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CALL TO ORDER AND ROLL CALL

Mayor Colton called the regular meeting of the McCall City Council to order at 7:00 p.m. Mayor Colton, Council Member Arp, Council Member Muller, and Council Member Eimers answered roll call. A quorum was present. City staff members present were City Attorney Susan Buxton, Public Works Director Bill Keating, Recreation Director Brock Heasley, Chief Ralph Appa, and Finance Director & City Clerk Barbara Bauer.

PUBLIC HEARING

AB 03-95 VAC-03-3 Ordinance No. 780 Vacation of a Portion of Dawson Avenue

Mayor Colton opened the continuation of the Public Hearing on AB 03-95 VAC-03-3 Ordinance No. 780 Vacation of a portion of Dawson Avenue at 7:05 p.m. He highlighted the position of the P & Z Commission and the City staff.

Tom Schoonover, 1506 Davis, is the person asking for the street vacation and he testified that he and Bill Keating have been unable to find a compromise on this issue. He still asks that the Council approve his offer to trade a 15 foot strip of property along Davis Street in exchange for this property vacation. He said that the fire trucks would be unable to turn around on this street regardless of the decision. At a minimum, he would like the same 20 feet vacation that other neighbors have received in the past.

Chris Woodall, 1502 Davis spoke in favor of the request for vacation. His property received a vacation in 1998 similar to that being requested.

Matthew Daren, 1504 Dawson Avenue, owns property across the street from the Schoonovers and supports the change.

The Mayor outlined the options available to the Council tonight. City Attorney Buxton noted that even with approval of a 20 foot easement, there is still an issue of encroachment that must be dealt with and there are also issues of non-conforming use to be addressed. Even the reduction of a nonconforming use, which is covered by City Code 3-28-010 is still an issue, but since there is no increase in a non-conforming use, it could be handled. She is prepared to address questions relating to the options available. Further, she noted that the consistent advice provided to all cities is to avoid vacating roadways and public right-of-way. There is also the possibility of allowing an agreement or license to the property owner with a lease arrangement to allow the owner to maintain use of the property and house until there is a future need and/or change to the structure. At that time, the owners would be required to move the structures into compliance.

Council Member Arp stated her support for allowing a 20 foot easement and address all encroachment issues on this street.

Mayor Colton noted that denial of this request could be followed by a new agreement between the City and the property owner covering removal of encroachments, a warranty deed for the 15 feet of property along Davis and other issues that need to be addressed at a future meeting. Council Member Muller raised a concern about the potential for City liability if the fire department cannot turn around on that section of road.

Julie Fields noted that a license to the owner providing use of the property creates an ongoing cloud on the title of the property. She has believed that the proposal is fair and although she did not feel she could provide a value on the property at the last meeting, she now states that she would set the value of land in that area with similar use is \$2.08 per square foot. She provided a document to the Council showing that the difference in property values is \$4,761.98. As shown in this document, Parcel A is 868.8 square feet and it would go to the City in exchange for Parcel B, at 3158.2 square feet.

The Council agreed to continue this Hearing on Ordinance 780 to the August 14, 2003 meeting of City Council in order to allow City staff and the Schoonovers to work on an agreement to provide a twenty foot vacation in exchange for warranty deed title to the 15 feet offered on Davis Street, plus a dollar amount to be determined. In addition, the agreement should state that correction of setback encroachment may be required before any structural changes can be made to the house, and that all other encroachments shall be removed immediately. This agreement will be brought to a continuance of this Hearing on August 14th, 2003. That continuance will also be noticed for potential property exchange. The perpetuation of a non-conforming use is a concession due to the unique situation requiring special approval of Council.

Mayor Colton moved and Council Member Eimers seconded continuance of this hearing to the August 14, 2003 meeting. All members voted aye. The motion carried.

PUBLIC COMMENT

Mayor Colton called for public comment.

Several individuals commented on the City's current Sign Ordinance:

Brian Thomas, 303 Silver Fox Trail, read comments regarding the current sign ordinance and requested a special committee be formed to address sign ordinance requirements with equal representation of businesses from throughout the community.

Bret Huish, 1007 Bitterroot Drive, noted that non-profit organizations are often putting out signs all over town. In an effort to address the proliferation of signs, he feels that the City has created a prohibition on signs that is not being equally enforced when there is really a need for an ordinance that provides control of signs.

Kevin O'Leary, 450 Moon Drive, noted that no residents or business owners want the town to become a sign field, because of the importance of tourism to our economy. However, the issues that impact business owners and tourism can be addressed through a well written sign ordinance that helps to direct business development in locations off Highway 55.

Bill Robertson, 1037 Bitterroot, noted that he was the City Manager when the current sign ordinance was passed. The fifteen people who met to discuss this issue were willing to work on the issue through the entire length of a process to create a new sign ordinance. He requested that the Council direct staff to work with members of the public to provide short-term relief while changes are being created and to create a long-term solution through an update of sign ordinance language.

Council Member Arp clarified that the issue of immediate concern is signs and banners for nonprofit community events and noted her appreciation for the emphasis on quality and aesthetics. Any group addressing the concerns needs to include members of the McCall Improvement Committee, the P & Z Commission and City staff.

Council Member Eimers moved to direct the City Manager and staff to work on a solution to allow not-for-profit and community events to display signs to encourage participation. Seconded by Council Member Muller. All members voted aye. The motion passed.

Bonnie Bertram from the Pancake House noted that she is in favor of housekeeping changes to the sign ordinance. The start of work on the East-West loop also provides an opportunity to work with engineers to create a structure to address some of these concerns.

Hearing no additional public comment, the Mayor closed the public comment period now.

CONSENT AGENDA

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Mayor Colton moved to approve the Consent Agenda. Council Member Muller seconded the motion. On a roll call vote, all Council Members voted aye and the motion carried.

BUSINESS

AB 03-104 Adoption of Tentative Budget for FY 2003-2004

Finance Director Barbara Bauer answered questions from Council. Mayor Colton explained that the adoption of a tentative budget creates a ceiling. He also expressed his support for paving and recreation improvements. These priorities, library books and network security measures were also priorities for Council Members.

Charlie Taber, 815 Pinedale Street, noted that he had missed the public workshop on the budget, but was a bit alarmed about the possibility of taking a 3% tax increase. Business in town this year seems to be slower and he is personally feeling that pinch. Although he agrees that the items listed are desperately needed and things he wants and supports, and they are even necessary and critical. He hopes that the City will look carefully at funds that may be available. For example, the use of the franchise fees to support the ice skating rink might be an optional use of funds. He also noted that there had been a recent settlement for the water fund and that he is unclear about how that is being used. He again asked that the Council look at all options and keep priorities straight.

Cindy Taber, 815 Pinedale Street, noted that when she came to McCall in 1979 and earned \$8 per hour and lived well. Today, she makes just under \$11 per hour and her water bill has gone up from \$12 per month to \$68 per month. Her property tax assessment increased by 27% over the last year, in part because of the increase in values related to new high end development. In addition, her pay has gone up 3% per year while her insurance costs nearly doubled. She asked that the City be very conscious of how we are spending the tax payer's dollars, including not supporting big luxuries such as ice skating rinks.

Council Member Arp moved to adopt the tentative budget of \$12,037,234 for Fiscal Year 2003-2004 and direct staff to publish notices of the August 14, 2003 Budget Hearing for two consecutive weeks. Mayor Colton seconded the motion.

In a roll call vote Mayor Colton, Council Member Arp, Council Member Muller, and Council Member Eimers voted aye. The motion carried.

REPORTS

Council Member Arp asked Brock Heasley and Chief Appa to address concerns about ski boats, jet skis, pets, underage drivers of jet skis and the location of swim buoys at Rotary Park brought to her by a citizen yesterday. Brock noted that the signage in that area is not clearly readable, but are clear about the rules. Unfortunately, there are always people who ignore the rules, but there has been no change in our policies and rules. Brock will work with Bill Keating to get the signs fixed. People should call County Dispatch to report problems when they are seen.

City Attorney Susan Buxton noted that she attended the Planning and Zoning Commission meeting last week and wants to note how impressive and skilled they are when dealing with tough issues.

EXECUTIVE SESSION

At 8:40 p.m., Mayor Colton moved to go into executive session per Idaho Code 67-2345(1f) to consider pending litigation and property acquisition. Council Member Eimers seconded the motion. Mayor Colton, Council Member Arp, Council Member Muller, and Council Member Eimers voted aye. The motion carried.

The discussion concerned pending litigation and property acquisition.

At 8:52 p.m., Council Member Eimers moved to come out of executive session and approve the July 22, 2003 stipulation related to condemnation of the Seubert property necessary for East/West Connector. Council Member Muller seconded the motion. Mayor Colton, Council Member Arp, Council Member Muller, and Council Member Eimers voted aye. The motion carried.

ADJOURNMENT

Without further business, Council Member Eimers moved to adjourn. Council Member Muller seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 8:55 p.m.

Ralph Colton, Mayor

ATTEST:

Barbara Bauer, Finance Director/City Clerk