

**Star City Council
Meeting Minutes
June 4, 2019**

The regular meeting of the Star City Council was held on June 4, 2019 at 7:00 pm at Star City Hall, 10769 W. State Street in Star, Idaho. Mayor Chad Bell called the meeting to order and all stood for the Pledge of Allegiance.

Roll Call: Councilmen David Hershey, Michael Keyes, Trevor Chadwick, and Kevin Nielsen were present.

Approval of the Agenda: Chadwick moved to approve the agenda, Keyes seconded the motion. All ayes: motion carried.

Consent Agenda: Chadwick moved to approve the consent agenda consisting of: Meeting Minutes for April 16, 2019, Workshop Notes of May 23, 2019, Claims Against the City for May 2019, Final Plat for Trident Ridge Subdivision, and Findings of Fact & Conclusions of Law for Moon Valley Subdivision and Star RV Resort, Nielsen seconded the motion. Keyes stated when he read through the consent agenda there was an item in there that he had a question about, it was the development agreement between the Sundance Company and the City of Star and he consulted with staff and they indicated that was actually placed in there for us to review and was not meant to be approved on the consent agenda this evening, so I would ask that the motion be amended to except that development agreement outside of approval. Chadwick stated so moved, and Nielsen seconded. All ayes: motion carried.

Presentations/Public Input:

Committee Reports - Dana Partridge, Activities Committee Chair, stated they are working on the Hometown Celebration and everything is about ready. They have received approval from ITD for the parade, still working on the food, good on the kid games, fireworks are good, and they need more contestants for the talent show but the sign-up deadline in June 7th and they understand contestants usually sign up at the last minute. They are now working on fundraising. The garden show was well attended last weekend. On June 11 they will have an orientation meeting at City Hall for the Mayor's Youth Council. Movie night is June 14th at 8:00 pm and they have a new screen lined up.

Mike Olsen, Beautification and Public Relations Committee Chair, gave an update on the military event held May 18th and stated it was adequately attended. They are in discussions on what to do next year for the military event. The Committee is working on a float for the Hometown Celebration and will begin working on Make Star Shine Day.

Public Input - Richard Linhart, 484 S. Devon Avenue, Star, Idaho, stated he is a food animal veterinarian, lives in the Heron River Subdivision and is a bee keeper. He recently learned he is not compliant with Star's ordinances regarding farm animals, specifically the keeping of bees. He stated he is before the Council asking them to consider adopting a new ordinance regarding the keeping of honey bees within the City limits. He stated he had sent them by e-mail a proposed model beekeeping ordinance and had hard copies with him if they would like.

Chadwick suggested they hold a workshop so they could get a better understanding of what this is all about. Mayor Bell asked Linhart if he would be willing to come to a future meeting and give a presentation, to which Linhart stated he would.

Dana Partridge, 1330 W. 2nd Street, Star, Idaho, stated that from her being at City Hall more frequently she has been hearing people asking for a new dog park and they are asking for consideration of fencing in the current dog park. Chadwick stated they have discussed dog parks at a workshop and the possibility of creating one in a new location.

Old/New Business:

Reconsideration – Iron Mountain Estates: Mayor Bell explained this is a public hearing for a public hearing previously held. This reconsideration for Iron Mountain Estates was brought by the City and the hearing was re-noticed and re-published in the paper. Chris Yorgason, Legal Counsel, stated the hearing could be held like a normal public hearing and let the applicant begin with their presentation. The Mayor asked Council if they had any ex-parte contact or conflicts of interest to disclose; Council stated none. Keyes stated that at the first hearing he disclosed that at one time he had had financial interest in a piece of property that was near this development and he no longer has an interest in that parcel and his interest had ended before this application was submitted to the City. He clarified that parcel adjoined this parcel to the east and because of his due diligence in the investigation of that project he may have knowledge that the other Councilmen may not have; and after learning more from Legal Counsel if it is pertinent to the matter at hand he may inject additional facts.

Mayor Bell declared the public hearing open and asked Jay Walker, applicant's representative, to come forward and present.

Applicant: Jay Walker, Alterra Consulting, 849 East State Street, Eagle, Idaho stated he represents Todd Campbell Construction and they are seeking annexation and rezone and preliminary plat approval. Since they were notified of the reconsideration they have met with staff where they learned specifically the reasons for the reconsideration. He stated he would address the three main concerns. One was the stub road location to the East and noted that staff, engineer, and developer have performed a site review and he will address further. In regards to the open space they have revised their plat and their landscape plans to comply with City ordinances. The third item was a section along N. Pollard Lane and consideration of safety.

In regards to the location of the east stub road, they have continued at the location that was based on the topography survey, the engineer recommendation provided to the client and per review and approval from ACHD, have had site reviews with City staff, and all have agreed it is the softer of the slopes along that frontage and shared boundary. It is consistent with their plan and with their recommended phasing that the property owner has the liberty to take.

In the common area they have added the minimum open space requirement with a shelter and connectivity to the perimeter sidewalk and pedestrian amenities. The shelter is located centrally in the island, has a landscaped berm, BBQ racks and an electrical outlet for public use. They felt with the larger lots that moms would prefer close vigilance of their children and if they did have a desire to go to a larger park area in proximity to their homes it would most likely be the public

amenity of the school; and staff agreed with that. They feel they are providing a little more useable amenity with the shelter and a gathering place as well as connectivity with the walking paths to the school area.

Following meetings with ACHD, which started in 2018, Walker read from their letter noting the large canal along the east side of Pollard Lane adjacent to this project. The applicant as part of constructing Iron Mountain Ridge, a development across the street, has dedicated additional right-of-way to ACHD for the widening of Pollard Lane on the west side along with the school district. On the east side of the canal they have included a five foot concrete sidewalk consistent with their detached policy on a collector road such as N. Pollard Lane. They are proposing to the easterly side of the canal and within the thirty foot easement associated with Farmers Canal, a guard rail between the extruded curve and the multi-purpose pathway and the abrupt edge of the rock wall that continues down into the canal. The other side has boulders and riff raft and there is no need for any maintenance. In meetings with the Board and Craig Waldell of the Farmers Union Canal they have committed to a ten foot, three quarter base access maintenance road with low vegetation, the five foot required sidewalk and then there is a ten foot landscape buffer on either side, with one ten foot landscape area with trees and a vinyl privacy fence against the back of the yards of the homes. Walker stated they feel this will provide a safe passage for multiple users along Pollard and to the school. They have two accesses and one of the accesses will have an access crossing to the school and they are working with ACHD for a bouncing ball indicator activated by a push button to cross Pollard Lane.

Nielsen thanked them for coming back and looking at their concerns. He asked Walker if the guard rail is intended to extend all along the length of the property. Walker stated yes it is their intent, but it has to be approved by ACHD.

The Mayor asked if any of the ditch is on their property. Walker stated very little of it is within the applicant's property; most of it is in ACHD's right-of-way. They do have the thirty foot easement that is wholly within the applicant's property.

Keyes thanked them for reconsidering the open space and asked what percentage of open space is now in the plan. Walker stated he had not calculated that but previously was 5.8 percent in the previous presentation, and this is now in excess of that as they have added extensively to the open space, so are well within ordinance requirements. Keyes stated that some of the concern with the road to the east was not that the road was not compliant with ACHD but that it was located in a place that was least advantageous to the adjacent property owner.

Chadwick commended them for coming back and creating more open space. As for Pollard he liked that they have taken steps to mitigate any issues there. Walker stated that for clarification both staff and he were inadvertent in the lack of open space. They had more in there until ACHD extended the cul-de-sac to the out parcels both north and south which removed the pocket parks and no one had realized it reduced the open space below what ordinances required.

Mayor Bell asked if they still intended to phase the project in two phases as presented the last time. Walker stated that is the intention of the developer. The Mayor stated he was perplexed because the second phase is so small with only six or eight lots and not sure why they wouldn't

develop it at the same time? He asked what the reasoning was behind that. Walker explained there were two choices on this; the Fire Department requires two access points when there are twenty-nine homes and the two access points were the two crossings and connection points to Pollard Lane. If they do just the first tier of homes and the cul-de-sac, that didn't give enough product for the developer in a sizeable chunk without extending too much in infrastructure all at once. So it was either too little or more, but not the whole elephant at once, and he made a choice that that was where the cutoff would be. It would give them the two accesses for homeowners and construction and it was a financial decision on his part.

Nielsen noted they are only talking about eight home lots and seventy-five or eighty feet of roadway. Walker stated it also includes a cul-de-sac and sewer and water and pressurized irrigation which adds cost very quickly. Walker noted it is a prerogative the developer has and he has never addressed it where an agency directed how much and the phasing. It was a financial decision for the most part and with consideration for the Fire Department and their requirements.

Nielsen explained his concerns with phasing and used Saddlebrook Subdivision as an example of phases being sold off and not completed. He is concerned with such a small phase separated out and felt he would need to put a time limit on it and specify after so many homes were built in phase one then you have so much time to do the infrastructure and complete the second phase. Nielsen stated he needed a commitment that that phase is going to be done. Walker stated he needed to have a conversation the owner, it was not a decision he could make. Nielsen stated he wanted him to also hear what the public had to say when having the discussion with the owner.

Public Testimony: David Worsley, 645 N. Star Road, Star, Idaho, stated he is the property owner of the property to the east of this development. He stated his major concern is the access point to his property for them for future development regardless of whether they do it now or how it plays into the development of the City and access to city services and the connectivity for the long term. He noted that they had already addressed a lot of his concerns as to why it's being phased and the purpose for that.

Applicant Rebuttal: Walker stated in further understanding with the client he develops with cash, so the example Nielsen gave would not be the case here. There is no one who can foreclose on this property as he is operating on cash. What the developer told him was those eight lots with all the infrastructure is about \$500,000.00 to \$600,000.00. At the point he hits the second phase he has expended all of what he has in cash value to do this development. If Mr. Worsley would like to contribute pro-rata share based on acreage of the sewer and water, pathway connectivity, roads, curb, gutters and sidewalk, they could put a timeline on this and he can have a moratorium on that contribution financially then they would be glad to do it. If Mr. Worsley wants to come up and make that late comer agreement or whatever the City has in place, he can do it with Hank Day; and they have both done late comer fee agreements for situations like Mr. Worsley. Walker noted Mr. Worsley has another access point and probably is closer to sewer and water off of Floating Feather, but if he wants to participate financially in the infrastructure they would be willing to build out the whole thing at once.

The Mayor explained this was also a concern for him and he has seen where there is a break in connectivity due to a down turn in the market. Then they see citizens without an additional

outlet. Walker reiterated that Mr. Worsley has another outlet, a legal access point onto Floating Feather Road. The Mayor stated it is hard for him that we have such a small piece and would like to see it develop at some point, possibly when you have fifty percent of phase one done so you would have infrastructure in for connection.

Nielsen commended developer for developing with cash, but it is also part of his concern. Because of fluctuation with the market or whatever, if the cash isn't there then that phase may not get done. He stated for him to approve tonight he would like to work with the Council to put some sort of a time limit, possibly a bonding requirement that insures that phase gets done in a timely fashion. Walker asked if they could include in that a reimbursement agreement on a pro-rata share for infrastructure. The difficulty for the owner is in that he does have the cash and is willing to move forward with the development and put his neck on the line, and there are plenty of people who want to ride the coattail. There are other options and other locations where this property can gain both access and utilities; it's not that this is the only point. Nielsen stated that any agreement like that he would expect him to work it out with the neighboring property, it is not his job to work out the agreement. They need a street, cul-de-sac, and utilities to those homes regardless of what their neighbors do. Nielsen noted part of the goals of the City is connectivity between neighborhoods and they are not trying to benefit Mr. Worsley. He is looking at this application on its own merits and if they can strike an agreement with Mr. Worsley that would be good. Walker stated that if they take on mandating the number of developable lots in a phase that would suggest that you have that liberty to then mandate some kind of reimbursement agreement. There is no doubt the connectivity is there and they are not disputing that. What they are saying is the owner has the right to choose how much dollar he spends in infrastructure and how many lots he develops at a time. If the Council chooses to mandate a certain amount of development in a certain amount of time, then they can take the liberty and say there has to be a reimbursement agreement which also mandates him financially as you are mandating the developer. Walker stated they are providing connectivity per City ordinance and it is not going away.

Nielsen stated he is open to another recommendation and noted the goal is to ensure that it gets done in a timely fashion. Walker stated he doesn't know what the market is going to do. Nielsen stated that is the point. Having lived through the last down turn and seeing the wreck Star was with unfinished subdivisions it's his intent to ensure that that doesn't happen. Walker asked to have Mr. Campbell come and address some of these concerns.

Mayor Bell asked Legal Counsel to address the legality of the Council requiring phasing or not. Yorgason stated he has not had time to research, but noted the code allows phasing. It is up to the Council to decide approval as is or not. He's not aware of anything that allows the City to define where the phases are. In this particular application it seems it might be a little more straight forward where you can say you want it all done as one because you are only adding eight extra lots to the last phase; but the bigger question is what happens on the next application that comes before the City and the Council says it wants the phase to be here or here. He stated he believes it creates bigger problems on down the road defining the number of phases or even the order of phases. Nielsen stated he didn't feel anyone has suggested that they change the size of the phasing or the order of the phasing, just the desire to ensure that all of the phases are completed. Yorgason asked them at what point do you say to a developer that they put down money guaranteeing every phase is going to be built. Not sure how you'll say to a developer now

you've built one phase and then make them bond for all the rest of their subdivision because you want to make sure everything is done. Concerned with what you do with this one and how to apply it across the board to other projects coming before you, especially since they do not have anything in the code that says you are to bond or guarantee that those phases will be built somehow. If it's not in our code we cannot force them or mandate them to do something.

Mayor Bell asked the applicant, Chris Todd, if he would like to speak.

Chris Todd, Todd Campbell Construction, 247 W. Cadbury, Eagle, Idaho, stated the phasing is economic driven. He stated he felt they are over reaching, especially after several conversations with their legal counsel. Nielsen stated they are not overreaching by denying it; and Todd stated it was the Council's prerogative to deny it. Todd stated he was here to work with them but they were not really trying to work with them. Council is trying to put in an overreaching statement that they are not ever going to develop this section. Nielsen stated they are asking for ideas from them as to what would help them to meet the goal to ensure that phase will be developed. Todd stated he could not give a guarantee as to when it would be built but could assure them the phase across the street is under development with cash and that cash will roll into developing the next phase and as they have cash available they will develop. Nielsen stated this is different than large developments because this is smaller than most phases in large developments and Todd has singled out the one thing that provides connectivity as Star develops. He is concerned with them ending that connectivity; to which Todd stated they are not ending that connectivity, it is there. They just cannot guarantee when it will happen.

Mayor Bell closed the public hearing and they moved into deliberations.

Keyes asked staff for clarification that the conditions they put in place the first time are still in place if they vote to move forward with this. Legal Counsel stated they could just add to the motion they are still included and for clarification sake recommended they list very one of them in the motion.

Hershey stated he understood where Nielsen is coming from, but from what he is hearing from our Legal Counsel he feels they are asking for something they cannot do and it could have legal repercussions. He stated he liked what he was seeing for the preliminary plat and understood they were approving a whole subdivision and could not say how big a phase could be. There are no guarantees, but the fact they have a cash start is a sign for him that it's a financially healthy company.

Keyes stated he felt the applicant had addressed the City's concerns with how things are working along the road; the open space is more than the minimum required and appears to be useable at this point. Keyes stated he was not crazy with where the road is connecting to the east but has not heard any public testimony not to proceed with it.

Keyes motioned to approve this project including the conditions that were in the previous approval, Hershey seconded the motion. Nielsen stated he appreciated the applicant coming forward and addressing the issues that he raised in requesting this reconsideration and also agreed it is time to move forward. He stated a part of him still feels they should ask the applicant to go back and work with the neighbor and maybe come up with the financing for that. Not sure

if this could be a requirement or not and maybe a path forward for approval. Chadwick stated he feels it is a path between private entities and should not have the City involved in it. It's an agreement they are going to have to reach together and not something the City should mandate. They could possibly put in there suggesting they work together on coming up with some sort of agreement. He questioned what the agreement means, are they asking him to pay the total \$600,000.00 or for a stub for sewer and water to neighbors' property. Nielsen stated his thought was not that they require it but would like to see a path forward working on an agreement for connectivity. Chadwick asked if Nielsen's intent was to have an agreement before they can move ahead with this project. Nielsen stated no, he is saying perhaps they don't make a decision tonight, let them go make an agreement, or they might make a decision to approve it with the requirement that some sort of an agreement is reached and if an agreement isn't reached then it doesn't get approved. Hershey stated it sounds like Nielsen is asking them to have an agreement in place even though they can't mandate an agreement. Nielsen stated that was not what he was saying; that if they want to insure connectivity takes place then the applicant can go make an agreement and if unable to reach an agreement with the adjacent property owner then he doesn't get the approval to move ahead. Chadwick stated he felt that was the same thing. He feels this is a problem between two private people or entities and they need to resolve it on their own. He stated he understands that we want that connectivity but can't say Mr. Worsley and Mr. Campbell have to sit down and work out an agreement that they'll have something in place before anything will happen because we haven't done that with any property and is unsure if that is even legal. Nielsen stated they did do that with property on New Hope regarding a fencing issue and they did go and reach an agreement with the neighboring properties. Nielsen stated he is looking for the same thing and he has voiced he is in favor of moving ahead. Keyes stated he was sympathetic to Nielsen's position and they have heard public testimony from Mr. Worsley and he didn't actually ask us to put any agreement in place and per our attorney he doesn't feel the City has a role in requiring an applicant to have an agreement in place with a landowner who is not a part of the application and who hasn't requested any type of relief. Hershey stated he would like to add that this discussion is not over; but the fact is we have seen things and have decided to take action to change it as we can, such as the new Comp Plan and working on new ordinances. We see a problem we fix a problem. On thing being brought up is risk and you cannot alleviate all risk. From what he has seen and heard from this applicant is that the risk has been mitigated to some level and feels the risk is manageable. The Mayor noted they have a motion and second on the table to approve this application. Chadwick clarified they have the other conditions included. The Mayor stated yes, the original conditions were included. All eyes: motion carried.

Public Hearing – TNT Fireworks (continued): Mayor Bell explained this a continuation of the fireworks conditional use for TNT Fireworks; they had already taken public testimony and his understanding is this is a continuation for deliberation only. Legal Counsel stated he believed that was correct, they did not leave the public hearing open for additional comments. Chadwick stated they had deliberated, and he had made a motion to table it for discussion tonight.

Chadwick explained that last time the representative for TNT Fireworks stated they were going to be selling aerial fireworks and our code says we cannot have them sold in our City. Therefore, he feels it is unethical for them to approve an application that has that. Chadwick moved to deny the Conditional Use Permit for TNT Fireworks based on the fact they indicated they would be selling aerial fireworks here in town, Keyes seconded the motion. Hershey, Keyes, Chadwick

ayes, Nielsen nay. Motion carried three to one to deny conditional use permit for TNT Fireworks.

Public Hearing – Family Fireworks: Mayor Bell explained for this public hearing they will have the applicant present, will take public comments and then applicant can rebut. The Mayor asked Council if they had any ex-parte contact or conflicts of interest, hearing none, Mayor Bell opened the public hearing and asked the applicant to speak.

Applicant: Brooke Taylor, 3351 Summit Drive, Pocatello, Idaho, stated she is the representative for Family Fun Fireworks. She is requesting approval for a conditional use permit for a temporary fireworks stand at 9687 W. State Street in the Heron River Subdivision. It is a dirt lot which is allowed for commercial use and they would plan on being there for one month, but would only sell for the allotted time the Council approves. As the opening day is on a Monday they are requesting the five day extension State Code allows to include the week-end before. Taylor asked Council for approval of their application.

Chadwick asked Taylor if they would be selling aerial fireworks. Taylor stated they would be willing to adhere to what's being allowed to be sold in firework stands currently in the City. So whatever the competition is selling, whatever is being allowed, that's what they would be selling.

Keyes asked if they would be willing to promise not to sell aerial fireworks at their stand. Taylor stated it depends on how you define aerial fireworks and what is allowed to be sold from other firework stands. Keyes rephrased his question and asked if they would agree to not sell any fireworks whereby a signature is required by state law. Nielsen clarified asking them to agree not to sell anything where a signature waiver is required per State Code. Taylor stated if that was how they were interpreting aerial fireworks, and that's what's going to be enforced through all of the stand then they would comply; but it would be unfair to ask them not to allow the sale of something when other stands are allowed to.

Chadwick pointed out the previous conditional use was approved years ago, and as he is looking at code today it talks about no aerial, and if they cannot guarantee they won't sell aerial fireworks then he could not approve their request. Nielsen stated he agreed with Chadwick and noted they intend to address this issue. The Mayor pointed out our code say's non-aerial fireworks. Taylor asked them to take into consideration their issue in enforcing the code. Whether the City changes the code or not they will follow it as long as it is fair for everyone. Taylor noted they would like to come to Star and have done business in the area for ten years. She asked for approval of her application and then once the code does change and come into play with everyone they will follow; they just want to be able to sell whatever the competitor is selling. Chadwick asked what they were selling in Boise as Boise only allowed the sale of safe and sane fireworks and the stands there were successful. He reiterated that if they are only going to sell safe and sane fireworks he could approve; if they are planning to sell aerial he could not approve.

Brenda Pollard, 3351 Summit Drive, Blackfoot, Idaho, with Family Fireworks, shared an experience she had one year with the police confiscating fireworks. The issue came down to the interpretation of what is okay to sell and what isn't okay. She is concerned with the City's interpretation of what's okay to sell. She asked if they could have one person that's in charge,

whether it's the Chief of Police or someone from the fire department, to tell them what is allowed and that everyone is treated equally.

Public Testimony: Kozi Holly, 9660 W. Wildbranch Drive, Star, Idaho, stated she lives within 300 feet of this property and thanked the Council for addressing the different types of fireworks. She is also concerned with the safety at the location as it is a dry lot with dry cheatgrass. Another concern is the ingress and egress is inadequate and one of them is not even a road. Parking is also a concern; concerned people will be parking on Plummer Road and on State Street near the drainage ditch. She pointed out there is no power, no water, and no sewer at the location.

Mark Keyser, 224 S. Barkvine Way, Star, Idaho, stated he is concerned with safety and concerned with the applicant's statements that they will comply with City ordinances if it benefits them. As a retired law enforcement professional, he noted the letter of the law is very specific. He trusts the Council will do the right thing, trust the process, and protect the citizens of Star. He stated he hoped they would deny this permit.

Applicant Rebuttal: Taylor addressed the ingress off of Plummer Road as they plan to put down some gravel. They will put NO PARKING signs on State Street and Plummer Road and have custom ordered some signage with directional arrows. They do enforce no lighting off of fireworks on site. They want to do business in Star and want a firework stand that is in compliance.

The Mayor asked Taylor to address the weeds and dust abatement. Taylor stated that as part of the Fire Department regulations they will clear the weeds around the stand and gravel the dust entrance. There is a lot of gravel sites on the site so there shouldn't be a lot of dust as no one will be going fast.

Nielsen again asked Taylor if they would commit to not selling fireworks for which you feel the need to require people to sign a waiver and if Fire Chief Timinsky or his representative asks you to remove fireworks from sale that you would do so. Taylor stated yes, they would comply with what the requests are to be in line and noted there should be a point person. Chadwick stated the point person would be Fire Chief Timinsky.

The Mayor closed the public hearing and moved to deliberations.

Keyes asked staff how close they were to having the Fireworks Ordinance ready to vote on. Legal Counsel stated it should be ready for the next agenda on June 18th, before sales start and it will apply to all the stands in Star.

Chadwick asked if they could condition if Chief Timinsky discovers aerial fireworks per their definition can the stand be closed at that point without a public hearing. Legal Counsel stated the code has a process to revoke a permit and it takes a public hearing; you can't just automatically revoke it. They can put in place something that would allow the Chief to confiscate the illegal fireworks when he inspects. There should be a process to allow them to bring the business back into compliance without pulling the permit.

Nielsen moved to approve the Conditional Use Permit for Family Fun Fireworks with the stipulation that the applicant has agreed to not sell any fireworks for which the State waiver is signed and that they agreed to remove any fireworks for sale permanently as deemed necessary for removal by the Star Fire Chief. Keyes stated he is almost willing to second it and asked for an amendment that they add the mitigation of the dust and the weeds. It was noted this was in staff conditions of approval. Nielsen stated approval to include all the conditions of approval in the staff report, Keyes seconded the motion. Hershey stated they cannot fix the past on what has happened, and they have now found that they have this ordinance that says no aerial fireworks and that is how he has to go with this. And since the motion is to have nothing for which a waiver has to be signed, to him that is no aerial fireworks. No matter what, you cannot regulate choice, if people want to get fireworks they will, and if they want to shoot them off they will. He noted he is a small business advocate but truthfully in this case it is irrelevant. What we are talking about is fireworks and so if we have a fireworks clause coming and they agree to nothing sold that requires a waiver then he can see this being okay. Keyes stated his yes vote here will be based on the fact the applicant has indicated they will follow our ordinances, which is different than the last one where they indicated they wouldn't, so he will vote in favor of this one. All ayes: motion carried.

Chadwick asked if they can re-open TNT's hearing to give them the opportunity to do the same thing. It was the consensus that they should. Legal Counsel stated they don't have that process in our code, but under Roberts Rules as long as you are at the same meeting somebody who voted in favor of the motion could make a motion to reconsider that motion. If they do that they will have to re-open the public hearing, as it was obviously closed, and you can have this same conversation with the applicant and allow public comment if they choose to and then make a motion. So first you need a motion to reconsider by someone other than Councilman Nielsen who voted no, and if that motion is passed then you can re-open the public hearing and basically go through another public hearing to make another decision. Mayor Bell verified there was a representative for TNT still in the audience. Chadwick made a motion to reconsider TNT Fireworks, Hershey seconded the motion. All ayes: motion carried.

Public Hearing – TNT Fireworks (reconsideration): Mayor Bell re-opened the public hearing and explained if anyone would like to speak after the applicant speaks they will be allowed to and he will add their name to the public input sign-up sheet. He asked the Council if they had any ex-parte contact or conflicts of interest, hearing none, he asked the applicant's representative to speak.

Carl Wilson, Boise, Idaho, stated he thought when they left the last meeting if they were going to let Fat City Fireworks sell whatever they're going to sell they were going to allow them to sell. The Mayor stated that had been part of the conversation. And now they come back and the Council is saying they said they are going to sell aerals regardless, and that wasn't the case. If they (Fat City) get to sell them then everybody should get to sell them; he stated it's got to be fair. He felt that was where they left it last time and asked if that is still the case.

Nielsen stated they have one Councilman who thinks lady justice has a blind scale for that purpose, but you have three that are not going to vote that way. Nielsen stated he has a choice to make and they have re-opened the public hearing for him to make a different choice than the way they answered last time. Mayor Bell explained they are in the process of making an ordinance

that will be on a public hearing two weeks from now that will ban aerials with everybody across the board. That ordinance is going to be put into place; they are not trying to make it unfair. Wilson stated he gets that, but if you go to Boise over the fourth, it really hasn't done them a lot of good to not sell aerials and Star's going to be the same way.

Nielsen stated they have code that is written the way it's written and they intend to enforce it. He asked Wilson if he wants to open a stand here will they abide by their law or not. Wilson stated they can do that, but it needs to be fair for everybody. Nielsen noted it's not fair today but in two weeks it will be. Wilson asked if in two weeks they're okay to sell aerials. Chadwick stated no that's not correct. This has nothing to do with them; this has to do with what's coming down with the State. He noted he wasn't involved with what happened down there but he has to apply it to things as he sees it today. Chadwick asked Wilson if he would commit to not selling aerial fireworks here in our City? Nielsen stated he would ask him the same question he asked the last applicant - will he agree to not sell any fireworks for which the state waiver is required to be signed and if the Fire Chief asks you to remove any fireworks he deems not fit to be sold in the City of Star that you will do so. Wilson agreed they would do that. The Mayor pointed out that everybody is going to be asked that same question. Wilson stated he was still wondering if they are going to sell aerials with their conditional use. The Mayor stated they do not have a conditional use forever; they have the same permit his does. Whether or not they grant TNT a permit, the law is going to be the same across the board.

Nielsen stated the only difference between what they have and what he is doing is he has to come back every year for the conditional use permit; where they have to get a permit from the Fire Department and come to the City for a building permit, and that all happens before any fireworks goes on sale and before any content can be inspected as to what is being sold. In our law we don't have a very good means of enforcing that and that is why we are conditioning your permit tonight. But in two weeks we will have the means by which our laws can be enforced and none of the stands in Star are going to be able to operate outside of our laws.

Wilson asked if they have background checks done at Fat City because they always have to have them. The Mayor stated he was sure they do. Wilson stated he has never seen anybody wear the tags, and wondered if they even have to do that. Nielsen noted staff is nodding they have background checks. Nielsen stated they are here to discuss what they deem is necessary for TNT to get approval tonight; they are being given a second chance. Wilson stated they will take it.

No one from the audience chose to speak.

Mayor Bell closed the public hearing and moved to deliberations.

Keyes made a motion to approve the Conditional Use Permit for TNT Fireworks subject to the conditions identified by staff. Nielsen asked if he would like to include the same conditions they applied to the last applicant. Keyes stated he amended his motion accordingly, Nielsen seconded the motion. All ayes: motion carried.

Public Hearing – Greendale & Greendale Grove Subdivisions: Mayor Bell asked the Council if they had any ex-parte contact or conflicts of interest. Nielsen stated he had received a text message from Josh Austin regarding some comments from ACHD regarding this application; but

they did not have a discussion and he referred Austin to City staff. Mayor Bell declared the public hearing open and asked the applicant's representative, Becky McKay, to speak.

Applicant: Becky McKay, Engineering Solutions, 1029 N. Rosario Street, Ste. 100, Meridian, Idaho, stated she is representing the applicant Providence Development. The Council had given them instructions last time concerning the existing five-acre lots to the east of their property and how they would take access onto the Beacon Light realignment and the possibility of reducing the density along there to provide some transitioning. She reviewed the new design, showing they went from 46 lots down to 26 lots in the 12.77-acre area along Wing Road. The five-acre parcels will be able to take access to Beacon Light along New Hope, which will be a collector road. Wing Road will still be eliminated and there will be twenty feet of landscaping along it as a buffer. McKay reviewed the lots being different sizes, increasing in size as they go east and they will be staggered, not in a line. She noted the open space had to be reduced to 6.76 acres but is still more than what is required, and they did not change any of the amenities or pedestrian pathways.

On the northern portion, Greendale Grove, they did increase the number of lots up to 121 to a density of 3.13. They were able to move the stub street to the property to the east more to the south on the property for future interconnectivity for where Mr. Jones anticipates his future development will be needing access. They also were able to push a street more to the west to accommodate a low spot that catches drainage from the foothills into their open space. McKay noted they went from 237 buildable lots to 233, common area went from 12.31 acres to 11.40 acres, lot sizes changed, and the combined density went from 3.01 to 2.94. This puts them well within the neighborhood residential designation on the new adopted comprehensive plan land use map.

Another concern that came up was the dark sky lighting and McKay showed pictures of proposed decorative lights which will be sixteen feet tall, meets the dark sky standards, and will be installed internally. The streetlights along Beacon Light typically will be a shoebox type and taller.

McKay stated they took all the comments seriously and appreciated the opportunity to go back and rework the plats. She stated they feel they have a better product that will mesh with the existing neighborhood.

Discussion was held that there is no access from the properties onto New Hope Road. McKay stated there is a ten-foot buffer along New Hope, properties will take access off of the cul-de-sac which intersects with Beacon Light to New Hope. There will be no direct load access to either Wing Road or New Hope from the twenty-six lots.

Nielsen mentioned they had talked about the Austin property, the road going through it, and reimbursement to Mr. Austin for the property. McKay stated they had prepared an exhibit and Mitch Armuth met with Mr. Austin to talk about purchasing the right-of-way from him. At this time no decision has been made. If Mr. Austin does not accept Armuth's offer, then ACHD would have to do an appraisal and make him an offer; and this process was discussed. A condemnation of the property would always be a last resort.

Nielsen stated he understood from Austin that ACHD does not have funds to purchase property. McKay stated that was correct; but now that they have the opportunity to realign Beacon Light they are putting it in the CIP and once that's done they can move forward with that.

Keyes brought up that ITD has been asking for funds from projects that may not be near them and they have been working with developers to collect some voluntary contributions to help mitigate their fair share and wondered if they had been approached by ITD. McKay explained in working with another piece of property that ACHD has offered to hold funds in trust for ITD for future improvements and they have not heard back from ITD. Another issue is ITD not being willing to go out and obtain right-of-ways and private parties do not have the power to go and ask somebody to sell then the right of way. It's going to take a lot of discussion between the various entities's to mitigate road improvements. McKay noted they have done a traffic study on this project and there was no mitigation for their traffic out at the ITD right-of-ways or at intersections. When they redesigned this project they sent it back to ACHD to review and Mindy Wallace said they were fine and had no additional comments. Keyes asked if they would be willing to pay a proportionate share into a trust fund for road improvements. McKay stated they now pay impact fees and so they would want to know what they quantify what their share would be for this particular project and what the dollar amount would be. Armuth stated they would want to know what is considered their fair share. Keyes asked if they were able to agree on what is fair, would they be willing to agree to participate and McKay stated yes.

Keyes asked McKay that since they first came to them their Comprehensive Plan has changed and he believes they are asking for a change to the map only but the thing they are asking to change to in the application no longer exists and the thing that does exist in the new plan you are already compliant with; so he wondered where they go from here on that. Nickel stated he wanted to make sure that when they approve the Comp Plan amendment that they designated with the current Comp Plan designation which was a residential so they don't have a medium residential designation hanging out there for no reason. Keyes asked if they can amend the plan in real time by a motion so they make the Comp Plan change to the current designation. Legal Counsel stated they can amend the application as part of the process tonight to make sure it is comporting with the current terms used in the existing Comprehensive Plan. McKay stated they were okay with that and explained that at the time they submitted the new Comp Plan hadn't been adopted so they had no choice but to submit the comprehensive plan change. Now that the new Comprehensive Plan is in effect it is her understanding that they can voluntarily accept the new Comprehensive Plan as the applicable document, therefore there is no need for a comprehensive plan map change because the new Comprehensive Plan allows for the neighborhood residential. Or should they withdraw their application for a Comp Plan amendment. Legal Counsel stated the only concern he had was whether there was something else in the comprehensive plan amendment that they would want to keep when she talks about withdrawing. He felt as part of the motion, even if they agree to withdraw that comp plan application, I would make sure that as part of the motion there is a clear explanation as to why the application applies to the existing comprehensive plan; so there's some clarity there in case there were questions in the future. Keyes stated the only thing they do in the motion would be to adopt the current Comp Plan map; they are not asking to change adoption to the plan. Nielsen asked if it would be cleaner to just deny the comp plan portion of this. Legal Counsel stated he wouldn't deny it, they could agree to it being withdrawn. McKay inserted that they voluntarily agree to withdraw it, and that the current Comprehensive Plan applies to the other applications.

Public Testimony: Guy Jones stated he represents 9990 Beacon Light and he stood before them to confirm Greendale Grove Development has complied with all of their concerns. They have shown a willingness to develop responsibly, and for that reason they can support the development and encourages the Council to support. He expressed appreciation to Armuth and McKay for the work they have done and for being good neighbors.

Steve Greene, 9999 W. Star Acres Drive, Star, Idaho, stated he has looked at this closely and felt they have done a good job in redesigning Greendale. He felt they had made a good effort in transitioning from five acre lots to the smaller lots. He felt the access to Beacon Light Road is adequate using the existing New hope Road and liked the fact they have wrapped sidewalks down Wing Road. He would recommend they take another look at the intersection at New Hope and Brandon Roads as they don't seem to be in line. Greene also recommended that some transitioning be done north of Beacon Light Road in the Greendale Grove Subdivision.

Morris Campbell, 3251 N. Wing Road, Star, Idaho, stated he applauded Armuth and McKay for the mitigation for the people to the south and east of the Greendale development. But in all fairness those of us on the north and west should have equal mitigation as those to the south and east.

Brittanie Austin, 10195 W. Beacon Light Road, Star, Idaho, noted they did great transitioning on the west side and would like to see transitioning done on the north side as well as they are part of that. She stated there has not been much discussion with them regarding the corner. They understood there was an agreement, but no offer or dollar amount has been made. When they talked to ACHD they were told their property was not needed to compete the subdivision and that they don't have this on their five-year plan. So they feel they could probably rework the plan in some way that there wouldn't need to be a taking of their corner piece.

Will Eason, 10174 Star Acres Drive, Star, Idaho, stated he had had concerns with the piece to the west. and felt they did a good job of redesigning it and bring it into compliance with the Comprehensive Plan in making the transition. His is concerned with no transitioning in Greendale Grove on N. Beacon Light. The neighborhood residential designation recommendations in the Comprehensive Plan calls for densities not to exceed one to two units per acre. There needs to be some transitioning along Beacon Light with larger lots so they will be more compatible with the subdivision to the south.

Bob Fahlau, 2203 N. Sunny Lane, Star, Idaho, stated he felt they had done a good job with changing the access into their neighborhood instead of the street cutting through their subdivision. Liked the fact they've curved the road to New Hope, and they do not have to take Beacon Light all through Greendale. He stated he felt they had done a great job on changing the lot sizes to make a transition. He noted they talked about a sidewalk and would like to know about the fencing; he does not want to see it be a six-foot white vinyl fence. He thanked them for looking at down lighting in the subdivision and was concerned with the lighting on Beacon Light. Mayor Bell explained collector roads have to be lit up more. Fahlau also felt the fifteen foot rear set back is too small. Mayor Bell stated that is the minimum setback allowed. Fahlau also mentioned that on page 10 it talked about weed abatement and he would like to see abatement done better in the future.

Joe Abreu, 2730 N. Rolling Hills Drive, Star, Idaho, pointed out there is another large development up North Wing Road and he is not hearing much about the increase in traffic from it. He is concerned with busing as parent's park on New Hope Road to meet their kids getting off the buses. He pointed out they had cut the number of lots to the south and had added them to the north piece. He is concerned with people flying through the subdivision using Beacon Light when coming off of Highway 16. Expressed concern that when coming out of his subdivision they have to turn into the subdivision and take another road to get to Beacon Light. He asked why they did not put in something that was more conducive to the area; something with half to one acre lots with more of a rural feel.

Applicant Rebuttal – McKay pointed out the guiding document is the Comprehensive Plan and the new land use map. It provided for three to five units per acre and they have just under three. She pointed out there is a lot of expense that goes into developing one and two acre lots and they can't afford to extend the utilities and develop them. They try to utilize what they have to be best extent and within the comprehensive plan and land use maps. There were comments about Beacon Light and pointed out it is a major arterial and ACHD is asking that it comes through this project. She pointed out they will have 128 feet of right-of-way and landscaping between this development and Star Acres with lots that are 125 feet deep along the arterial road; that is separation. They have made an effort to be a neighborhood with the neighbors and pointed out their density is lower than Trident Ridge to the north. If they were to cut down the density anymore it will not be cost effective to cover the cost of land and infrastructure. In regards to the Austin property it has been on ACHD's master street map for realignment for many many years. She noted Armuth had had phone conversations and a meeting in his office with Mr. Austin and Armuth did make an offer to compensate them for the right-of-way. Mr. Austin wanted to make sure this roadway was stubbed to his property as he may redevelop in the future. McKay stated they have reworked the plan to the minimum density they can, they have three times the open space required and it meets all the ordinance and amenity requirements. She stated it is a good project and asked that the Council would support it. Once Beacon Light is improved it will enhance the transportation system. She stated Armuth will continue to work with the Austin's, but once ACHD adds this to their CIP then if nothing's been done then the ball will be in their court. She reiterated they don't have a choice as far as the realignment; it is exactly as ACHD wanted it designed.

Keyes stated since it was brought up in public testimony he wanted to clarify that the Comprehensive Plan they are operating under is the one that was in place when they filed their application, but they are looking to comply with the new land use map only; not looking to comply with the entire new Comprehensive Plan. McKay stated that was a question for legal staff; she thought they had to comply with the whole Comprehensive Plan, not just apply the map and not the plan. Keyes stated when looking for a map amendment the map that existed when you applied doesn't exist anymore; so what he thought they were going to do was amend the map and the Comprehensive Plan she applied under is what she expects to develop under. Legal Counsel stated that part of the conversation before was that they would withdraw the request for the comp plan amendment so it would be subject to the entire Comprehensive Plan including the map as it exists today. Keyes stated if we're going to be subject to the entire Comprehensive Plan there are things in that plan that were not part of the plan when they applied that are going to completely change the way this subdivision looks. Legal Counsel stated the

subdivision is bound by the ordinances that are in place; so unless the ordinances have been changed they are still subject to the subdivision zoning ordinances that are in place when she submitted the application. Keyes stated the ordinances say they have to be in compliance with the Comprehensive Plan as well. Legal Counsel asked what part of the subdivision ordinance he was speaking of. Keyes stated he is speaking specifically of the new Comprehensive Plan as there is a special use zone that encompasses the neighborhood here. It calls for some specific transitions for development that is adjacent to that and is not in the old Comprehensive Plan. Legal Counsel stated for those things to be applicable those changes need to be put in the ordinance; the ordinance is the law. So, unless the ordinances we have in place requires the special use to be applicable to this area, she would still be subject to the ordinances that were in place at the time her application was submitted. Keyes asked if it included the ordinance that says you have to comply with the Comprehensive Plan. Legal Counsel stated the applicant is saying she will be subject to the new Comp Plan which says neighborhood residential and three to five to the acre. The subdivision ordinance tells you how you have to develop the subdivision; the zoning ordinance in place tells you your density and setbacks. So when you rezone to a neighborhood residential to comply with the terminology in the Comp Plan they are going to be subject to the ordinances that apply to whatever that zone is. Keyes asked if the language around a special use zone that is in the new Comprehensive Plan would cover this property. Legal Counsel said yes if it is in the zoning ordinance. He pointed out they have changed the Comprehensive Plan and are now working to change the zoning ordinance to match what their Comprehensive Plan says and it will implement all that. Nickel stated it's the findings that requires you to make a finding that meets the Comprehensive Plan. He stated that maybe to avoid confusion they should probably approve the requested comprehensive plan to medium density residential and then when they go back to clean up the map, at that time they change it from medium density to neighborhood residential. So approve it tonight under the old Comprehensive Plan with the requested map designation of medium density residential. Then the City is going to initiate a comp plan map amendment to clean up some of the other properties that were missed, and they can clean that up at that time. That way the findings can be made that this meets the Comp Plan that was in place at the time it was submitted. Legal Counsel asked if what Keyes was referring to is part of the Comp Plan or the zoning ordinance. Nickel stated it is part of the rezone section of the code. Legal Counsel noted this kind of conflict can happen when you change a Comp Plan and have not yet changed your code to match. The code is always what governs; the Comp Plan is a plan with no force of law behind it. They have a plan in place and are working on bringing the codes to match. Until then the Comp Plan does not change any of the ordinances that are in place. Legal Counsel stated he was fine with following Nickel's recommendation. As he understands it, if they withdraw the application then you have the existing Comprehensive Plan so when you look at the zoning request, does it comply with the existing Comp Plan. If yes then you move onto the preliminary plat application; and does it comply with the standard in the unified develop code as it exists. If the answer is yes then you approve and if the answer is no then you can approve with conditions or deny it. He stated he felt it was appropriate to withdraw the comp plan amendment because it sounds like the zoning application is going to comply with the Comp Plan map and presumably the text. If not then he wouldn't withdraw it and approve it as Nickel suggested, based on everything was in place when the application was submitted. The applicant tonight is saying they would voluntarily withdraw their application and use the new Comp Plan.

McKay noted the Comprehensive Plan and land use maps are guiding documents; the implementing tool is the ordinances. They are willing to do what Nickel recommends; however what they have here complies with the new Comp Plan. She had consulted with Mark Butler and Nickel when working on this project to make sure it did comply. Butler agreed that Beacon Light as an arterial road with landscape buffering is a transition. Transitioning is not just large lots. This application does comply with the new map, the application complies with the City's old Comp Plan and meets all of the design criteria under City ordinances. She asked that they support this application.

Mayor Bell closed the public hearing and moved to deliberations.

Nielsen stated he appreciated what the applicant has done and felt they complied with a lot of the requests from the public as well as what the Council requested. He is concerned with the situation with the Austin's and appreciated clarification on how ACHD is looking at this and that ACHD is looking at adding that to their CIP. It was his opinion that they should accept the applicant's withdrawal of the comp plan amendment portion of the application. It would be cleaner and they would not have to clean it up later.

Chadwick stated he believed they have done a fantastic job of addressing the concerns of the citizens and neighbors. He understood their concerns with transition to the north but felt the arterial road and the buffering there is acceptable transitioning. He stated he was in favor of this new plan and recommended they move forward with this application.

Keyes stated he felt the applicant has done everything they requested. He had asked many questions because he wanted to make sure there would not be coming back for an uncomfortable conversation on a request for reconsideration. He noted there were some additional points raised tonight and felt they had been addressed. He stated he was in support of this application.

Hershey noted he had not been at the first hearing but had reviewed the packet and the minutes. He had had concerns with the transitioning, but felt that a hundred feet of road plus thirty feet of landscaping before hitting a property line was quite a distance. ACHD had done a traffic study and were okay with it; and ITD seems to have decided to stay silent. He stated he is in favor of what they have done, especially the lower half.

Nielsen stated he appreciated the clarification on the compliance to the comprehensive plan and ordinances. He stated he felt they need to be more specific about what they consider to be transitional and in his mind doesn't feel a road necessarily becomes a transition. He recommended this should be something they consider when making the unified development code changes.

Nielsen moved to approve this application recognizing the applicant has withdrawn CPA-18-08 and CPA-18-09, and to approve AZ-18-12 and AZ-18-13 Annexation and Rezone along with PP-18-12 and PP-18-13 Preliminary Plat for Greendale Grove Subdivision and Greendale Subdivision with conditions as stated in the staff report, Chadwick seconded the motion. Keyes asked Nielsen to amend his motion to include the applicant's agreement to participate in a fair share agreement that may eventually come to pass between ACHD, ITD and the City or any of those parties for road mitigation. Nielsen stated that felt ambiguous to him and he's not sure he

is prepared to do that. He asked Chadwick and Hershey what they thought. Hershey stated that ITD has included that in the past which means they look at some of their applications, and he doesn't see anything in the packet from them and believes they have had their chance. Keyes stated they did ask for mitigation. Hershey asked if they can define fair and Nielsen said that was the part he was stuck on. If we say whatever is fair, how do we quantify it? Keyes stated they discussed briefly that fair is the percent of impact that this development is going to have on the intersection of question. Chadwick asked if it is necessary to put that in this application if ACHD decides that at a future date anyway. If they are collecting money as some sort of impact fee and put it into a holding account; at some point wouldn't ACHD have the authority to collect those monies from any development that is out there regardless of any development agreement that is put into place with the City? Keyes noted except this is for ITD and they can't collect impact fees. The Mayor pointed out ACHD is offering to collect for them. Chadwick stated this is where he is hung up on this thing; without some sort of deal in place with ITD he doesn't really know where you can go with that. He feels it is arbitrary and has no confidence in what is going on with them and he can't support that until it is more defined. Nielsen stated he was agreement with Keyes direction of thought but at this time doesn't believe he will amend the motion. Chadwick stated he too was in agreement with him but wants more clarification on how that's going to work. Keyes stated he would like that as well. All ayes: motion carried.

Resolution 19-04 Boy Scouts of America – Mayor Bell explained this Resolution is for the City to sponsor a Scout Troop as we know it is not going to the Boy Scouts of America anymore, it will be the Scouts BSA. This is a proposal to do a Resolution for the City to actually sponsor a scout troop.

Nielsen explained he was the one proposing this Resolution and the City would be chartering a group not sponsoring it. He stated they held workshop with a representative from the Ore-Ida Council doing a presentation. From the workshop he felt they were in agreement to move forward. Keyes stated he has been supportive from the beginning but has been unable to find a model of a city that has chartered a Scout Troop. He asked if there were not any of the traditional organizations in town that would be willing to do this. Nielsen stated there were no other organizations that have the ability to meet all of the requirements of being a charter organization. When he spoke with the National Council, they stated this would be a unique situation, but there was nothing they could think of that would prevent the City from being a charter member. The Mayor stated he felt this was a good cause but was hesitant with the dollar amount indicated in the resolution as this is taxpayer's money. He is afraid this might set a precedence for other groups to come to the City asking to be sponsored and the City to fund them. He stated he was all for chartering and providing a location for them to hold meetings. Nielsen explained it takes a lot to set a troop up, especially if they don't have any equipment, and fundraising takes a lot of time. Any equipment purchased would be City assets even though they would be dedicated for scouting purposes. With certain parameters and planning these assets could be used for other City outdoor recreational purposes. Keyes asked if they would be willing to amend the resolution with language stating the City would provide start-up funds as a donation not to exceed \$15,000.00. Funding options and start-up equipment were discussed.

Keyes moved to adopt Resolution No. 2019-04, amending the fourth resolved statement to read, "Be it further resolved that the City provides up to \$10,000.00 as a one-time donation to be used for equipment, supplies, and other items required for establishing a new Scouts BSA unit" and

the rest as already written, Nielsen seconded the motion. Nielsen stated there was one other item on the resolution that warrants some discussion and that is in the fifth resolved paragraph, as he has added some language with a specific date and there was some advice from our Attorney on perhaps making that less specific. He stated he liked making it specific and asked if the Council had any concerns or thoughts on it. Chadwick asked Nielsen if he was talking about the two years. Nielsen stated is says “The City will, within two years of the effective date of this resolution, refurbish its property located at 960 S. Main Street in Star, Idaho to support scouting and other indoor/outdoor recreational activities as the locations primary purpose.” Keyes stated he was comfortable with that in so much as resolutions are easy to change, Nielsen seconded. All ayes: motion carried.

Resolution 19-03 Remote Attendance & Accessibility Policy - Chadwick moved to approve Resolution No. 2019-03, Star City Council Public Meeting Remote Attendance and Accessibility Policy, Nielsen seconded the motion. All ayes: motion carried.

Ordinance No. 287 Trapper Ridge Subdivision – Hershey moved that pursuant to Idaho Code Section 50-902 the rule requiring an Ordinance to be read on three different days, with one reading to be in full, be dispensed with and that Ordinance No. 287 be considered after reading once by title only, Nielsen seconded the motion. Roll Call: Hershey – aye, Keyes – aye, Chadwick – aye, Nielsen – aye: motion carried.

Chadwick moved to approve Ordinance No. 287, an Ordinance rezoning certain real property located in the incorporated area of the City of Star, Ada County, Idaho. Specifically located at 11650 W. New Hope Road, Star, Idaho; Ada County Parcel Numbers R6046660310, R6004666210, R604666320, and S0406121125, establishing the zoning classification of the properties as Residential (R3) of approximately 66.63 acres; owned by Endurance Holdings; directing that certified copies of this Ordinance be filed as provided by law; providing for related matters; and providing an effective date. Keyes seconded the motion. All ayes: motion carried.

Ordinance No. 288 Mink Farm Subdivision – Hershey moved that pursuant to Idaho Code Section 50-902 the rule requiring an Ordinance to be read on three different days, with one reading to be in full, be dispensed with and that Ordinance No. 288 be considered after reading once by title only, Keyes seconded the motion. Roll Call: Hershey – aye, Keyes – aye, Chadwick – aye, Nielsen – aye: motion carried.

Chadwick moved to approve Ordinance No. 288, an Ordinance annexing and zoning to the City of Star certain real property located in the unincorporated area of Ada County, Idaho, and contiguous to the City of Star, specifically located at 425 N. Highway 44 and 8706 W. State Street; Ada County Parcel Numbers S0409428015, S0409428210, S0409438405, S0409438605, and S0409438805; establishing the zoning classification of the annexed properties as Mixed Use (MU) of approximately 48.48 acres, owned by Joseph A. & Lynn S. Moyle Trust; directing that certified copies of this Ordinance be filed as provided by law; providing for related matters; and providing an effective date. Keyes seconded the motion. All ayes: motion carried.

Reports: Legal Counsel, Chris Yorgason, stated he had a request from the attorney for the Star Sewer & Water District wanting to see if the City would be willing to enter into a memorandum of understand regarding annexation. If there is no objection he will coordinate with their

attorney to get the process started. In regards to the appeal on the Willowbrook case, he will have a letter issued to the appellants that the application has been withdrawn. There were no objections from the Council.

Council agreed, due the lateness of the hour and an Executive Session is next on the agenda, they would forego their reports.

Executive Session: Chadwick moved to go into Executive Session under Idaho Statute 74-206 (1)(b) Evaluation of an Officer, Keyes seconded the motion. Roll Call: Hershey – aye, Keyes – aye, Chadwick – aye, Nielsen – aye: motion carried.

The City Council exited the Executive Session at 10:58 pm.

Adjournment: The Mayor adjourned the meeting at 11:00 pm.

Approved:

Respectfully submitted:

Charlten Bell, Mayor

Kathleen Hutton, Deputy City Clerk