

BOISE, IDAHO
JANUARY 23, 2007

Council met in regular session Tuesday, January 23, 2007, Council President ELAINE CLEGG, presiding.

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

Moved by EBERLE and seconded by JORDAN that the minutes from the January 16, 2007, Boise City Council Work Session Meeting be approved.

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

Motion carried.

Moved by EBERLE and seconded by JORDAN that the minutes from the January 16, 2007, Boise City Council Meeting be approved.

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

Motion carried.

Councilmember EBERLE requested unanimous consent to move to the Consent Agenda on today's Council Agenda.

Unanimous consent was granted.

Moved by EBERLE and seconded by JORDAN that the Boise City Checks No. 237808 thru 238328 in the total amount of \$1,305,564.37 as of January 17, 2007 be approved.

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

Motion carried.

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The Bid Results for F/B 07-062: Fiberglass Pipe Purchase of Idaho Independent Bank, GEO 144, Public Works Department were before Mayor and Council as enumerated in staff report dated January 12 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 07-062: Fiberglass Pipe Purchase of Idaho Independent Bank, GEO 144 be awarded to the lowest responsive and responsible bidder, Insul-Tek, in a total amount not to exceed \$36,609.00.

Moved by EBERLE and seconded by JORDAN that the recommendations be followed and the bid be awarded to Insul-Tek in the total contract amount of \$36,609.00, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for F/B 07-067: Ground Hog/Roller Harrow, Public Works Department were before Mayor and Council as enumerated in staff report dated January 17, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that Ground Hog/Roller Harrow be awarded to the lowest responsive and responsible bidder, Burks Tractor, in a total amount not to exceed \$33,500.

Moved by EBERLE and seconded by JORDAN that the recommendations be followed and the bid be awarded to Burks Tractor in the total contract amount of \$33,500, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for Award of Contract, 07-CON-089; Ratification and Confirmation of an Emergency to Replace a Failed Turntable and Sweep Arm Drive Mechanism in Clarifier No. 1 at Lander Street WWTF, Public Works Department were before Mayor and Council as enumerated in staff report dated January 17, 2007.

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RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that 07-CON-089; Ratification and Confirmation of an Emergency to Replace a Failed Turntable and Sweep Arm Drive Mechanism in Clarifier No. 1 at Lander Street WWTF. be awarded to JC Constructors.

Moved by EBERLE and seconded by JORDAN that the recommendations be followed and the bid be awarded to JC Constructors waiving formal bidding requirements.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, 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) Bob Erland, Property Damage

Moved by EBERLE and seconded by JORDAN 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 City Clerk requested March 6, 2007, in Council Chambers be confirmed for a public hearing on:

- a) COD06-02094/Appeal/Randy Hoffer is appealing the decision and reasoning for the decision set forth in the findings approved by the Boise City Electrical Board of Appeals Decision, regarding the Overland Mobile Home Park located at 5631 Overland Road, and adopted on December 4, 2006 based on the following: 1) the intent of the Code has been incorrectly interpreted; 2) the rules legally adopted there under have been incorrectly interpreted; 3) provisions of this Code do not fully apply to this property; 4) the City has failed to provide Hoffer with his full due process rights; and 5) the City has acted in bad faith and in violation of federal civil rights law.

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Moved by EBERLE and seconded by JORDAN that March 6, 2007 in Council Chambers be confirmed 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) Ada County Highway District Commission Minutes, November 1, 2006, November 8, 2006, November 15, 2006, December 6, 2006, December 13, 2006 and December 20, 2006
- b) Sole Source Purchase: Parks and Recreation Department - Carrier Computer Control Program
- c) Development Impact Fee Advisory Committee Minutes, November 8, 2006
- d) Sole Source Purchase: Health Care Plan Trustees, Purchase of Healthwise Handbooks

Moved by EBERLE and seconded by JORDAN 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-35-07) by the Council:

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

Titled: A RESOLUTION (CAR06-00061/BOISE CITY) TO AMEND THE BOISE CITY COMPREHENSIVE PLAN MAP TO CHANGE 668 ACRES LOCATED IN THE GENERAL VICINITY OF 6551 W. DESERT AVENUE FROM AIRPORT CONSERVATION AREA DESIGNATION TO INDUSTRIAL DESIGNATION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-35-07) be adopted and that same be numbered Resolution 19450.

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

Motion carried.

Proposed resolution (R-36-07) by the Council:

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

Titled: A RESOLUTION APPROVING A HOUSING REHABILITATION LOAN FOR THOMAS AND MARY CLARK, FOR REAL PROPERTY LOCATED AT 3022 MCKINNEY, BOISE, IDAHO, 83704; THROUGH THE PLANNING AND DEVELOPMENT SERVICE'S DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID LOAN DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-36-07) be adopted and that same be numbered Resolution 19451.

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

Motion carried.

Proposed resolution (R-37-07) by the Council:

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

Titled: A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND BOISE STATE UNIVERSITY COLLEGE OF HEALTH AND SCIENCES FOR THE PROVISION OF RECYCLING SERVICES AT COMMUNITY EVENTS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID MEMORANDUM OF AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-37-07) be adopted and that same be numbered Resolution 19452.

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

Motion carried.

Proposed resolution (R-38-07) by the Council:

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

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Titled: A RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF BOISE AND ADA COUNTY HIGHWAY DISTRICT FOR 30TH STREET SPECIFIC AREA PLAN; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-38-07) be adopted and that same be numbered Resolution 19453.

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

Motion carried.

Proposed resolution (R-39-07) 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, RATIFICATION AND CONFIRMATION OF EMERGENCY 07-CON-089; REPLACE A FAILED TURNTABLE AND SWEEP ARM DRIVE MECHANISM IN CLARIFIER NO. 1 AT LANDER STREET WWTF, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND JC CONSTRUCTORS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-39-07) be adopted and that same be numbered Resolution 19454.

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

Motion carried.

Santara Place Condominiums SUB04-00078
Subdivision, Final Plat, was before Mayor and Council.

Moved by EBERLE and seconded by JORDAN that Santara Place Condominiums SUB04-00078 Subdivision, Final Plat 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.

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Aberdeen Place Subdivision (formerly Elderberry Subdivision) SUB05-00075, was before Mayor and Council.

Moved by EBERLE and seconded by JORDAN that Aberdeen Place Subdivision, (formerly Elderberry Subdivision) SUB05-00075 Final Plat 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.

Madera Creek Subdivision SUB06-00068, Final Plat, was before Mayor and Council.

Moved by EBERLE and seconded by JORDAN that Madera Creek Subdivision SUB06-00068, Final Plat 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.

Council President CLEGG announced that this was the time and place set for the Review of the Memorandum of Agreement for 30th Street Project.

Kathleen Lacey, Planning and Development Services, presented the staff report.

Council President CLEGG announced that this was the time and place set for the Briefing on the Ada County Highway District (ACHD) Five Year Work Plan.

Karen Gallagher, Planning and Development Services and Katey Levihn, Deputy Director of Planning and Projects, ACHD, presented the staff report.

Mayor BIETER arrived at 12:40 P.M.

Mayor BIETER announced that this was the time and place set for the Review of the Results from Public Comment Period for the Neighborhood Branch Library Proposal.

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Kevin Booe, Boise Public Library, presented the staff report.

Jade Riley, Office of the Mayor, answered the Council's questions.

Moved by SHEALY and seconded by JORDAN to approve the Four (4) Facilities Concept for the public libraries, which would involve two neighborhood libraries and two community branch libraries; that we proceed with a public hearing to appropriate funds for two 7,500 square foot store front libraries facilities on the central bench and in northwest Boise; to direct staff to set February 20, 2007 for a public hearing for comment on appropriation of funds for those libraries; that we proceed with initial site review and development of final project time lines and budgets toward the goal of opening two neighborhood store front libraries in 2007; and, that we approve immediate appropriation of up to \$8,000 for preliminary review, design, and associated work preformed by Trout Architects and that the funds come out of the capitol fund.

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

Motion carried.

RECESS: 1:25 P.M.

RECONVENE: 1:35 P.M.

Councilmember EBERLE requested unanimous consent that all ordinances on first reading be read by number and title only and filed for the Second Reading Calendar.

Unanimous consent was granted.

Proposed ordinance (O-09-07) by the Council:

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

Titled: AN ORDINANCE AMENDING BOISE CITY CODE TITLE 5, CHAPTER 6, SECTIONS 1 AND 16 PERTAINING TO SIDEWALK CAFES TO PROVIDE SPECIFIC HOURS OF OPERATION AND TO INCLUDE ADDITIONAL VIOLATIONS, APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE., was read for the first time.

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Councilmember EBERLE 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-03-07) by the Council:

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

Titled: AN ORDINANCE (CAR05-00056/DA/MIKE HOMAN FOR PROPERTY LOCATED AT 4041 N. EDELWEISS STREET) 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 A-1 (OPEN LAND) TO R-1B-DA (SINGLE FAMILY RESIDENTIAL WITH A DEVELOPMENT AGREEMENT); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-04-07) by the Council:

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

Titled: AN ORDINANCE AMENDING BOISE CITY CODE TITLE 8, CHAPTER 11, SECTION 6.03 TO ELIMINATE THE SOUTHWEST INTERCEPTOR FEE; AMENDING TITLE 8, CHAPTER 11, SECTION 7.01 TO INCREASE THE RESIDENTIAL TRUNK CONNECTION FEES, RESIDENTIAL TREATMENT CONNECTION FEES, THE COMMERCIAL CONNECTION FEES, EQUIVALENT ASSESSMENT FEES AND PUBLIC SERVICE LINE FEES AND TO ELIMINATE THE SOUTHWEST INTERCEPTOR FEES; ENACTING TITLE 8, CHAPTER 11, SECTION 7.03(I) TO ESTABLISH A DECANT FACILITY SERVICE FEE; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-05-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00059/LG INVESTMENTS, LLC. FOR PROPERTY LOCATED AT 1330 S. DIVISION) 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 R-2 (COMBINED RESIDENTIAL) AND R-1C (SINGLE FAMILY RESIDENTIAL) TO R-3D (MULTI-FAMILY RESIDENTIAL WITH DESIGN REVIEW OVERLAY); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE

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CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-06-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00052/ALEX GALENKO FOR PROPERTY LOCATED AT 12242 W. GINGER CREEK) 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 R-1A (SINGLE FAMILY RESIDENTIAL) TO R-1B (SINGLE FAMILY RESIDENTIAL); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE. was read for the second time.

Proposed ordinance (O-07-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00042/QUASAR DEVELOPMENT FOR PROPERTY LOCATED AT 916 E. PARK BOULEVARD) 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 C-3D (SERVICE COMMERCIAL WITH DESIGN REVIEW TO R-OD (RESIDENTIAL OFFICE WITH DESIGN REVIEW); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-08-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00036/THERRIN ROBERTSON FOR PROPERTY LOCATED AT 5103 W. BETHEL STREET) 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 C-2D (GENERAL COMMERCIAL WITH DESIGN REVIEW OVERLAY) TO M-1D (LIMITED INDUSTRIAL WITH DESIGN REVIEW OVERLAY); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Councilmember CLEGG requested unanimous consent that Council move to the Executive Session on today's Council agenda and not hear the Council Liaison Reports and Discussion.

Unanimous consent was granted.

Moved by CLEGG and seconded by JORDAN to move into Executive Session in accordance with Idaho Code 67-2345(1)(a)(c)(f) for the purposes of discussing pending/potential litigation, personnel, property acquisition and labor negotiations.

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

Motion carried.

Moved by CLEGG and seconded by JORDAN to move into the regularly scheduled Council meeting.

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

Motion carried.

There being no further business the meeting adjourned at 2:12 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

CITY CLERK