

OCTOBER 16, 2007

BOISE, IDAHO
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Council met in regular session Tuesday, October 16, 2007, Mayor DAVID H. BIETER, presiding.

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

Invocation was given by Pastor Curt Naeve, Glenns Ferry United Methodist Church.

Moved by CLEGG and seconded by SHEALY that the minutes from the October 9, 2007, Boise City Council Work Session Meeting be approved.

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

Motion carried.

Moved by CLEGG and seconded by SHEALY that the minutes from the October 9, 2007, Boise City Council Meeting be approved.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for CAR07-00015/Boxwood Ranch, LLC, Ed Bews, Primeland Development Company, LLP, William Craig, & the Richard Nelson Trust request approval of an amendment to text of the Comprehensive Plan to create the "Ten Mile Creek Planning Area" on +/-337 acres outside the current Boise City Area of Impact, generally located on the northeast corner of Hubbard and Cloverdale Roads and CAR07-00022/Clint Boyle requests approval of an amendment to the text of the Comprehensive Plan to create the "Uplands Planning Area" of +/-653.26 acres outside the current Boise City Area of Impact, generally located south of the New York Canal, between Cloverdale Road and Cole Road.

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Patricia Nilsson, Planning and Development Services, presented the staff report.

Moved by CLEGG and seconded by EBELRE that CAR07-00015/Boxwood Ranch, LLC, Ed Bews, Primeland Development Company, LLP, William Craig, & the Richard Nelson Trust request approval of an amendment to text of the Comprehensive Plan to create the "Ten Mile Creek Planning Area" on +/-337 acres outside the current Boise City Area of Impact, generally located on the northeast corner of Hubbard and Cloverdale Roads and CAR07-00022/Clint Boyle requests approval of an amendment to the text of the Comprehensive Plan to create the "Uplands Planning Area" of +/-653.26 acres outside the current Boise City Area of Impact, generally located south of the New York Canal, between Cloverdale Road and Cole Road be approved as amended by staff.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that the Boise City Checks No. 259895 thru 260593 in the total amount of \$2,780,743.50 as of October 10, 2007 be approved.

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

Motion carried.

The Bid Results for Authorization to Procure Industrial Maintenance Supplies off State Contract No. PADD 1019, Purchasing Contract 08-CON-031, Aviation Department were before Mayor and Council as enumerated in staff report dated October 5, 2007.

RECOMMENDATION: The Purchasing Division concurs with aviation Department in recommending that Authorization to Procure Industrial Maintenance Supplies off State Contract No. PADD 1019, Purchasing Contract 08-CON-031, be awarded to W.W. Grange Inc., in a total amount not to exceed \$50,000.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to W.W. Grange Inc., in the total contract amount of \$50,000.00.

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Roll call on the motion resulted as follows:
YEAS: 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) James Collins, Property Damage
- b) Clifford A. NaVeaux, Property Damage

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: 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) Public Works Commission Minutes, September 13, 2007
- b) Community Services Team Minutes, September 20, 2007
- c) Ada County Highway District Commission Minutes, July 11, July 18, July 25, August 1, August 8, August 15 and August 22, 2007
- d) City of Boise Treasury Division State of the Treasury Report, September 2007
- e) Ada County Highway District Vacation of Public Right-of-Way at 9th and River Streets - Capital City Development Corporation

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: CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-422-07) by the Council:

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

Titled: A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN BOISE CITY (DEPARTMENT OF AVIATION) AND VALLEY EXPRESS, INC., DBA SUN VALLEY EXPRESS FOR THE LEASE OF CERTAIN PREMISES UPON BOISE AIR TERMINAL (GOWEN FIELD); 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 CLEGG and seconded by EBERLE that the proposed resolution (R-422-07) be adopted and that same be numbered Resolution 19835.

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

Motion carried.

Proposed resolution (R-423-07) by the Council:

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

Titled: A RESOLUTION GRANTING AUTHORIZATION TO THE MAYOR FOR APPROVAL OF THE AFFORDABLE HOUSING PROGRAM MANUAL FOR THE HOUSING AND COMMUNITY DEVELOPMENT DIVISION OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES; REPLACING THE PREVIOUS AFFORDABLE HOUSING PROGRAM MANUAL; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-423-07) be adopted and that same be numbered Resolution 19836.

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

Motion carried.

Proposed resolution (R-424-07) by the Council:

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

Titled: A RESOLUTION GRANTING AUTHORIZATION TO THE MAYOR FOR APPROVAL OF POLICIES AND PROCEDURES FOR THE HOME IMPROVEMENT LOAN PROGRAM OF THE HOUSING AND COMMUNITY DEVELOPMENT DIVISION OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES; REPLACING PREVIOUS POLICIES AND PROCEDURES FOR THE HOME IMPROVEMENT LOAN PROGRAM; GRANTING AUTHORITY TO THE HOUSING AND COMMUNITY DEVELOPMENT MANAGER

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TO APPROVE INDIVIDUAL LOANS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-424-07) be adopted and that same be numbered Resolution 19837.

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

Motion carried.

Proposed resolution (R-427-07) by the Council:

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

Titled: A RESOLUTION GRANTING AUTHORIZATION TO THE MAYOR FOR APPROVAL OF THE REVISED POLICIES AND PROCEDURES FOR THE AFFORDABLE HOUSING LOAN PROGRAM, A PROGRAM OF THE HOUSING AND COMMUNITY DEVELOPMENT DIVISION OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES; GRANTING AUTHORITY TO THE HOUSING AND COMMUNITY DEVELOPMENT MANAGER TO APPROVE INDIVIDUAL LOANS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-427-07) be adopted and that same be numbered Resolution 19838.

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

Motion carried.

Proposed resolution (R-428-07) 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 34 TO RFP 05-084A; MISCELLANEOUS CIVIL ENGINEERING SERVICES, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CH2M HILL; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-428-07) be adopted and that same be numbered Resolution 19839.

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

Motion carried.

Proposed resolution (R-429-07) 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 1 TO F/B 07-179; WARM SPRINGS PARK AND WARM SPRINGS GOLF COURSE RESTROOM IMPROVEMENTS: UTILITY AND BUILDING PAD DEVELOPMENT, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND DIAMOND CONTRACTORS, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-429-07) be adopted and that same be numbered Resolution 19840.

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

Motion carried.

Proposed resolution (R-431-07) by the Council:

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

Titled: A RESOLUTION AFFIRMING THE CITY OF BOISE'S COMMITMENT TO HISTORIC PRESERVATION; AUTHORIZING THE HISTORIC PRESERVATION COMMISSION TO APPLY GRANT MONEY FROM THE PRESERVE AMERICA PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-431-07) be adopted and that same be numbered Resolution 19841.

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

Motion carried.

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

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Unanimous consent was granted.

Proposed ordinance (O-85-07) by the Council:

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

Titled: OF AN ORDINANCE AMENDING TITLE 3, CHAPTER 05, BOISE CITY CODE; AND PROVIDING AN EFFECTIVE DATE., was read for the first time.

Proposed ordinance (O-86-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00066/BRS ARCHITECTS FOR PROPERTY LOCATED AT 4262 N. EAGLE 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 R-1C (SINGLE FAMILY RESIDENTIAL) TO L-OD (LIMITED OFFICE WITH DESIGN REVIEW); SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-87-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00036/AV-CB, LLC. FOR PROPERTY LOCATED AT 12449 W. FRANKLIN) 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 1 DU/ACRE) TO R-2D (COMBINED RESIDENTIAL WITH DESIGN REVIEW 14.5 DU/ACRE); SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE., was read for the first time.

Proposed ordinance (O-89-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00043/WHITNEY FIRE DISTRICT FOR PROPERTY LOCATED AT 2515 S. FIVE MILE ROAD) DE-ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY

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RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Moved by CLEGG and seconded by EBERLE that further reading of (O-83-07) 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: CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed ordinance (O-83-07) by the Council:

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

Titled: AN ORDINANCE BY PLANNING AND DEVELOPMENT SERVICES, AMENDING CHAPTER 4, TITLE 4, OF THE BOISE CITY CODE ("MOVING, DEMOLITION OF BUILDINGS"); ESTABLISHING CERTAIN MINIMUM STANDARDS AND REQUIREMENTS FOR SAFELY REGULATING THE MOVING OR DEMOLITION OF BUILDINGS AND STRUCTURES; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by CLEGG and seconded by EBERLE that proposed ordinance (O-83-07) be passed and that the same be numbered Ordinance 6608.

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

Motion carried.

Galway Subdivision SUB03-00079 Time Extension for Boise City Engineer Certification, Boise City (located on the southwest corner of North Columbine Street and West Goldenrod Avenue), was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Galway Subdivision SUB03-00079 Time Extension for Boise City Engineer Certification, Boise City (located on the southwest corner of North Columbine Street and West Goldenrod Avenue) be granted as requested subject to conditions stated in staff.

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

Motion carried.

Shelly's Plaza Subdivision SUB05-00033 Time Extension for Boise City Engineer Certification, Boise City (located on the south side of West McMillan Road approximately 1,600 feet east of North Five Mile Road), was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Shelly's Plaza Subdivision SUB05-00033 Time Extension for Boise City Engineer Certification, Boise City (located on the south side of West McMillan Road approximately 1,600 feet east of North Five Mile Road) be granted as requested subject to conditions stated in staff.

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

Motion carried.

Libby Gardens Condominiums SUB07-00064 Preliminary and Final Plat, Boise City (proposed four unit residential condominium project located on the north side of E. Warm Springs Avenue approximately 300 feet west of N. Bruce Avenue or 512 E. Warm Springs Avenue), was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Libby Gardens Condominiums SUB07-00064 Preliminary and Final Plat, Boise City (proposed four unit residential condominium project located on the north side of E. Warm Springs Avenue approximately 300 feet west of N. Bruce Avenue or 512 E. Warm Springs Avenue) be granted as requested subject to conditions stated in staff.

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

Motion carried.

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Hardesty Foothills Flats Condominiums SUB07-00084 Preliminary Plat, Boise City (proposed condominium conversion of an existing four unit residential apartment project located at the southeast corner of E. Boise Avenue and S. Norfolk Way), was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Hardesty Foothills Flats Condominiums SUB07-00084 Preliminary Plat, Boise City (proposed condominium conversion of an existing four unit residential apartment project located at the southeast corner of E. Boise Avenue and S. Norfolk Way) be granted as requested subject to conditions stated in staff report.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00051/Rezone/Larry and Barbara Woolf request for approval to rezone +/- 1.33 acres located at 9545 W. Ustick Road from R-1C (Single Family Residential) to R-2D (Combined Residential with Design Review) and Glenplace Subdivision SUB07-00079 Preliminary Plat, Boise City (proposed residential subdivision with eight single family lots, one multi-family lot and one common lot on 3.05 acres with a density of 14.39 dwelling units per acre located on the south side of W. Ustick Road and on the east side of N. Linda Vista Lane).

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

Shawn Martin, Ada County Highway District (ACHD), answered the Council's questions.

Larry Woolf, 3298 N. Five Mile Road, applicant, addressed the Council in support of the rezone and development.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by JORDAN that CAR07-00051/Rezone/Larry and Barbara Woolf request for approval to rezone +/- 1.33 acres located at 9545 W. Ustick Road from R-

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1C (Single Family Residential) to R-2D (Combined Residential with Design Review) be approved.

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

Motion carried.

Moved by CLEGG and seconded by JORDAN that Glenplace Subdivision SUB07-00079 Preliminary Plat, Boise City (proposed residential subdivision with eight single family lots, one multi-family lot and one common lot on 3.05 acres with a density of 14.39 dwelling units per acre located on the south side of W. Ustick Road and on the east side of N. Linda Vista Lane) be approved.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00052/Rezone/Juan Oleaga request for approval to rezone +/- 0.25 acres located at 673 N. 27th Street from R-2 (Combined Residential) to N-OD (Neighborhood Office with Design Review Overlay).

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

Juan Oleaga, 10923 W. Wagon Pass, applicant, addressed the Council in support of the rezone.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CAR07-00052/Rezone/Juan Oleaga request for approval to rezone +/- 0.25 acres located at 673 N. 27th Street from R-2 (Combined Residential) to N-OD (Neighborhood Office with Design Review Overlay) be deferred to December 4, 2007.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CUP07-00099/Appeal/Mans

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Montgomery appeal of the conditions associated with the Planning and Zoning Commission's approval of a Conditional Use Permit for the expansion of a legal non-conforming use (bikini bar) on property located at 610 S. Vista Avenue in a C-2D (General Commercial with Design Review) zone.

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

Matt Stoppello, 620 W. Hays, applicant representative, addressed the Council in support of the appeal.

John Gannon, 1104 Johnson Street; Heather Gantz, 2872 Cherry Lane, B208 and Anna Horner, 503 Victoria Drive, addressed the Council in opposition to the appeal.

Mayor BIETER announced that the public hearing was closed.

Moved by EBERLE and seconded by JORDAN that CUP07-00099/Appeal/Mans Montgomery appeal of the conditions associated with the Planning and Zoning Commission's approval of a Conditional Use Permit for the expansion of a legal non-conforming use (bikini bar) on property located at 610 S. Vista Avenue in a C-2D (General Commercial with Design Review) zone be denied and uphold the Planning and Zoning Commission's decision.

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

Motion carried.

RECESS: 7:18 P.M.

RECONVENE: 7:30 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on DRH07-00334/Appeal/Mark Tavelli appeal of the Historic Preservation Commission's denial to demolish the garage and construct a three-car garage with second floor on property located at 1718 N. 22nd Street in an R-1CH (Single Family Residential with Historic Overlay) zone.

Sarah Schafer, Planning and Development Services, presented the staff report.

Mark Tavelli, 1718 N. 22nd Street, appellant,

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addressed the Council in support of the appeal.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by SHEALY that DRH07-00334/Appeal/Mark Tavelli appeal of the Historic Preservation Commission's denial to demolish the garage and construct a three-car garage with second floor on property located at 1718 N. 22nd Street in an R-1CH (Single Family Residential with Historic Overlay) zone be upheld with the following conditions: 1) that the size of the structure remain the same but with a two car garage instead of three on the façade facing Irene Street; 2) that the present curb cut on Irene Street remain no wider than it is today; 3) encourage the applicant to save any mature landscape that currently exists on the site; 4) refer the review of the design that meet these conditions to the staff of the Historic Preservation Commission for decision on whether or not that design is acceptable; and 5) finding that the Irene Street side of this building is now a character defining façade and that a design that gets brought back to Historic Preservation staff reflect that finding.

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

Motion carried:

There being no further business the meeting adjourned at 8:15 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

CITY CLERK