

BOISE, IDAHO
MARCH 11, 2008

Council met in regular session Tuesday, March 11, 2008, Mayor DAVID H. BIETER, presiding.

Roll call showed the following members present:
BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Invocation was given by Pastor Corbett Lynn Collister Community Church.

Moved by JORDAN and seconded by CLEGG that the minutes from the March 4, 2008, Boise City Council Work Session Meeting be approved.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN and SHEALY. ABSTAIN: TIBBS.

Motion carried.

Moved by JORDAN and seconded by CLEGG that the minutes from the March 4, 2008, Boise City Council Meeting be approved.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN and SHEALY. ABSTAIN: TIBBS

Motion carried.

Mayor BIETER announced that this was the time and place set for Mayor's 2008 Neighborhood Reinvestment Grant Awards:

Theresa McLeod, Office of the Mayor presented the awards.

Moved by Jordan and seconded by Clegg that the Boise City Checks No. 270605 thru 271090 in the total amount of \$2,108,829.83 as of March 5, 2008 be approved.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

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Motion carried.

The Bid Results for Approval of Contract; for Phase 2 Contract, RFP 06-059: New Harris Ranch Fire Station, Fire Department were before Mayor and Council as enumerated in staff report dated February 27, 2008.

RECOMMENDATION: The Department of Finance and Administration Division concurs with Public Works and Fire Department in recommending that RFP 06-059: New Harris Ranch Fire Station be awarded to the lowest responsive and responsible bidder, ZGA Architects, in a total amount not to exceed \$226,100.

Moved by Jordan and seconded by Clegg that the recommendations be followed and the bid be awarded to ZGA Architects in the total contract amount of \$226,100, subject to compliance with bonding and insurance requirements.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

The Bid Results for F/B 08-094: Boise Depot Bell Tower Stucco Repairs, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated February 29, 2008.

RECOMMENDATION: The Department of Finance and Administration Division concurs with Parks and Recreation Department in recommending that F/B 08-094: Boise Depot Bell Tower Stucco Repairs be awarded to the lowest responsive and responsible bidder, Commercial Remodeling LLC in a total amount not to exceed \$300,381.00.

Moved by Jordan and seconded by Clegg that the recommendations be followed and the bid be awarded to Commercial Remodeling LLC in the total contract amount of \$300,381.00 subject to compliance with bonding and insurance requirements.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

The Bid Results for F/B 08-107: 2008 Greenbelt Repairs, Parks and Recreation Department were before Mayor

and Council as enumerated in staff report dated February 25, 2008.

RECOMMENDATION: The Department of Finance and Administration Division concurs with Parks and Recreation Department in recommending that F/B 08-107: 2008 Greenbelt Repairs be awarded to the lowest responsive and responsible bidder, Diamond Contractors LLC, in a total amount not to exceed \$165,512.75.

Moved by Jordan and seconded by Clegg that the recommendations be followed and the bid be awarded to Diamond Contractors LLC in the total contract amount of \$165,512.75, subject to compliance with bonding and insurance requirements.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Approval of Sole Source Purchase IFB 08-134: Trojan Technologies Parts, Public Works Department were before Mayor and Council as enumerated in staff report dated February 27, 2008.

RECOMMENDATION: The Department of Finance and Administration Division concurs with Public Works Department in recommending that Sole Source Purchase IFB 08-134: Trojan Technologies Parts be awarded to Coombs-Hopkins Company/DC Frost Associates Inc, in a total amount not to exceed \$150,000 annually.

Moved by Jordan and seconded by Clegg that the recommendations be followed and that the sole source purchase be awarded to Coombs-Hopkins Company/DC Frost Associates Inc in the total contract amount of \$150,000 annually, subject to compliance with bonding and insurance requirements.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

The City Clerk requested the following claims(s) be acknowledged and referred to the office of the Treasurer:

- a) Jacob Pedersen, Property Damage
- b) Chris Oliveira, Property Damage

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- c) Brooke View Mobile Home Park, Personal Injury

Moved by Jordan and seconded by Clegg that the claim(s) be acknowledged and referred to the office of the Treasurer as requested.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

The City Clerk requested April 15, 2008, in Council Chambers be confirmed for a public hearing on:

- a) CAR08-00001/Annexation/Boise City requests approval of an annexation of +/-136 acres generally located at 7350 Eisenman Road with a zoning designation of M-1D (Limited Industrial with Design Review).
- b) CAR08-00005/Annexation/Frito Lay/Sundance request approval of an annexation of +/-11.32 acres located at 2925 South Cole Road and 2860 Vala Hala Avenue with a zoning designation of M-1D (Limited Industrial with Design Review).

Moved by Jordan and seconded by Clegg that April 15, 2008 in Council Chambers be confirmed as requested.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

The City Clerk requested the following minutes, reports and requests be received by Council and directed filed in the office of the City Clerk:

- a) Sole Source Purchase: Trojan Technologies UV 4000 System Parts, Public Works Department
- b) Sole Source Purchase: Professional Legal Services, Legal Department
- c) Foothills Conservation Advisory Committee Minutes, February 6, 2008
- d) Boise City Building Construction Report, February 2008
- e) Boise City Building Construction Report, Calendar Report, Jan.-Feb. 2008
- f) Boise City Building Construction Report, Fiscal Report, Oct.-Feb. 2008

Moved by Jordan and seconded by Clegg that the minutes, reports and requests be received and directed filed in the office of the City Clerk as requested.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-104-08) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND J & M SANITATION FOR THE LEASE OF THE BOISE CITY ENVIROGUARD HAZARDOUS MATERIALS COLLECTION VEHICLES FOR USE AT CITY OF KUNA HAZARDOUS WASTE COLLECTION EVENTS; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by Jordan and seconded by Clegg that the proposed resolution (R-104-08) be adopted and that same be numbered Resolution 20018.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-105-08) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND THE CITY OF EAGLE FOR THE LEASE OF THE BOISE CITY ENVIROGUARD HAZARDOUS MATERIALS COLLECTION VEHICLES FOR USE AT CITY OF EAGLE HAZARDOUS WASTE COLLECTION EVENTS; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by Jordan and seconded by Clegg that the proposed resolution (R-105-08) be adopted and that same be numbered Resolution 20019.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

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Motion carried.

Proposed resolution (R-106-08) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION APPROVING A TERMINAL SPACE LEASE AGREEMENT BETWEEN BOISE CITY (DEPARTMENT OF AVIATION) AND GEM AIR, LLC. FOR THE LEASE OF CERTAIN PREMISES WITHIN THE BOISE AIRPORT TERMINAL BUILDING; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID LEASE AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE was read in full.

Moved by Jordan and seconded by Clegg that the proposed resolution (R-106-08) be adopted and that same be numbered Resolution 20020.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-107-08) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AMENDMENT TO CONTRACT RFP 08-076(A); STRUCTURAL PLAN CHECK SERVICES; PLANNING AND DEVELOPMENT SERVICES DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND AHJ ENGINEERING, P.C.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by Jordan and seconded by Clegg that the proposed resolution (R-107-08) be adopted and that same be numbered Resolution 20021.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-108-08) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AMENDMENT TO

CONTRACT RFP 08-076(B); STRUCTURAL PLAN CHECK SERVICES; PLANNING AND DEVELOPMENT SERVICES DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CH2M HILL; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by Jordan and seconded by Clegg that the proposed resolution (R-108-08) be adopted and that same be numbered Resolution 20022.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-109-08) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AMENDMENT TO CONTRACT RFP 08-076(C); STRUCTURAL PLAN CHECK SERVICES; PLANNING AND DEVELOPMENT SERVICES DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CALL ENGINEERING; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by Jordan and seconded by Clegg that the proposed resolution (R-109-08) be adopted and that same be numbered Resolution 20023.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-110-08) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT FOR RFP 06-059 HARRIS RANCH FIRE STATION PHASE 2; PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND ZGA ARCHITECTS AND PLANNERS, CHARTERED; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by Jordan and seconded by Clegg that the proposed resolution (R-110-08) be adopted and that same be numbered Resolution 20024.

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Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-111-08) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT TO AWARD F/B 08-094; BOISE DEPOT BELL TOWER STUCCO REPAIRS, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND COMMERCIAL REMODELING, LLC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by Jordan and seconded by Clegg that the proposed resolution (R-111-08) be adopted and that same be numbered Resolution 20025.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-112-08) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT TO AWARD F/B 08-107; 2008 GREENBELT REPAIRS, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND DIAMOND CONTRACTORS, LLC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by Jordan and seconded by Clegg that the proposed resolution (R-112-08) be adopted and that same be numbered Resolution 20026.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-113-08) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION APPROVING THE GRANT OF AN EASEMENT FROM THE CITY OF BOISE, AS GRANTOR, TO ADA COUNTY, IDAHO, AS GRANTEE, FOR THE PURPOSE OF THE CONSTRUCTION AND MAINTENANCE BY ADA COUNTY OF A PATHWAY UPON, OVER, ACROSS, THROUGH AND UNDER THE CITY'S PROPERTY; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID EASEMENT ON BEHALF OF THE CITY; AND PROVIDING AN EFFECTIVE DATE

Moved by Jordan and seconded by Clegg that the proposed resolution (R-113-08) be adopted and that same be numbered Resolution 20027.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Councilmember Jordan requested unanimous consent that all ordinances on second reading be read by number and title only and filed for the Third Reading Calendar.

Unanimous consent was granted.

Proposed ordinance (O-12-08) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE (CAR07-00047/BRIGHTON CORPORATION FOR +/- 246.87 ACRES LOCATED AT 3107 E. WARMS SPRINGS AVENUE, 4941 E. MILL STATION DRIVE, 5225 E. MILL DRIVE, AND 6400 E. WARM SPRINGS AVENUE); AMENDING TITLE 11, CHAPTER 23, ENACTING A SPECIFIC PLAN DISTRICT ZONE AS SP-02 (BARBER VALLEY SPECIFIC PLAN DISTRICT); ANNEXING 40.5 ACRES AT 6400 E. WARM SPRINGS AVENUE, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE; DESIGNATING 66.7 ACRES AS THE PROPOSED MARIANNE WILLIAMS BOISE CITY PARK; AMENDING THE ZONING CLASSIFICATION OF REAL PROPERTY DESCRIBED HEREIN FROM A-1/DA, C-1D/DA, R1C-DA, R-2D-DA, R-3D/DA, THE BOISE CITY PARK FROM C-3D/DA, ROD/DA, LANDS PREVIOUSLY LOCATED IN ADA COUNTY FROM RP TO THE LAND USE CLASSIFICATION TO SP-02 (BARBER VALLEY SPECIFIC PLAN DISTRICT); EXECUTING A PARTIAL RELEASE OF DEVELOPMENT AGREEMENT TO EXCLUDE ALL LANDS SUBJECT TO SP-02; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Mayor Bieter left at 6:21 P.M.

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President Protem Jordan Presiding

Slade Subdivision No. 1 SUB07-00107 Preliminary and Final Plat, Boise City (proposed single family subdivision with two buildable lots on 1.0 acre with a density of 2 lots per acre located between N. Bryson Road and N. Shamrock Avenue approximately 100 feet north of W. Olympus Court) was before Mayor and Council.

Todd Tucker, Planning and Development Services, presented the staff report.

Moved by Clegg and seconded by Tibbs that Slade Subdivision No. 1 SUB07-00107 Preliminary and Final Plat, Boise City (proposed single family subdivision with two buildable lots on 1.0 acre with a density of 2 lots per acre located between N. Bryson Road and N. Shamrock Avenue approximately 100 feet north of W. Olympus Court) be granted as requested subject to conditions stated in the staff report.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Access Subdivision SUB07-00110 Preliminary and Final Plat, Boise City (proposed industrial subdivision with two buildable lots on 12.07 acres located east of S. Maple Grove Road, north of Victory Road, adjacent to the northern boundary of Vic Park Subdivision No. 1) was before Mayor and Council.

Joan Johnson, Planning and Development Services, presented the staff report.

Moved by Shealy and seconded by Bisterfeldt that Access Subdivision SUB07-00110 Preliminary and Final Plat, Boise City (proposed industrial subdivision with two buildable lots on 12.07 acres located east of S. Maple Grove Road, north of Victory Road, adjacent to the northern boundary of Vic Park Subdivision No. 1) be granted as requested subject to conditions stated in the staff report.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Payette Creek Subdivision SUB07-00112 Preliminary and Final Plat, Boise City (modification to increase the buildable lots from five to nine buildable lots and one common lot on 1.23 acres with a density of 7.32 buildable lots per acre located on the west side of South Lindsay Avenue approximately 275 feet south of Victory Road) was before Mayor and Council.

Todd Tucker, Planning and Development Services, presented the staff report.

Moved by Tibbs and seconded by Shealy that Payette Creek Subdivision SUB07-00112 Preliminary and Final Plat, Boise City (modification to increase the buildable lots from five to nine buildable lots and one common lot on 1.23 acres with a density of 7.32 buildable lots per acre located on the west side of South Lindsay Avenue approximately 275 feet south of Victory Road) be granted as requested subject to conditions stated in the staff report.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, JORDAN, SHEALY and TIBBS. NAYS: CLEGG

Motion carried.

Harris Ranch Subdivision No. 6 Condominiums SUB07-00113 Preliminary and Final Plat, Boise City (proposed condominium of two existing commercial buildings along with the remaining 21 units to be constructed, totaling 23 commercial/retail units located on the south east corner of E. Warm Springs Avenue and S. Eckert Road) was before Mayor and Council.

Joan Johnson, Planning and Development Services, presented the staff report.

Moved by Clegg and seconded by Shealy that Harris Ranch Subdivision No. 6 Condominiums SUB07-00113 Preliminary and Final Plat, Boise City (proposed condominium of two existing commercial buildings along with the remaining 21 units to be constructed, totaling 23 commercial/retail units located on the south east corner of E. Warm Springs Avenue and S. Eckert Road) be granted as requested subject to conditions stated in the staff report.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

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Mayor BIETER announced that this was the time and place set for a public hearing on CREATION OF THE ARTS AND HISTORY COMMISSION

Proposed ordinance (O-10-08) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY AND TIBBS.

Titled: AN ORDINANCE AMENDING CHAPTER 2-17, BOISE CITY CODE TO: RENAME THE "BOISE CITY ARTS COMMISSION" AS THE "BOISE CITY ARTS AND HISTORY COMMISSION"; REDUCING THE NUMBER OF APPOINTMENTS TO THE COMMISSION; AMENDING THE ORDINANCE TO REFLECT THE CREATION OF THE DEPARTMENT OF ARTS AND HISTORY; SETTING FORTH THE COMPOSITION, DUTIES, AND RESPONSIBILITIES OF THE COMMISSION; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Karen Bubb, Arts Commission, presented the staff report.

Mark Baltes 1515 N. 17th Street addressed Council in support of the Boise City Arts and History Commission.

Dan Everhart 200 North 3rd Street Number 606 addressed Council in support of the Boise City Arts and History Commission.

Jane Lloyd 2172 Pebble Creek Lane addressed Council in support of the Boise City Arts and History Commission.

Councilmember Jordan announced that the public hearing was closed.

Moved by Clegg and seconded by Shealy that CREATION OF THE ARTS AND HISTORY COMMISSION ORDINANCE (O-10-08) be passed and that the same be numbered Ordinance 6645.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Mayor BIETER RETURNED AT 6:43 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on ORDINANCE (O-11-08)

Proposed ordinance (O-10-08) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY AND TIBBS.

Titled: AN ORDINANCE ENACTING CHAPTER 3-12, BOISE CITY CODE TO: ESTABLISH THE BOISE CITY DEPARTMENT OF ARTS AND HISTORY; ESTABLISHING THE OFFICE OF DIRECTOR OF THE DEPARTMENT; SETTING FORTH THE DUTIES OF THE DIRECTOR; ESTABLISHING DIVISIONS WITHIN THE DEPARTMENT; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Karen Bubb, Arts Commission, presented the staff report.

There was no one in the audience to testify on this issue.

Councilmember Jordan announced that the public hearing was closed.

Moved by Clegg and seconded by Shealy that ORDINANCE (O-11-08) be passed and that the same be numbered Ordinance 6646.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

RECESS: 6:53 P.M.

RECONVENE: 7:03 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on IMPACT FEE ORDINANCE ORDINANCE (O-5B-08)

Proposed ordinance (O-5B-08) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY AND TIBBS.

TITLED: AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF BOISE, BY REPEALING EXISTING TITLE 4, CHAPTER 12, BOISE CITY CODE, BY ADOPTING A NEW TITLE 4, CHAPTER 12, BOISE CITY CODE, TO BE KNOWN AS THE DEVELOPMENT IMPACT FEE ORDINANCE AND BY AMENDING SECTION 2-07-03, BOISE CITY CODE TO PROVIDE THAT THE DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE SHALL INCREASE FROM EIGHT (8) TO NINE(9) MEMBERS; PROVIDING FOR THE IMPOSITION, COMPUTATION AND PAYMENT OF A POLICE DEVELOPMENT IMPACT FEE, A FIRE DEVELOPMENT IMPACT FEE, AND A PARKS & RECREATION DEVELOPMENT IMPACT FEE ON FUTURE DEVELOPMENT; PROVIDING AUTHORITY, INTENT AND DEFINITIONS; PROVIDING FOR THE ESTABLISHMENT OF SEPARATE DEVELOPMENT IMPACT FEE FUNDS FOR EACH OF SUCH DEVELOPMENT IMPACT FEES; PROVIDING FOR EXEMPTIONS, REFUNDS, CREDITS AND

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WAIVERS RESPECTING SUCH DEVELOPMENT IMPACT FEES; PROVIDING GENERAL PROVISIONS, APPLICABILITY AND APPEALS; AND PROVIDING FOR CONFLICT, SEVERABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Dave Salvage Parks and Recreation Department, presented the staff report.

Dennis Doan Fire Chief gave response to Council on impact fees.

Karl Muluff 1628 Vermont addressed the Council in opposition of the impact fees.

Joe Koons 6206 Discovery Way addressed Council in opposition of the impact fees.

Mayor BIETER announced that the public hearing was closed.

Moved by Jordan and seconded by Shealy that IMPACT FEE ORDINANCE, (O-5B-08) be passed and that the same be numbered Ordinance 6647.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS
Motion carried.

Councilmember Jordan motioned to request staff to come back next week to investigate how it would affect the work plan.

Roll call on the motion resulted as follows:
YEAS: CLEGG, JORDAN, SHEALY and TIBBS. NAYS: BISTERFELDT.

Motion carried.

Request Council to write a letter for renegotiation.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00072/Rezone/French Vanilla Holdings, LLC requests approval to rezone +/- .34 acres located at 2700 W. Regan Street from R-2 (Combined

Residential) to R-3D (Multi-Family Residential with Design Review).

Hal Simmons, Planning and Development Services, presented the staff report.

There was no one in the audience to testify on this issue.

Mayor BIETER announced that the public hearing was closed.

Moved by Shealy and seconded by Jordan that CAR07-00072/Rezone/French Vanilla Holdings, LLC requests approval to rezone +/- .34 acres located at 2700 W. Regan Street from R-2 (Combined Residential) to R-3D (Multi-Family Residential with Design Review) be approved.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on 27th Street Condominiums SUB07-00109 Preliminary Plat, Boise City (proposed residential condominium plat of an adaptive reuse of an ice cream manufacturing building on .34 acres located on the north side of Regan Street between North 27th Street and North 28th Street).

Hal Simmons, Planning and Development Services, presented the staff report.

There was no one in the audience to testify on this issue.

Mayor BIETER announced that the public hearing was closed.

Moved by Shealy and seconded by Jordan that 27th Street Condominiums SUB07-00109 Preliminary Plat, Boise City (proposed residential condominium plat of an adaptive reuse of an ice cream manufacturing building on .34 acres located on the north side of Regan Street between North 27th Street and North 28th Street) be approved.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

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Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00070/Rezone/Community Connections requests approval to rezone +/-1.77 acres located at 1675 S. Maple Grove from R-1A (Single Family Residential) to L-OD (Limited Office with Design Review).

Hal Simmons, Planning and Development Services, presented the staff report.

There was no one in the audience to testify on this issue.

Mayor BIETER announced that the public hearing was closed.

Moved by Jordan and seconded by Shealy that CAR07-00070/Rezone/Community Connections requests approval to rezone +/-1.77 acres located at 1675 S. Maple Grove from R-1A (Single Family Residential) to L-OD (Limited Office with Design Review) be approved.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00050/Rezone/Woolf Building, Inc. requests approval to rezone +/-1.12 acres located at 1122 N. Dawn Drive from R-1A (Single Family Residential-2.1 DU/Acre) to R-1C (Single Family Residential-8.0 DU/Acre).

Hal Simmons, Planning and Development Services, presented the staff report.

Mike Klinker 1114 Dawn Drive Appellant addressed Council in opposition of the rezone.

Terry Lytle Ada County Highway District addressed Council on parking.

Dennis Holte 1116 N. Dawn Drive Appellant addressed Council in opposition of the rezone.

Norma Bailey 1114 Dawn Drive Appellant addressed Council in opposition of the rezone.

Mitzi Holte 1116 N. Dawn Drive Appellant addressed Council in opposition of the rezone.

John Nichols 148 North Second Street Eagle Applicant representative addressed Council in support of the Staffs decision.

Mayor BIETER announced that the public hearing was closed.

Moved by Clegg and seconded by Jordan that CAR07-00050/Rezone/Woolf Building, Inc. requests approval to rezone +/-1.12 acres located at 1122 N. Dawn Drive from R-1A (Single Family Residential-2.1 DU/Acre) to R-1C (Single Family Residential-8.0 DU/Acre) be approved.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CUP07-00104/Appeal/Dennis and Mitzi Holte, Larry Wetzel, Norma Bailey, and Mike Klinker are appealing the Planning and Zoning Commission's approval of a Conditional Use Permit to construct a 7-unit planned residential development located at 1122 N. Dawn Drive in a proposed R-1C (Single Family Residential) zone.

Hal Simmons, Planning and Development Services, presented the staff report.

Mayor BIETER announced that the public hearing was closed.

Moved by Clegg and seconded by Jordan that CUP07-00104/Appeal/Dennis and Mitzi Holte, Larry Wetzel, Norma Bailey, and Mike Klinker are appealing the Planning and Zoning Commission's approval of a Conditional Use Permit to construct a 7-unit planned residential development located at 1122 N. Dawn Drive in a proposed R-1C (Single Family Residential) zone deny appeal and uphold Planning and Zoning Commission decision.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

MARCH 11, 2008

Mayor BIETER announced that this was the time and place set for a public hearing on Olympus Subdivision SUB07-00078 Preliminary Plat, Boise City (proposed mixed detached and attached single family unit subdivision with 7 buildable lots on 1.12 acres located on the east side of Dawn Drive, 4 blocks south of Fairview Avenue at 1122 N. Dawn Drive).

Hal Simmons, Planning and Development Services, presented the staff report.

Mayor BIETER announced that the public hearing was closed.

Moved by Clegg and seconded by Jordan that Olympus Subdivision SUB07-00078 Preliminary Plat, Boise City (proposed mixed detached and attached single family unit subdivision with 7 buildable lots on 1.12 acres located on the east side of Dawn Drive, 4 blocks south of Fairview Avenue at 1122 N. Dawn Drive) be approved.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, JORDAN, SHEALY and TIBBS.

Motion carried.

There being no further business the meeting adjourned at 9:21 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

CITY CLERK