Council met in regular session Tuesday, September 13, 2005, Council President JORDAN, presiding.

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

Invocation was given by Captain Gordon Myers, Salvation Army.

Moved by CLEGG and seconded by MAPP that the minutes from the Special Boise City Meeting, August 29, 2005 be approved.

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

Motion carried.

Moved by CLEGG and seconded by MAPP that the minutes from the August 30, 2005, Boise City Council Work Session Meeting be approved.

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

Motion carried.

Moved by CLEGG and seconded by MAPP that the minutes from the August 30, 2005, Boise City Council Meeting be approved.

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

Council President JORDAN announced that this was the time and place set for findings regarding CUP05-00015/Appeal No 1/Neighborhood Preservation Association, Inc. and CUP05-00015/Appeal No 2/Depot Bench Neighborhood Association.

Moved by SHEALY and seconded by MAPP that the findings regarding CUP05-00015/Appeal No 1/Neighborhood Preservation Association, Inc. and CUP05-00015/Appeal No 2/Depot Bench Neighborhood Association be approved as amended.

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

Motion carried.

Council President JORDAN announced that item C under Unfinished Business on tonight’s Council agenda, DRH05-00110/Appeal/Ben and Krista Pape, has been withdrawn per the applicant’s request.

Councilmember MAPP requested unanimous consent to move to New Business, Item 10, on tonight’s Council agenda.

Unanimous consent was granted.

Moved by MAPP and seconded by CLEGG that the Boise City Checks No. 197059 thru 197674 in the total amount of $1,092,811.26 as of August 31, 2005 be approved.

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

Motion carried.
Moved by MAPP and seconded by CLEGG that the Boise City Checks No. 197675 thru 198245 in the total amount of $1,361,567.83 as of September 7, 2005 be approved.

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

Motion carried.

The Bid Results for F/B 05-109: Boise City Library Parking Lot Repair, PWE 571, Public Works Department were before Mayor and Council as enumerated in staff report dated August 29, 2005.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 05-109: Boise City Library Parking Lot Repair, PWE 571 be awarded to the lowest responsive and responsible bidder, Curtis Clean Sweep, Inc., in a total amount not to exceed $26,857.35.

Moved by MAPP and seconded by CLEGG that the recommendations be followed and the bid be awarded to Curtis Clean Sweep, Inc. in the total contract amount of $26,857.35, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for F/B 05-122: Laundry and Dry Cleaning Services, Boise Fire Department were before Mayor and Council as enumerated in staff report dated August 31, 2005.

RECOMMENDATION: The Purchasing Division concurs with Boise Fire Department in recommending that F/B 05-122: Laundry and Dry Cleaning Services, be awarded to the lowest responsive and responsible bidder, Ralph’s Quality Cleaners, in a total amount not to exceed $67,239.00.
Moved by MAPP and seconded by CLEGG that the recommendations be followed and the bid be awarded to Ralph's Quality Cleaners, in the total contract amount of $67,239.00.

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

Motion carried.

The Bid Results for F/B 05-123: Building Siding and Roofing Replacement, WBP 019, Public Works Department were before Mayor and Council as enumerated in staff report dated September 2, 2005.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 05-123: Building Siding and Roofing Replacement, WBP 019, be awarded to the lowest responsive and responsible bidder, Quality Tile Roofing, Inc., in a total amount not to exceed $113,519.

Moved by MAPP and seconded by CLEGG that the recommendations be followed and the bid be awarded to Quality Tile Roofing, Inc., in the total contract amount of $113,519, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for F/B 05-124: W. Franklin Road Sewer Extension, CSP-866, Public Works Department were before Mayor and Council as enumerated in staff report dated September 6, 2005.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 05-124: W. Franklin Road Sewer Extension, CSP-866, be awarded to the lowest responsive and responsible bidder, American General Contractors, Inc., in a total amount not to exceed $55,992.
Moved by MAPP and seconded by CLEGG that the recommendations be followed and the bid be awarded to American General Contractors, Inc., in the total contract amount of $55,992, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for F/B 05-125: Used Slinger Spreader, Public Works Department were before Mayor and Council as enumerated in staff report dated August 29, 2005.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 05-125: Used Slinger Spreader, be awarded to the lowest responsive and responsible bidder, Bracher Farms, in a total amount not to exceed $36,000.

Moved by MAPP and seconded by CLEGG that the recommendations be followed and the bid be awarded to Bracher Farms, in the total contract amount of $36,000.

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

Motion carried.

The Bid Results for F/B 05-126: Phillippi Neighborhood Park Greenup, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated August 24, 2005.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that F/B 05-126: Phillippi Neighborhood Park Greenup, be awarded to the lowest responsive and responsible bidder, Cloverdale Nursery, in a total amount not to exceed $309,141.
Moved by MAPP and seconded by CLEGG that the recommendations be followed and the bid be awarded to Cloverdale Nursery, in the total contract amount of $309,141.

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

Motion carried.

The Bid Results for F/B 05-127: Natatorium Hydrotube Repairs, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated August 25, 2005.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that F/B 05-127: Natatorium Hydrotube Repairs, be awarded to the lowest responsive and responsible bidder, Paul M. Bradshaw dba Maggie Motors, in a total amount not to exceed $74,499.

Moved by MAPP and seconded by CLEGG that the recommendations be followed and the bid be awarded to Paul M. Bradshaw dba Maggie Motors, in the total contract amount of $74,499.

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

Motion carried.

The Bid Results for F/B 05-131: Large Area Riding Mower, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated August 29, 2005.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that F/B 05-131: Large Area Riding Mower, be awarded to the lowest responsive and responsible bidder, Rocky Mountain Turf, in a total amount not to exceed $36,870.
Moved by MAPP and seconded by CLEGGE that the recommendations be followed and the bid be awarded to Rocky Mountain Turf in the total contract amount of $36,870.

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

Motion carried.

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

a) Laurie O’Kelly, Property Damage
b) Allied Insurance regarding Eve Arrondondo, Personal Injury
c) Deloras Pecora, Property Damage
d) Eva Shaw, Personal Injury

Moved by MAPP and seconded by CLEGGE 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, CLEGGE, EBERLE, JORDAN, MAPP and SHEALY.

Motion carried.

The City Clerk requested November 15, 2005, in Council Chambers be confirmed for a public hearing on:

a) DRH05-00095/Appeal/David O’Day is appealing the Historic Preservation Commission’s denial of his request for a Certificate of Appropriateness to construct a 997 sq. ft., two-story garage with accessory dwelling unit and demolish and/or move existing garage on the property located at 1502 N. 12th Street in an R-1CH (Single Family Residential within a Historic District) zone.

Moved by MAPP and seconded by CLEGGE that November 15, 2005 in Council Chambers be confirmed as requested.
Roll call on the motion resulted as follows:

YEAS: BISTERFELDT, CLEG, EBERLE, JORDAN, MAPP and SHEALY.

Motion carried.

The City Clerk requested November 29, 2005, in Council Chambers be confirmed for a public hearing on:

a) DRH05-00236/Appeal/Kirsten and Jeffery Wallace are appealing the Historic Preservation Commission’s denial of their request for approval of a Certificate of Appropriateness to demolish an existing house located at 1715 W. Dewey Street, a request for a change in use based on desire to create two lots, and a request to construct a new +/- 2,461 sq. ft. house in an R-1CH (Single Family Residential within a Historic District) zone.

Moved by MAPP and seconded by CLEG that November 29, 2005 in Council Chambers be confirmed as requested.

Roll call on the motion resulted as follows:

YEAS: BISTERFELDT, CLEG, EBERLE, JORDAN, MAPP and SHEALY.

Motion carried.

The Executive Management Team requests the following interim budget changes be approved by Council:

a) Public Works Department: Approval of an appropriation transfer in the amount of $55,000 from the South Plant Renovation capital project to West Boise Waste Water Treatment Repair and Maintenance capital project for siding and roofing replacements.

Moved by MAPP and seconded by CLEG that the Executive Management Team's interim budget changes be approved as requested.

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

Motion carried.

The City Clerk requests the following applications for Alcohol Beverage Catering Permits be acknowledged and approved:

a) Café Ole regarding Hard Hat Happy Hour at 8th Street on September 15, 2005
b) Rodeway Inn and Sunshine Feed Store regarding Hyde Park Fair at Camelback Park on September 16, 2005
c) Villanos Specialty Market and Deli regarding Wedding Reception at the Boise Botanical Gardens on September 17, 2005

Moved by MAPP and seconded by CLEGG that the Alcohol Beverage Catering Permits be acknowledged and approved as requested.

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

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) Employee Health Plan Trust Trustee Minutes, August 12, 2005
d) Boise City Building Construction Report, August 2005
Boise City/Ada County Housing Authority
Board of Commissioners resolutions, No. 1034 and 1035

Moved by MAPP 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, EBERLE, JORDAN, MAPP and SHEALY.

Motion carried.

Proposed ordinance (O-28A-05) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, MAPP and SHEALY.

Titled: AN ORDINANCE (CAR05-00012/TRIMONT INVESTMENTS, LLC. FOR PROPERTY LOCATED AT 5901 AND 5950 N. FIVE MILE 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 T-1D (TECHNOLOGICAL INDUSTRIAL WITH DESIGN REVIEW) TO 6.26 ACRES OF C-1D (NEIGHBORHOOD COMMERCIAL WITH DESIGN REVIEW) AND 6.26 ACRES OF C-1D (NEIGHBORHOOD COMMERCIAL WITH DESIGN REVIEW) AND 6.70 ACRES TO L-OD (LIMITED 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-34-05) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, MAPP and SHEALY.

Titled: AN ORDINANCE AMENDING BOISE CITY CODE TITLE 4, CHAPTER 1, SECTION 14 TO INCREASE THE PLUMBING PERMIT FEES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL PROPERTIES; AMENDING TITLE 4, CHAPTER 2, SECTION 13 TO INCREASE THE FEE FOR A BUILDING PERMIT TRANSFER; AMENDING TITLE 4, CHAPTER 2, SECTION 17 TO INCREASE BUILDING PERMIT, BUILDING INSPECTION AND BUILDING PLAN REVIEW FEES; AMENDING TITLE 4, CHAPTER 2, SECTION 79 TO INCREASE THE FEES FOR FIRE SPRINKLER SYSTEM INSPECTIONS AND PLAN REVIEWS; AMENDING
TITLE 4, CHAPTER 2, SECTION 80 TO INCREASE THE FEES CHARGED FOR FIRE ALARM SYSTEM PLAN REVIEWS; AMENDING TITLE 4, CHAPTER 5, SECTION 30 TO INCREASE THE ELECTRICAL PERMIT FEES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CONSTRUCTION; AMENDING TITLE 4, CHAPTER 9, SECTION 4 TO INCREASE THE PERMIT FEES CHARGED UNDER THE INTERNATIONAL MECHANICAL AND FUEL GAS CODES; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-35-05) by the Council:

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

Titled: AN ORDINANCE AMENDING 10-11-16 PARKING TICKETS AND PROCEDURES, BOISE CITY CODE TO: INCREASE THE FINES CHARGED FOR ENUMERATED PARKING VIOLATIONS; AMENDING 10-11-19 TEMPORARY USE PARKING PERMITS AND FEES, BOISE CITY CODE TO: REQUIRE A PERMIT FROM ACHD FOR DUMPSTERS PLACED ON PUBLIC RIGHT OF WAY, IMPOSING REQUIREMENTS ON CONTRACTORS FOR PARKING METER REPLACEMENT, PROVIDING FOR DIRECT APPEAL FROM PARKING CONTROL TO THE CITY COUNCIL, INCREASING THE PERMIT SCHEDULE, AND REMOVING THE PROVISIONS FOR CREDIT SPACE ALLOWANCE; AMENDING 10-17-08 PARKING TICKETS AND PROCEDURE, BOISE CITY CODE TO: INCREASE THE FINES CHARGED FOR ENUMERATED PARKING VIOLATIONS; AMENDING 10-17-09 DELIVERY PERMITS AND METER HOODS, BOISE CITY CODE TO: PROVIDE FOR APPEAL TO CITY COUNCIL, AND INCREASE FEES FOR METER HOODS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-36-05) by the Council:

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

Titled: AN ORDINANCE AMENDING BOISE CITY CODE TITLE 5, CHAPTER 1, SECTION 5, TO ALLOW GOING OUT OF BUSINESS OR CLOSING OUT SALE LICENSE FEES TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING TITLE 5, CHAPTER 4, SECTION 5, TO ALLOW VEHICLE IMMOBILIZATION AGENT CARD LICENSE FEES TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING TITLE 5, CHAPTER 5, SECTION 8, TO ALLOW ALCOHOL RETAILERS LICENSE FEES TO BE ESTABLISHED BY A CITY
CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 6, SECTION 8, TO ALLOW SIDEWALK CAFÉ PERMIT FEES TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 9, SECTION 02 TO ALLOW LICENSE FEES FOR SHOWS AND ENTERTAINMENT ACTIVITIES TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 11, SECTION 01, TO ALLOW THE FEES FOR DANCE LICENSES TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 12, SECTION 07, TO ALLOW THE LICENSE FEE FOR VENDORS, SOLICITORS OR CANVASSERS, OR TEMPORARY MERCHANTS TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 16, SECTION 2.04, TO ALLOW THE FEE FOR A PAWNBROKERS LICENSE TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 17, SECTION 6, TO ALLOW THE FEE FOR A PAWNBROKER AUCTIONEERS LICENSE TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 19, SECTION 09, TO ALLOW THE LICENSE FEES FOR PRIVATE SECURITY SERVICE, PRIVATE PATROL AGENTS, SECURITY ALARM INSTALLATION SERVICES AND SECURITY ALARM INSTALLERS TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 20, SECTION 05, TO ALLOW THE LICENSE FEES FOR PRECIOUS METAL DEALERS TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 21, SECTION 4, TO ALLOW THE FEE FOR A SEPTAGE HAULER OPERATORS LICENSE TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 22, SECTION 8, TO ALLOW THE FEE FOR A CHARITABLE SOLICITATION LICENSE TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 23, SECTION 01, TO ALLOW THE FEE FOR A SPRAYERS LICENSE TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 24, SECTION 04, TO ALLOW THE LICENSE AND TRANSFER FEES FOR THE OWNERS AND OPERATORS OF TAXICABS TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 24, SECTION 05, TO ALLOW THE LICENSE FEE FOR TRANSFERRING A TAXICAB LICENSE TO BE ESTABLISHED BY A CITY CLERK LICENSE
FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 25, SECTION 01 TO ALLOW THE LICENSE FEE FOR THEATRES TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 28, SECTION 05, TO ALLOW THE LICENSE FEES FOR VEHICLE ESCORT SERVICES TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 29, SECTION 07, TO ALLOW THE LICENSE FEE FOR AN EMERGENCY WRECKER LICENSE TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 30, SECTION 04, TO ALLOW THE LICENSE FEE FOR OPERATING AUCTION HOUSES OR CONDUCTING AUCTIONS TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 30, SECTION 13, TO ALLOW THE LICENSE FEE FOR AUCTIONEERS TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING TITLE 5, CHAPTER 33, SECTION 8, TO ALLOW THE LICENSE FEES FOR FAMILY CHILD CARE HOMES, GROUP CHILD CARE HOMES, CHILD CARE CENTERS AND CHILD CARE WORKERS TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 35, SECTION 10, TO ALLOW THE LICENSE FEES FOR MASSAGE ESTABLISHMENTS AND MASSAGISTS TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 36, SECTION 2, TO ALLOW THE LICENSE FEE FOR ESCORT BUREAUS AND ESCORTS TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 05, SECTION 02, TO ALLOW THE RESTAURANT LICENSE FEE TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 2, SECTION 3 TO ALLOW FOR A LICENSE PROCESSING FEE TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 6, SECTION 11, TO ALLOW THE LICENSE FEES FOR SIDEWALK CAFÉ PERMIT TRANSFERS TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 9, SECTION 10, TO ALLOW THE LICENSE FEES FOR MERRY-GO-ROUND OR RIDING GALLERIES TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 12, SECTION 6, TO ALLOW THE VENDOR INVESTIGATION FEES TO BE ESTABLISHED BY A CITY CLERK LICENSE FEE SCHEDULE APPROVED BY THE COUNCIL; AMENDING BOISE CITY CODE TITLE 5, CHAPTER 29, SECTION 8, TO DELETE WRECKER INSPECTION FEES; PROVIDING
AN ORDINANCE EFFECTIVE DATE; AND APPROVING A SUMMARY OF THE ORDINANCE, was read for the second time.

Proposed ordinance (O-41-05) by the Council:

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

Titled: AN ORDINANCE (CAR05-00003/DAVID SOUTHERS FOR PROPERTY LOCATED AT 1511 W. IDAHO) 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-2DD (GENERAL COMMERCIAL WITH DOWNTOWN DESIGN REVIEW) TO R-ODD (RESIDENTIAL OFFICE WITH DOWNTOWN DESIGN REVIEW); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-42-05) by the Council:

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

Titled: AN ORDINANCE (CAR05-00010/LANDMARK PROPERTIES, LLC. FOR PROPERTY LOCATED AT 8550 W. VICTORY) ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LANDS AS M-1D (LIMITED INDUSTRIAL WITH DESIGN REVIEW); 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; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed resolution (R-286-05) by the Council:

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

Titled: A RESOLUTION ACCEPTING AND APPROVING THE 2005 STATE STREET MEMORANDUM OF UNDERSTANDING, PLAN, PROCEDURES, IMPLEMENTATION AND TIMELINE AND AUTHORIZING THE MAYOR OF BOISE, TO EXECUTE AND DELIVER A LETTER TO ADA COUNTY, THE ADA COUNTY HIGHWAY DISTRICT, GARDEN CITY, AND VALLEY REGIONAL TRANSIT CONVEYING THIS ACCEPTANCE AND APPROVAL AND
RECOMMENDING APPROVAL AND ADOPTION OF THE STUDY AND PLAN BY ADA COUNTY, THE ADA COUNTY HIGHWAY DISTRICT, GARDEN CITY AND VALLEY REGIONAL TRANSIT UPON NOTICE THAT ALL OTHER AFFECTED ENTITIES HAVE SIGNED THE MEMORANDUM, AND DIRECTING BOISE CITY STAFF TO WORK TOWARD IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING, ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by MAPP and seconded by CLEGG that the proposed resolution (R-286-05) be adopted and that same be numbered Resolution 18766.

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

Motion carried.

Proposed resolution (R-291-05) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, MAPP and SHEALY.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT FOR F/B 05-126; PHILLIPPI NEIGHBORHOOD PARK GREENUP, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CLOVERDALE NURSERY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by MAPP and seconded by CLEGG that the proposed resolution (R-291-05) be adopted and that same be numbered Resolution 18767.

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

Motion carried.

Proposed resolution (R-292-05) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, MAPP and SHEALY.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT FOR F/B 05-109 BOISE CITY LIBRARY PARKING LOT
REPAIR PWE 571; PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CURTIS CLEAN SWEEP, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by MAPP and seconded by CLEGG that the proposed resolution (R-292-05) be adopted and that same be numbered Resolution 18768.

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

Motion carried.

Proposed resolution (R-294-05) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT FOR F/B 05-127; NATATORIUM HYDROTUBE REPAIRS, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND PAUL M. BRADSHAW DBA, MAGGIE MOTORS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by MAPP and seconded by CLEGG that the proposed resolution (R-294-05) be adopted and that same be numbered Resolution 18769.

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

Motion carried.

Proposed resolution (R-295-05) by the Council:

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

Titled: A RESOLUTION VACATING A PUBLIC UTILITIES EASEMENT, AN IRRIGATION EASEMENT, AND A DRAINAGE EASEMENT LOCATED ON LOTS 11 AND 12 WITHIN BLOCK 2 OF THE DAYBREAK SUBDIVISION AS FILED AND RECORDED WITH THE ADA COUNTY RECORDER IN BOOK 91 OF PLATS AT PAGES 10834 TO 10836, LOCATED IN THE NORTH ½ OF THE NORTHWEST ¼ OF SECTION 32, T.3N., R.3E., B.M., ADA COUNTY; AND PROVIDING AN EFFECTIVE DATE, was read in full.
Moved by MAPP and seconded by CLEGG that the proposed resolution (R-295-05) be adopted and that same be numbered Resolution 18770.

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

Motion carried.

Proposed resolution (R-296-05) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, MAPP and SHEALY.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT FOR F/B 05-123 BUILDING SIDING AND ROOFING REPLACEMENT WBP 019; PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND QUALITY TILE ROOFING INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by MAPP and seconded by CLEGG that the proposed resolution (R-296-05) be adopted and that same be numbered Resolution 18771.

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

Motion carried.

Proposed resolution (R-297-05) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, MAPP and SHEALY.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT FOR F/B 05-124 W. FRANKLIN ROAD SEWER EXTENSION CSP-866; PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND AMERICAN GENERAL CONTRACTORS INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by MAPP and seconded by CLEGG that the proposed resolution (R-297-05) be adopted and that same be numbered Resolution 18772.
Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, MAPP and SHEALY.

Motion carried.

Proposed resolution (R-298-05) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, MAPP and SHEALY.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT FOR F/B 05-122 LAUNDRY AND DRY CLEANING SERVICES; FIRE DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND RALPH’S QUALITY CLEANERS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by MAPP and seconded by CLEGG that the proposed resolution (R-298-05) be adopted and that same be numbered Resolution 18773.

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

Motion carried.

Holden Subdivision SUB05-00032 request for Final Plat was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Holden Subdivision SUB05-00032 request for Final Plat be granted as requested subject to conditions stated in staff report dated September 6, 2005.

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

Motion carried.
Somerset Ridge No. 5 SUB05-00071 request for Final Plat was before Mayor and Council.

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

Moved by CLEGG and seconded by BISTERFELDT that Somerset Ridge No. 5 SUB05-00071 request for Final Plat be granted as requested subject to conditions stated in staff report dated September 6, 2005.

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

Motion carried.

Fred Schuerman requests a Partial Plat Note Vacation SOS05-00020 was before Mayor and Council.

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

Moved by MAPP and seconded by BISTERFELDT that Fred Schuerman’s request for a Partial Plat Note Vacation SOS05-00020 be granted as requested subject to conditions stated in staff report dated September 6, 2005.

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

Motion carried.

Council President JORDAN announced that this was the time and place set for a public hearing on CAR05-00023/DA/Monterey, LLC request for approval of a rezone of +/- 3.51 acres located at 8201 W. Overland Road from A (Open Land) to C-1D/DA (Neighborhood Commercial with Design Review with a Development Agreement) and L-OD/DA (Limited Office with Design Review and a Development Agreement).

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

Bill Carter, applicant, 1331 E. Monterey,
answered questions from the Council.

Council President JORDAN announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CAR05-00023/DA/Monterey, LLC request for approval of a rezone of +/- 3.51 acres located at 8201 W. Overland Road from A (Open Land) to C-1D/DA (Neighborhood Commercial with Design Review with a Development Agreement) and L-OD/DA (Limited Office with Design Review and a Development Agreement) be approved with an amendment to the Development Agreement parcels 1, 2 and 3(c); that we add a phrase in (c) asking Design Review to work with the applicant for detached sidewalks on Overland Road and to do everything possible to get detached sidewalks on Milwaukee Street.

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

Motion carried.

Monterey Subdivision SUB05-00045 request for Preliminary and Final Plat, was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Monterey Subdivision SUB05-00045 request for Preliminary and Final Plat be granted as requested subject to conditions stated in staff report dated September 6, 2005.

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

Motion carried.

Council President JORDAN announced that this was the time and place set for a public hearing on CAR04-00060/Rezone/Gary Schweiger, Sageland Homes request for approval of a rezone of 3.76 acres from A (Open Land) to R-1B (Single Family Residential) at 2095 S. Five Mile Road.
Hal Simmons, Planning and Development Services, presented the staff report.

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

Council President JORDAN announced that the public hearing was closed.

Moved by SHEALY and seconded by MAPP that CAR04-00060/Rezone/Gary Schweiger, Sageland Homes request for approval of a rezone of 3.76 acres from A (Open Land) to R-1B (Single Family Residential) at 2095 S. Five Mile Road be approved.

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

Motion carried.

Councilmember EBERLE asked for unanimous consent to hear 36th Street Garden Plaza Subdivision SUB05-00039 request for Preliminary Plat with the public hearing for CAR05-00019/DA/The Terteling Company, Inc. request for approval of a rezone.

Unanimous consent was granted.

Council President JORDAN announced that this was the time and place set for a public hearing on CAR05-00019/DA/The Terteling Company, Inc. request for approval of a rezone of +/-3.45 acres located at 3823 N. 36th Street from R-1C (Single Family Residential) to C-1D/DA (Neighborhood Commercial with Design Review with a Development Agreement).

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

Scott Beecham, applicant representative, 405 S. 8th St., addressed the Council in support of the rezone.

Dave Henneman, Fire Department, answered questions from the Council.
Fonny Davidson, President, Collister Neighborhood Association, addressed Council regarding issues surrounding the development.

Council President JORDAN announced that the public hearing was closed.

Moved by CLEGG and seconded by MAPP that CAR05-00019/DA/The Terteling Company, Inc. request for approval of a rezone of +/- 3.45 acres located at 3823 N. 36th Street from R-1C (Single Family Residential) to C-1D/DA (Neighborhood Commercial with Design Review with a Development Agreement) be approved with a stipulation that Ada County Highway District and the Fire Department work with the developer to find an agreement on parking on the private street portion.

Substitute motion by MAPP and seconded by BISTERFELDT to approve CAR05-00019/DA/The Terteling Company, Inc. request for approval of a rezone of +/- 3.45 acres located at 3823 N. 36th Street from R-1C (Single Family Residential) to C-1D/DA (Neighborhood Commercial with Design Review with a Development Agreement) with the caveat that the applicant, Ada County Highway District and the Fire Department meet to determine modifications to the roadway width and if an agreement can’t be reached the applicant be allowed to go to 29’ roadway width with parking on one side with approval of the Fire Department and Ada County Highway District.

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

Motion carried.

36th Street Garden Plaza Subdivision SUB05-00039 request for Preliminary Plat was before Mayor and Council.

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

Moved by MAPP and seconded by EBERLE that 36th Street Garden Plaza Subdivision SUB05-00039 request for
Preliminary Plat be granted as requested subject to conditions stated in staff report dated September 6, 2005 and with the additional caveat that the applicant, Ada County Highway District and the Fire Department meet to determine modifications to the roadway width and if an agreement can’t be reached the applicant be allowed to go to 29’ roadway width with parking on one side with approval of the Fire Department and Ada County Highway District.

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

Motion carried.

B B Trail LLC request for Partial Plat Note Vacation SOS05-00013 was before Mayor and Council.

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


Kathleen Lawson, 3616 E. Trail Bluff Ln.; Janet Lund, 4366 S. Wagon Train Ln. and Wendy Trowbridge, 3636 E. Handcart Ln., spoke in opposition to the Plat Note Vacation.

Moved by SHEALY and seconded by CLEGG that B B Trail LLC request for Partial Plat Note Vacation SOS05-00013 be denied based on the belief that the Planning and Zoning Commission erred in either not seeing or misinterpreting the right of the homeowners association, their ownership, of the lot in question and to further direct staff to return findings of fact and conclusions of law based on that assumption.

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

Motion carried.
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Trailside Place Subdivision No. 2 SUB05-00052 request for Preliminary and Final Plat was before Mayor and Council.

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

Moved by MAPP and seconded by SHEALY that Trailside Place Subdivision No. 2 SUB05-00052 request for Preliminary and Final Plat be denied.

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

Motion carried.

Everett Estates Subdivision SUB05-00050 request for Preliminary Plat was before Mayor and Council.

Dave Abo, Planning and Development Services, presented the staff report and Dave Henneman, Fire Department, answered questions from the Council.

Leticia Wetzel, applicant’s representative, 5680 E. Franklin Rd. Suite 220, Nampa, addressed the Council.

Moved by CLEGG and seconded by EBERLE that Everett Estates Subdivision SUB05-00050 request for Preliminary Plat be granted as requested subject to conditions stated in staff report dated September 6, 2005 and with the added condition that the buildings be sprinkled to meet Fire Department approval.

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

Motion carried.

Dave Watkins requests Consent to Vacate Alley Right-of-Way SOS05-00021 was before Mayor and Council.

Dave Abo, Planning and Development Services, advised the Council that the applicant has requested deferral of this item.
Dave Watkins, applicant, 5230 Chinden, answered questions from the Council.

Councilmember JORDAN requested unanimous consent to defer Consent to Vacate Alley Right-of-Way SOS05-00021 until a date certain of September 20, 2005.

Unanimous consent was granted.

There being no further business the meeting adjourned at 9:50 o'clock P.M.

APPROVE:

__________________________________
MAYOR

ATTEST:

__________________________________
CITY CLERK