Minutes of the Commission meeting held on June 23, 2004 at 6:30 p.m. in the offices of the Ada County Highway District, 3775 Adams Street, Garden City.

Commissioners Franden, Wynkoop, Eastlake, Huber and Bivens were present.

Approximately 30 citizens were present.

ACHD staff present: J. Schweitzer, Mike Brokaw, Kent Brown, Joe Rosenlund, Bruce Mills, Steve Price, Katey Levihn, Errol Morgan, Kathy Takasugi, Kathy Smith, Lori Den Hartog, Nina Barton, Craig Quintana and Misty Perry.

Commissioner Franden called the meeting to order at 6:30 p.m. and welcomed everyone.

The Pledge of Allegiance was recited.

CONSENT AGENDA: DEVELOPMENT APPLICATIONS; FINAL PLATS FOR SIGNATURE; APPROVAL OF MINUTES & MINUTE ENTRIES FOR JUNE 9, 2004; APPROVAL OF MINUTE ENTRIES FOR ACHD/BOISE CITY JOINT MEETING OF JUNE 10, 2004; 2004 ROAD TRUST FUND PROJECTS – BID RESULTS & CONSIDERATION OF CONSTRUCTION CONTRACT; ACHD/CITY OF EAGLE SALE & PURCHASE AGREEMENT & ACHD/ADA COUNTY PROPERTY EXCHANGE – CONSIDERATION & APPROVAL; TRANSFER ROAD TRUST FUND 00-38 PINE AVENUE TO GENERAL FUND – REQUEST FOR APPROVAL; TRANSFER ROAD TRUST 85-12 TO 04-12, SEVENTH DAY ADVENTIST CHURCH SIDEWALKS – REQUEST FOR APPROVAL – Item A1 of the Development Applications was moved to the Regular Agenda. There were no other changes to the Consent Agenda.

ACTION TAKEN:
Commissioner Bivens made a motion to approve the Consent Agenda in accordance with the staff recommendations, moving Item A1 of the Development Applications to the Regular Agenda. Commissioner Wynkoop seconded. Motion carried unanimously.

PROPOSED VACATION OF PORTION OF BIRD STREET, SOUTH OF FRANKLIN ROAD – PROPOSED VACATION & ABANDONMENT – CONTINUATION OF PUBLIC HEARING – Kathy Smith SRWA, Sr. Right-of-Way Agent, said now is the time and the place for the continuation of the proposed vacation of a portion of Bird Street, south of Franklin Road. Ms. Smith presented the staff report.

Commissioner Franden said this is a continuation of a public hearing.
Craig Hildebrand, Hawkins-Smith, 1951 S. Saturn Way, Boise, the applicant, discussed issues related to the request for a vacation and was available to answer questions.

Commissioner Franden closed the public hearing.

After discussion, the following action was taken:

**ACTION TAKEN:**
Commissioner Huber made a motion to approve the vacation and abandonment of a portion of Bird Street and require consideration be paid in the amount of $12,826, subject to conditions outlined in A, B and C in the staff report. Commissioner Bivens seconded. Discussion followed. Commissioner Franden, Eastlake, Bivens and Huber voted aye. Commissioner Wynkoop voted no. Motion carried.

**HIDDEN SPRINGS SUBDIVISION 4TH ADDITION – PRELIMINARY PLAT – REQUEST FOR APPROVAL** – Bruce Mills, Right-of-Way and Development Services Manager, presented the staff report.

Commissioner Bivens disclosed that he had conversations with Matt Murphy.

Gary Allen, 601 W. Bannock, Boise, representative of the applicant, supports the staff recommendations for the 4th Addition of Hidden Springs. Mr. Allen said Hidden Springs could provide an access across Dry Creek if certain conditions were met; Mr. Allen explained those conditions.

Braden Staouts, 5678 W. Hidden Springs Drive, Boise, expressed his concerns.

Ron Amandus, 5800 Glenwood, Garden City, representative of the Fire Department, said there is not adequate access.

Bruce Mills, Right-of-Way and Development Manager, answered questions from the Commissioners.

Steve Price, Legal Counsel, said he was comfortable with staff deferring to negotiate. Mr. Allen preferred to resolve the issue tonight.

Mr. Mills, Mr. Allen, and Mr. Price adjourned to work on an addendum to the development agreement.

**CLOVERDALE CHURCH OF GOD – CONDITIONAL USE & MASTER SITE PLAN – DISCUSSION & POSSIBLE DECISION** – Bruce Mills, Right-of-way & Development Services Manager, presented the staff report.

Tom Dougherty, 3755 S. Cloverdale, Boise, Pastor of Cloverdale Church of God, agreed with the revised recommendations and thanked staff for their work.

Lori Den Hartog, Senior Development Analyst, responded to questions.

After discussion, the following action was taken:

**ACTION TAKEN:**
Commissioner Bivens made a motion to approve the Cloverdale Church of God in accordance with the staff recommendations with the exception of items 2, 3 and 4 that were presented in the revised information provided by Mr. Mills. Commissioner Huber seconded
and clarified that Site Specific No. 2 will be revised to read when the south parcel develops, the improvements on Bott Lane will occur; regarding Site Specific No. 4, staff will enter into an agreement for half of the 36-foot road section with curb, gutter and sidewalk when the earlier of the two occurs: either Cloverdale Road or a future church expansion; regarding Site Specific No. 3, Commissioner Huber asked Commissioner Bivens to consider having the sidewalk road trusted. Commissioner Bivens agreed. Discussion followed. Commissioner Eastlake asked the maker of the motion to consider that if the applicant isn’t going to construct the sidewalk that we defer the payment for the right-of-way until such time as Cloverdale Road is actually improved instead of using current impact fee funds. The maker of the motion said he would be willing to consider Commissioner Eastlake’s request but Commissioner Huber said she favors purchasing at today’s dollars and did not second Commissioner Eastlake’s request. Commissioners Franden, Eastlake, Huber and Bivens voted aye. Commissioner Wynkoop abstained from the discussion and from voting on the motion. Motion carried.

CUP04-0005 – DAY CARE EXPANSION – CONDITIONAL USE PERMIT – REQUEST FOR MODIFICATION OF POLICY – Lori Dent Hartog, Senior Development Analyst, presented the staff report.

Commissioner Bivens disclosed he had a discussion with Brian Sopatyk, the applicant.

Commissioner Wynkoop disclosed he had a brief phone conversation with Mr. Sopatyk.

Commissioner Franden disclosed he had a discussion with Mr. Sopatyk and referred him to staff.

Brian Sopatyk, 2176 Tolluka Way, Boise, the applicant, explained his request for the modification of policy.

Joe Rosenlund, Assistant Manager of Traffic, responded to questions.

Brenda Johnson, 715 S. Latah, Boise, Administrator for Great Beginnings, expressed her concerns.

Rod Webster, 2921 Woody Drive, Boise, Vice President of the Alano Club, expressed his concerns.

After discussion, the following action was taken.

ACTION TAKEN: Commissioner Bivens made a motion to approve the Daycare facility modification in accordance with the staff recommendations, and rather than close driveway number 1, that we allow it to be restricted to right-in/right-out. Commissioner Huber seconded. Discussion followed. Commissioners Franden, Bivens, Eastlake and Huber voted aye. Commissioner Wynkoop voted no. Motion carried.

VACATION OF PORTIONS OF W. PENNWOOD STREET & 3RD AVENUE – REQUEST FOR CLARIFICATION – Lori Dent Hartog, Senior Development Analyst, requested clarification from the Commission.

Commissioner Eastlake said the intent was not to vacate 3rd Avenue, south of Pennwood, but that we allow a vacation to the extent of six feet so the street width is 54 feet. Commissioner Huber made the motion at the hearing and concurred that this was her intent. The other Commissioners agreed.

KELLOGG SUBDIVISION – PRELIMINARY PLAT – CONSIDERATION & APPROVAL – Lori Den Hartog, Senior Development Analyst, presented the staff report. Staff recommends that the
applicant widen the bridge, noting that additional right-of-way may need to be purchased from the adjacent property owners.

Chad Kinkela, Bailey Engineering, 117 E. Plaza Drive, Eagle, representative of the applicant, said the applicant concurs with the conditions of approval; Mr. Kinkela confirmed that this is a request for preliminary plat approval.

Jonathan West, 10501 Meadow Lark Drive, Boise, expressed his concerns.

Doris Thomsen, 10453 Meadow Lark Drive, Boise, expressed her concerns.

Michelle Ryland, 10380 Meadow Lark Drive, Boise, expressed her concerns.

Jim Howell, 10420 Meadow Lark Drive, Boise, expressed his concerns.

Jennifer Spano, 10400 Meadow Lark Drive, Boise, expressed her concerns.

Discussion followed.

Todd Campbell, 4448 N. Arrowcrest Way, Boise, the applicant, explained issues associated with the site and expressed his discontent with ACHD and the City of Boise for their lack of oversight in not providing stubs into the property. The conditions being placed on the property will prevent it from being developed. Mr. Campbell wants to meet District policy and he is willing to widen the bridge.

Mr. Kinkela, representative of the applicant, provided additional testimony.

Bruce Mills, Manager of Right-of-Way & Development, offered in response to some of the testimony presented tonight that Site Specific No. 2 be changed to include widening the bridge to 24-feet with 3-foot shoulders on each side.

After further discussion, the following action was taken:

**ACTION TAKEN:**
Commissioner Huber made a motion to defer action on Kellogg Subdivision until July 7, 2004 and that the Facts & Finding include that the Commission has concluded that there are extraordinary safety concerns, and in order to accommodate any development, that the road and bridge need to accommodate AASHTO standards and the same standards that new subdivisions are required to follow, or find an additional access that is safe. Commissioner Bivens seconded. Motion carried unanimously.

Commissioner Eastlake made a motion that the staff report include a special recommendation to Boise City concerning the traffic impacts of having this many units trying to access a single access onto an arterial roadway. Commissioner Huber seconded. Motion carried unanimously. Commissioner Wynkoop clarified that the facts and findings will reflect the Commission decision as well as the tenor of the Commission comments made tonight.

**HIDDEN SPRINGS SUBDIVISION 4TH ADDITION – PRELIMINARY PLAT – REQUEST FOR APPROVAL** - Gary Allen, 601 W. Bannock Street, Boise, representative of the applicant, proposed that Hidden Springs construct an extension of Humphries Gulch Road northeasterly to Dry Creek Road as a full access public road at the sole cost of the applicant at the same time as the other improvements are constructed to Dry Creek Road; nothing would be tied to final plat approval, but occur pursuant to a development agreement. He is not authorized to accept building this access to be closed until 36th Street is extended. Mr. Allen expressed his concerns.
ACTION TAKEN:
Commissioner Huber made a motion to approve Hidden Springs Subdivision 4th Addition in accordance with the staff recommendations and the addendum. Commissioner Bivens seconded. Commissioners Franden, Bivens, Huber and Wynkoop voted aye. Commissioner Eastlake voted no. Motion carried

PUBLIC COMMUNICATION - None

Commissioner Huber made a motion to adjourn the public portion of the meeting at 10:45 p.m. Commissioner Bivens seconded. Motion carried unanimously.

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Susan Slaughter, Secretary  John S. Franden, President