

BOISE, IDAHO  
JANUARY 9, 2007

Council met in regular session Tuesday, January 9, 2007, Mayor DAVID H. BIETER, presiding.

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

Invocation was given by Pastor Daryl Zackman, Calvary Chapel.

Moved by JORDAN and seconded by EBERLE that the minutes from the January 2, 2007, Boise City Council Work Session Meeting be approved.

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

Motion carried.

Moved by JORDAN and seconded by EBERLE that the minutes from the January 2, 2007, Boise City Council Meeting be approved.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for the Election of Council Officers.

Moved by JORDAN and seconded by EBERLE that ELAINE CLEGG be nominated and elected as Council President.

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

Motion carried.

JANUARY 9, 2007

Moved by JORDAN and seconded by BISTERFELDT that DAVID EBERLE be nominated and elected as Council Pro Tem.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for Boise Police Citizen Commendation and Chief's Commendation.

Chief Masterson, Police Department, presented the Citizen Commendation to Joshua Toulouse and the Chief's Commendation to Officer John Tudbury.

Mayor BIETER announced that it was the time and place set for the appointment of Donald K. Harness to the Boise City Impact Fee Advisory Committee.

Councilmember CLEGG requested unanimous consent that the appointment of Donald K. Harness to the Boise City Impact Fee Advisory Committee be approved.

Unanimous consent was granted.

Mayor BIETER announced that it was the time and place set for the appointment of Joel Morden to the Boise City Impact Advisory Committee.

Councilmember CLEGG requested unanimous consent that the appointment of Joel Morden to the Boise City Impact Advisory Committee be approved.

Unanimous consent was granted.

Moved by CLEGG and seconded by EBERLE that the Boise City Checks No. 236952 thru 237286 in the total amount of \$445,374.08 as of January 3, 2007 be approved.

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

Motion carried.

The Bid Results for RFP 07-032: Fire Sprinkler and Fire Alarm Plan Review Services, Planning and

JANUARY 9, 2007

Development Services Department were before Mayor and Council as enumerated in staff report dated December 27, 2006.

RECOMMENDATION: The Purchasing Division concurs with Planning Development Services in recommending that RFP 07-032: Fire Sprinkler and Fire Alarm Plan Review Services, Planning and Development Services Department be awarded to the highest evaluated proposers, Johnson Consulting, not to exceed \$75,000 and Systech Group, Inc., not to exceed \$25,000.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Johnson Consulting, not to exceed \$75,000 and Systech Group, Inc., not to exceed \$25,000.

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

Motion carried.

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

- a) Cynthia Ann Williams, Property Damage and Personal Injury

Moved by CLEGG and seconded by EBERLE 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, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

The Executive Management Team request the following interim budget change be approved by Council:

- a) Public Works Department: Approval of an increase of \$20,000 to the Forest River Geothermal Supply Line project transferred from the Geothermal Looping project within the Geothermal Fund.

Moved by CLEGG and seconded by EBERLE that the Executive Management Team's interim budget change be approved as requested.

Roll call on the motion resulted as follows:  
YEAS: BISTERFELDT, CLEGG, EBERLE, 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) Boise Public Library Interim Director's Report, December 2006
- b) Boise Public Library Board of Trustees Minutes, November 1, 2006
- c) Boise City Building Construction Report, Annual Calendar Report, December 2006
- d) Boise Public Library Board of Trustees Minutes, November 1, 2006

Moved by CLEGG and seconded by EBERLE 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, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-11-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN AMENDMENT NUMBER THREE TO A LEASE AGREEMENT BETWEEN BOISE CITY (DEPARTMENT OF AVIATION AND PUBLIC TRANSPORTATION) AND AIRPORT BAGGAGE SERVICES, INC. FOR THE LEASE OF CERTAIN PREMISES WITHIN THE BOISE AIR TERMINAL (GOWEN FIELD); AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE., was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-11-07) be adopted and that same be numbered Resolution 19426.

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

Motion carried.

Proposed resolution (R-12-07) by the Council:

JANUARY 9, 2007

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

Titled: A RESOLUTION APPROVING A SUBLEASE OF REAL PROPERTY BETWEEN THE CITY OF BOISE, BY AND THROUGH THE OFFICE OF THE CITY ATTORNEY, AND ADA COUNTY, SUCH REAL PROPERTY LOCATED AT 417 SOUTH 6TH STREET, BOISE, ADA COUNTY, IDAHO; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID SUBLEASE ON BEHALF OF THE CITY; AND PROVIDING AN EFFECTIVE DATE  
,was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-12-07) be adopted and that same be numbered Resolution 19427.

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

Motion carried.

Proposed resolution (R-13-07) by the Council:

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

Titled: A RESOLUTION APPROVING A SUBLEASE OF REAL PROPERTY BETWEEN THE CITY OF BOISE, BY AND THROUGH THE BOISE POLICE DEPARTMENT, AND ADA COUNTY, SUCH REAL PROPERTY LOCATED AT 417 SOUTH 6TH STREET, BOISE, ADA COUNTY, IDAHO; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID SUBLEASE ON BEHALF OF THE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-13-07) be adopted and that same be numbered Resolution 19428.

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

Motion carried.

Proposed resolution (R-14-07) 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, TASK ORDER NUMBER 20 TO RFP 05-084B; MISCELLANEOUS CIVIL ENGINEERING SERVICES, PUBLIC WORKS DEPARTMENT , BETWEEN THE CITY OF

JANUARY 9, 2007

BOISE CITY AND J-U-B ENGINEERS, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-14-07) be adopted and that same be numbered Resolution 19429.

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

Motion carried.

Proposed resolution (R-15-07) 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, CHANGE ORDER NUMBER 2 FOR F/B 06-118; RIVA RIDGE/FAIRLAWN/REUTZEL SEWER, SWS-177, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND PLATINUM EXCAVATION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-15-07) be adopted and that same be numbered Resolution 19430.

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

Motion carried.

Proposed resolution (R-16-07) 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 07-032A; FIRE SPRINKLER AND FIRE ALARM PLAN REVIEW SERVICES, DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, BETWEEN THE CITY OF BOISE CITY AND JOHNSON CONSULTING; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-16-07) be adopted and that same be numbered Resolution 19431.

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

JANUARY 9, 2007

Motion carried.

Proposed resolution (R-17-07) 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 07-032B; FIRE SPRINKLER AND FIRE ALARM PLAN REVIEW SERVICES, DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, BETWEEN THE CITY OF BOISE CITY AND SYSTECH GROUP INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-17-07) be adopted and that same be numbered Resolution 19432.

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

Motion carried.

Proposed resolution (R-18-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN AVIATION LAND LEASE AGREEMENT BETWEEN BOISE CITY (DEPARTMENT OF AVIATION AND PUBLIC TRANSPORTATION) AND UNITED AIRLINES FOR THE LEASE OF CERTAIN PREMISES UPON BOISE AIR TERMINAL (GOWEN FIELD); AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE , was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-18-07) be adopted and that same be numbered Resolution 19433.

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

Motion carried.

Watersilk Subdivision SUB06-00072 Final Plat, Boise City, was before Mayor and Council.

Moved by CLEGG and seconded by EBERLE that Watersilk Subdivision SUB06-00072 Final Plat, Boise City be granted as requested subject to conditions stated in staff.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that further reading of (O-84-06) and (O-85-06) be dispensed with and the record show that they have been read the third time in full.

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

Motion carried.

Proposed ordinance (O-84-06) by the Council:

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

Titled: THIRD READING OF AN ORDINANCE (CAR06-00008-DA/KAB PROPERTIES, LLC. FOR PROPERTY LOCATED AT 709 N. COLE ROAD) AMENDING ZONING CLASSIFICATIONS OF THE CITY OF BOISE CITY TO CHANGE THE CLASSIFICATION OF REAL PROPERTY PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM L-OD (LIMITED OFFICE WITH DESIGN REVIEW) TO C-1D/DA (NEIGHBORHOOD COMMERCIAL WITH DESIGN REVIEW AND A DEVELOPMENT AGREEMENT); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-84-06) be passed and that the same be numbered Ordinance 6529.

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

Motion carried.

Proposed ordinance (O-85-06) by the Council:

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

Titled: THIRD READING OF AN ORDINANCE THIRD READING OF AN ORDINANCE REPEALING BOISE CITY CODE TITLE 5, CHAPTER 9, RELATING GENERALLY TO THE LICENSING AND REGULATION OF CIRCUSES, MENAGERIES, AND RIDES; AND PROVIDING AN EFFECTIVE DATE.

JANUARY 9, 2007

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-85-06) be passed and that the same be numbered Ordinance 6530.

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

Motion carried.

Councilmember CLEGG requested unanimous consent that CAR06-00066/Rezone/BRS Architects request approval for a rezone of +/-7.34 acres located at 4262 N. Eagle Road from R-1C (Single Family Residential) to L-OD (Limited Office with Design Review Overlay) be deferred to March 13, 2007.

Unanimous consent was granted.

Councilmember CLEGG requested unanimous consent that CAR06-00063/Rezone/Courly Development, LLC request for approval for a rezone of +/-2.04 acres located at 11801 and 11803 W. Florida Drive from R-1A (Single Family Residential with a maximum allowable density of 2.1 units per acre) to R-1B (Single Family Residential with a maximum allowable density of 4.8 units per acre) be deferred to February 20, 2007.

Unanimous consent was granted.

Councilmember EBERLE requested unanimous consent to move to New Business, Item B1, on tonight's Council agenda.

Unanimous consent was granted.

Mayor BIETER announced that this was the time and place set for a public hearing on the Lindsey Lateral Pressurized Irrigation.

Titled: INTENT OF THE CITY OF BOISE TO CREATE A LOCAL IMPROVEMENT DISTRICT TO CONSTRUCT AND IMPROVE PRESSURIZED IRRIGATION FACILITIES WITHIN THE LINDSEY LATERAL WATER USERS ASSOCIATION SERVICE AREA; PROVIDING A DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED DISTRICT; PROVIDING A GENERAL DESCRIPTION OF THE CONTEMPLATED IMPROVEMENTS; PROVIDING AN ESTIMATE OF THE COSTS AND EXPENSES OF CONSTRUCTING THE IMPROVEMENTS; AND SETTING FORTH THE METHOD FOR CALCULATING AND ASSESSING THE COSTS AND EXPENSES TO THOSE PROPERTIES SPECIALLY BENEFITED BY THE IMPROVEMENTS.

John Tensen, Public Works Department, presented the staff report.

Lynn Tominaga, 703 N. Pond, Lindsey Lateral Association President and Nicholas Kraus P.E., Consulting Engineer, addressed the Council in support of the project.

Mayor BIETER announced that the project will possibly be modified and rescheduled for a public hearing in the near future.

RECESS: 7:44 P.M.

RECONVENE: 7:50 P.M.

St. Luke's Regional Medical Center, Consent to Vacate Right-Of-Way, SOS06-00020, Boise City, was before Mayor and Council.

David Abo, Planning and Development Services, presented the staff report.

Greg Osgrove, 190 E. Bannock Street, applicant representative, addressed the Council in support of the vacation.

Moved by CLEGG and seconded by SHEALY that St. Luke's Regional Medical Center, Consent to Vacate Right-Of-Way, SOS06-00020 be granted as requested subject to conditions stated in staff.

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

Motion carried.

Kobe Subdivision SUB06-00074 Preliminary and Final Plat, Boise City, was before Mayor and Council.

David Abo, Planning and Development Services, presented the staff report.

Doug Tamura, 1124 Santa Maria Street, applicant representative, addressed the Council in support of the subdivision.

Moved by CLEGG and seconded by EBERLE that Kobe Subdivision SUB06-00074 Preliminary and Final Plat, Boise

JANUARY 9, 2007

City be granted as requested subject to conditions stated in staff.

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

Motion carried.

Grovecrest Estates Subdivision SUB06-00119  
Preliminary Plat with Rezone, Ada County, was before the  
Mayor and Council.

David Abo, Planning and Development Services,  
presented the staff report.

Richard Beck, 148 N. 2nd Street, Suite 101, Eagle,  
Idaho, applicant representative, addressed the Council in  
support of the subdivision.

Terry Little, Ada County Highway District (ACHD)  
and Dave Hanneman, Fire Department, answered the Council's  
questions.

John Konkol, 10193 Roan Meadows Drive; Alfred  
Kirby, 9307 W. Wright Street; Steve Ball, 9340 Lyle Street;  
David Logan, 9200 Lyle Street; Debbie Watterson, 9295 Lyle  
Street; Philip Darrington, 9290 Lyle Street; Beverly  
Stevenson, 9716 Wright Street and Charles Feast, 9730 Tanner  
Lane, addressed the Council in opposition to the  
subdivision.

Moved by SHEALY and seconded by JORDAN that  
Grovecrest Estates Subdivision SUB06-00119 Preliminary Plat  
with Rezone, Ada County be recommended for denial and that  
if Ada County does approve to plat the subdivision, that it  
be recommended to lower the density to 1 acre lots.

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

Motion carried.

Mayor BIETER announced that this was the time and  
place set for a public hearing on CAR06-  
00065/Annexation/Tyler Pond request for approval for  
annexation of +/-8.12 acres located at 2400 S. Maple Grove  
Road with a zoning designation of M-1D (Limited Industrial  
with Design Review Overlay).

JANUARY 9, 2007

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

Louis Landry, 8625 Targee and Tyler Pond, 12064 W. Fiddler Drive, applicant, addressed the Council in support of the annexation.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by TIBBS that CAR06-00065/Annexation/Tyler Pond request for approval for annexation of +/-8.12 acres located at 2400 S. Maple Grove Road with a zoning designation of M-1D (Limited Industrial with Design Review Overlay) be approved.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR06-00062/Rezone/Progressive Properties request for approval for a rezone of +/-0.28 acres located at 5320 W. Targee Street from R-1B (Single Family Residential with a maximum allowable density of 4.8 units per acre) to R-1C (Single Family Residential with a maximum allowable density of 8.0 units per acre).

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

Richard Beck, 148 N. 2<sup>nd</sup> Street, Suite 101, Eagle, Idaho, applicant representative, addressed the Council in support of the rezone.

Molly Humphreys, 1919 S. Phillippi Street; Daniel Lowry, 2122 S. Eagleson Road, Hillcrest Neighborhood Association representative; Chris Gardner, 2014 S. Phillippi Street; Julie Lee, 2031 S. Phillippi Street; Val Morse, 2024 S. Eagleson Road; Anita Hintze, 2100 S. Phillippi Street; Lisa Kolesar, 2101 S. Phillippi Street and Jake Armstrong, 2101 S. Phillippi, addressed the Council in opposition to the rezone.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by BISTERFELDT that CAR06-00062/Rezone/Progressive Properties request for

JANUARY 9, 2007

approval for a rezone of +/-0.28 acres located at 5320 W. Targee Street from R-1B (Single Family Residential with a maximum allowable density of 4.8 units per acre) to R-1C (Single Family Residential with a maximum allowable density of 8.0 units per acre) be denied.

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

Motion carried.

RECESS: 9:48 P.M.

RECONVENE: 9:58 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR06-00045/Rezone/Conger Management Group request for approval for a rezone of +/-5 acres located at 10121 W. Overland Road from A-1 (Open Land) to N-OD (Neighborhood Office with Design Review); CUP06-00099/Appeal/W.L. Overland, LLC appeal of the Planning and Zoning Commissions denial of their request for a Conditional Use Permit to construct a Mixed-Use Planned Development consisting of 32 residential units and 2 office lots on +/-5 acres located at 10121 W. Overland Road in a proposed N-OD (Neighborhood Office with Design Review) zone and Woodpark Subdivision SUB06-00070 Preliminary Plat, Boise City (proposed mixed use subdivision with 32 residential townhouse lots, two commercial lots and four common lots on 5.02 acres with a density of 6.4 dwelling units per acre located on the south side of W. Overland Road between W. Countryman Drive and S. Goldking Way at the eastern terminus of W. Southerland Drive.

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

Scott Beecham, 405 S. 8<sup>th</sup> Street, applicant representative, addressed the Council in support of the rezone and subdivision.

Frank Lane, 601 W. Bannock, appellant representative, addressed the Council in support of the appeal.

Joyce Barkus, 10324 W. Southerland Drive; Richard Mickey, 1661 S. Bent Rock Avenue; Frank Norbury, 1677 S. Bent Rock Avenue; Dan Scott, 10299 Southerland Drive; Charles Camp, 1645 S. Bent Rock; Amy Weatherly, 10070 W. Crestwater Court; Bryce Porter, 10222 Molly Court and Wayne

Kenning, 10266 Southerland Drive, addressed the Council in opposition to the development.

Mayor BIETER announced that the public hearing was closed.

Moved by EBERLE and seconded by BISTERFELDT that CAR06-00045/Rezone/Conger Management Group request for approval for a rezone of +/-5 acres located at 10121 W. Overland Road from A-1 (Open Land) to N-OD (Neighborhood Office with Design Review) be denied.

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

Tie vote, Mayor BIETER votes YEA.

Motion carried.

There being no further business the meeting adjourned at 11:23 o'clock P.M.

APPROVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK