Hearing at 8:03 pm.

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City Planner Nickel explained that the project had a rezone from C1 to CBD (commercial business district), a development agreement, and a conditional use permit for a 1400 square foot automotive repair business on the Southwest corner of Sunlight and West State Street. The subject property address is 11525 W. State Street, Star. He presented a late exhibit, a neighbor letter that came in after the Agenda Packet deadline.

Applicant Presentation:

Newell Price of 11421 W. Hidden Point Street, Star, said this was a project that he and his son developed together over the years through their hobby in stock car racing. He introduced his son Nicholas and wife Elizabeth and said that Nicholas is a Certified Master Technician. He said his dream is to get to work with his son. The specialty business would include auto restoration, modification, and sales of classic automobiles. Price said they will work on one vehicle at a time. He proposed partnering with Napa Auto Parts and O'Reilly's to host car shows. The building will have a steel frame, with a barnwood style base. There will be seven parking spots. He said his business is responsible for a new City sidewalk and light. If approved, the construction is projected to last 10-12 months. They are determining the final placement of the building and will have a lawn and seasonal plantings. The applicant stood for questions.

Council discussion focused on the sales component and what that would look like. The applicant explained that it would be limited to a one to two car cycle and that the business would highlight the fun and interesting business of classic cars through their YouTube channel. No cars would be parked on Highway 44, and the applicant is seeking a subcontractor/partner business to do painting as no painting would occur onsite.

Public Testimony:

Nicholas Price, 306 S. Delphinium Avenue, Star, said he was Newell's son and co-owner. He thanked Council for considering the project and said it was his childhood dream to have a business like this. He said what they were trying to accomplish was saving vintage vehicles and inspiring people to enjoy classic cars. His family had a car in last year's Hometown Parade, and his wife also helped sponsor the Japanese drumming group.

Terry Stickney of 940 N. Arbel Drive, Boise, said he owned a rental property adjacent to the proposed business at 43 S. Sunlight, Star. He expressed concern about sound from the business potentially harming his property value and asked for a buffer and/or other mitigation. He wants to avoid tenant complaints.

Council discussion ensued on what appropriate sound mitigation might be.

Gary Avis of 210 S. Main Street, Star, asked the Clerk for Council email addresses and circulated existing Hood Rats photos that he said were of their property in Middleton. He expressed concern over their upkeep of the property and said he thinks vehicles should be parked inside overnight.

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Applicant Rebuttal:

Newell Price noted that the public testimony included valid concerns. He said his 2.5-acre property in Middleton was under construction. He is developing driveways, a wood shop, and a pavilion. It is a five-year project that is ongoing. He will comply with City code and keep the property up. He feels his land in Middleton is rural and is better kept up than many other area properties. With respect to the noise concern, he stated that the back wall is 6 inches thick, and that there is insulation and ceiling fans. He noted it is essentially a showroom with a shop inside. The business is vintage vehicles, not hot rods, with an emphasis on the unique nature of classic cars. He does not use pneumatic tools, and doors can be closed. His air system draws out toward State Street.

Business hours would be 9 a.m.-5 p.m., with some limited special event hours outside. For disposal, metal would be recycled, and the business meets EPA requirements. For tow trucks, these would back in, and there is enough space.

- Council Member Hershey moved to approve the Hood Rats rezone, development agreement, and conditional use permit; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsens - aye; Nielsen - aye. Motion carried.

E. PUBLIC HEARING: Ridley's Commercial Rezone Development Agreement Modification (FILE: #?) -

The Applicant is seeking approval of a modification to the existing Development Agreement for the Ridley's Commercial property. The applicant is requesting approval from the Council of specific commercial land uses that are proposed in the commercial development in and around the Ridley's Market area. The property is located at 145 S. Plummer Way in Star, Idaho. **(ACTION ITEM)**

Mayor Chadwick noted the rules of the Public Hearing, and asked Council whether they had any ex parte communication. Hearing none, he opened the Public Hearing at 8:48 p.m.

Shawn Nickel noted that subject property was located at 145 Plummer and that it involved a modification to the development agreement for special commercial and conditional uses. He presented a late exhibit, a neighbor letter that arrived after the Agenda Packet deadline.

Applicant Presentation:

Mark Ridley presented on behalf of Ridley's Supermarket. He explained that he was present at Council to ask for specific commercial land uses on his property, noting that his lot touches residential neighborhoods and that a requested drive-through would align on State Street. A conditional use permit was requested for buffering measures.

Public Testimony:

None was provided.

Mayor Chadwick closed the Public Hearing at 9:00 p.m.



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Council Deliberation:

Council Members compared the project to the Albertson's lot. Shawn Nickel guided that the applicant is trying to keep their commercial business element going and at the same time, respect their neighbors. Nickel said he does not perceive any threat to neighbors' quality of life in this application. There will be a Design Review Process; Nickel said the Staff and Committee's job was to protect the public.

Council discussion surrounded the nature of possible businesses, including a State liquor store that would be proposed for State Street.

- Council Member Nielsen moved to approve the Ridley's Commercial Rezone Development Agreement Modification with the condition of approval that any drive-through business that may occur in the future be placed on the State Street side of the property; Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsens - aye; Nielsen - aye. Motion carried.

7. ACTION ITEMS:(The Council at its option may suspend the rules requiring three separate readings on three separate days for ordinances on the agenda for approval. This may be by a single motion to suspend the rules under Idaho Code 50-902; second of the motion; ROLL CALL VOTE; Title of the Ordinance is read aloud; motion to approve; second of the motion: ROLL CALL VOTE.)

- A. **TBD-2023 (Administrative Ordinance - Beer, Wine and Liquor by the Drink Amendment)** - An Ordinance Amending Title 2, Chapter 2, Defining Purpose, CREATING SECTION 2-2A-4 Section D and 2-2B-3 Section D, Creating for Severability and Providing for an Effective Date. Previously tabled from April 18, 2023 (ACTION ITEM)

City Clerk/Treasurer Qualls explained this ordinance allows renewals to be performed administratively before the City Clerk, instead of bringing each renewal to the City Council for approval. If a renewal were to be denied, the applicant had the right to come before City Council under the current City Code which will not change.

- Council Member Nielsen moved to introduce TBD-2023 (Administrative Ordinance - Beer, Wine and Liquor by the Drink Amendment) and pursuant to Idaho Code 50-902, to suspend the rule requiring an ordinance be read three times on three separate days including one full reading, and to allow approval of the ordinance after one reading of the title; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsens - aye; Nielsen - aye. Motion carried.
- Council Member Nielsen read the title and moved to approve Ordinance TBD-2023 2023 (Administrative Ordinance - Beer, Wine and Liquor by the Drink Amendment); Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsens - aye; Nielsen - aye. Motion carried.



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- B. **Resolution TBD-2023 (Asset Disposal)** - A Resolution setting disposal of certain assets Previously tabled April 18, 2023 (ACTION ITEM)
- Council Member Wheelock moved to approve Resolution TBD-2023 (Asset Disposal); Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsens - aye; Nielsen - aye. Motion carried.
- C. **Resolution RBD-2023 (PABC Mission Statement)** - A Resolution Revising the Mission Statement of the Parks, Art & Beautification Committee **(ACTION ITEM)**
- Council Member Salmonsens moved to approve Resolution TBD-2023 (PABC Mission Statement). Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsens - aye; Nielsen - aye. Motion carried.
- D. **Gallery Art Display Unit Purchase** - Approval of up to \$958 of a Gallery Art Wall Display Unit for Star City Hall as requested by the Parks, Art & Beautification Committee **(ACTION ITEM)**
- Council Member Salmonsens moved to approve the Gallery Art Display Unit Purchase; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey - aye; Wheelock - aye; Salmonsens - aye; Nielsen - aye. Motion carried.

8. ADJOURNMENT

Mayor Chadwick adjourned the Star City Council meeting at 9:19 pm.

/s/_____
Trevor A Chadwick, Mayor

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