

# MINUTES

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## McCall City Council Regular Meeting Thursday, April 22, 2004

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## **CALL TO ORDER AND ROLL CALL**

Mayor Eimers called the regular meeting of the McCall City Council to order at 7:00 p.m. Mayor Eimers, Council Member Greer, Council Member Muller, and Council Member Robertson answered roll call. A quorum was present. City staff members present were City Attorney Susan Buxton, City Manager/City Clerk Robert Strope, Deputy City Manager and Community Development Director Lindley Kirkpatrick, Police Chief Ralph Appa, Parks and Recreation Director Brock Heasley, Airport Manager Kevin Delaney, and Assistant to the City Manager Tina Clark.

Council Member Bertram arrived at 7:07 p.m.

Council Member Eimers led the Pledge of Allegiance.

## **PUBLIC HEARING**

**At 7:05 p.m., Mayor Eimers opened the Public Hearing on AB 04-54 Ordinance No. 792 Zoning Code Amendment – Self Storage Units**

Lindley Kirkpatrick said the Public Hearing for the zoning code amendment for self storage units is a continuation from the April 8, 2004 Council Meeting. The Planning and Zoning Commission conducted a public hearing on February 10, 2004 and recommended approval. At the April 8, 2004 Council Meeting, there was testimony and the City Council wished to continue the public hearing. There were no written comments since the April 8, 2004 Council Meeting, and the Planning and Zoning Commission's recommendation remains unchanged.

Curt Spalding, 304 Burns, said it is a decent proposal if you eliminate the storage units in R-1, R-5, and R-10. He said PUD's are an appropriate zone as well as commercial and industrial, but not residential.

Council Member Bertram asked if it would prohibit new subdivisions coming in as R-1 designations. Mr. Kirkpatrick said it would prohibit storage units for rent, but not personal use.

**Hearing no further comments, Mayor Eimers closed the Public Hearing at 7:24 p.m.**

Council Member Robertson said he is in favor of the amended Ordinance No. 792 for R-1, R-5, and R-10 as conditional uses.

Council Member Muller asked if there was anything in the conditional use permit that would guarantee the upkeep of landscaping and structures over a period of time. Mr. Kirkpatrick replied that it is a requirement, but that it can be very difficult to enforce over the long term.

Council Member Bertram said she is not in favor of R-1, R-5, or R-10.

Council Member Eimers said he trusts the conditional use permit process to work.

**Council Member Robertson moved to adopt Ordinance No. 792 and authorize the Mayor to sign all necessary documents. Council Member Muller seconded the motion. In a roll call vote, Council Member Eimers, Council Member Muller, Council Member Robertson, voted aye. Council Member Greer and Council Member Bertram voted no. The motion carried.**

**AB 04-55 Ordinance No. 793 Zoning Code Amendment – Churches and other religious uses**

Lindley Kirkpatrick said this is a continued public hearing from April 8, 2004. On February 10, 2004 the Planning and Zoning Commission conducted a public hearing on Ordinance No. 793 amending the Zoning Code. Currently, churches are prohibited in all districts except the General Commercial (GC) district, where they are a permitted use. The City has not received any written comments since the April 8, 2004 Council Meeting.

**At 7:43 p.m., Mayor Eimers opened the Public Hearing**

Neal Thompson, 3588 Longview Road, representing Payette Lakes Christian Center, said that they were the reason behind the zoning code change of Ordinance No. 793. Payette Lakes Christian Center sold their church to McCall Memorial Hospital and purchased property in the impact area, which is zoned R-5.

**Hearing no further comments, Mayor Eimers closed the Public Hearing at 7:44 p.m.**

Council Member Robertson expressed concerns regarding private church compounds with dwelling. Mr. Kirkpatrick explained that if someone were purposing a religious facility that included residential use it would be reviewed as part of the conditional use permit process.

**Council Member Muller moved to adopt Ordinance 793 and authorize the Mayor to sign all necessary documents. Council Member Robertson seconded the motion. In a roll call vote, Council Member Eimers, Council Member Muller, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried.**

## **PUBLIC COMMENT**

**Mayor Eimers called for public comment.**

Jenny Keller, 508 Rolland, voiced concerns regarding last season's snow plowing and inquired about the theme to the Master Plan.

Tammy Roark, Chief Development Officer for WAAF, Inc. presented the plans for a Community Center located at Samson Trail and Deinhard Lane. The Center would offer many activities such as sending under-privileged children to summer camp, sponsoring youth sports teams, and working with other outreach and support programs. The WAAF Thrift Store, currently next to Subway on Highway 55, is entirely run by a volunteer staff where all items sold are received as donations. This operation supports the current community outreach efforts and allows WAAF to obtain the funds for a Community Center. WAAF is currently in negotiations with a land donation or exchange, and is in the process of writing grants to foundations and submitting government grants in order to get community funding.

Jim Craig, Republican Candidate for Valley County's Prosecuting Attorney's office, introduced himself and applauded the McCall Police Department by saying what a great job they are doing.

Trixie Huish, 1007 Bitterroot Drive, voiced her comments and concerns regarding the importance of enforcing drunk driving laws and stated we can be part of the problem or part of the solution.

Terry Lewis, 551 Samson Trail, Director of Valley County Juvenile Services, said there was a letter being circulated at the April 8, 2004 Council Meeting by a citizen, regarding an incident that had happened within the community, and one of the probation officers was named in the letter. The letter was circulated through out the community without Mr. Lewis's knowledge. Mr. Lewis applauded the City Council in recognizing that the City Council is not the proper venue for that letter to be circulated and in recognizing the true issue and authority behind the issues that were identified in the letter. Also recent studies by the Department of Juvenile Corrections with the State of Idaho listed the state-wide re-offense rate for juvenile offenders at 51%, Valley County is at 23% being the fourth best in the State.

**Hearing no further comments, Mayor Eimers closed the public comment.**

During the meeting, one break was taken from 8:34 p.m. to 8:40 p.m.

## CONSENT AGENDA

Minutes of March 25, 2004

Payment Approval List of Warrant Registers for input dates between April 2 and April 15, 2004

Payroll Report for Pay Period Ending April 9, 2004

AB 04-48 Assignment & Assumption of Lease from Talboy to Wolfe

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AB 04-60 Holladay Engineering Pay Application No. 13 – Four Corners

**Council Member Muller moved to approve the Consent Agenda and authorize the Mayor to sign all necessary documents. Council Member Eimers seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Muller, and Council Member Robertson, and Council Member Eimers voted aye. The motion carried.**

## BUSINESS

### **AB 04-61 McCall Improvement Committee 2004 – 2005 Gem Community Action Plan**

Curt Spalding presented the McCall Improvement Committee 2004 Annual Report and discussed the McCall Improvement Committee's top five Action Plan Priority Projects for 2004-05. Mr. Spalding thanked the City for its support in the past and he is looking forward to more support in the future.

Council Member Eimers asked about the development plans for River Front Park. Mr. Strobe said the City has sent a letter to the Forest Service asking for their participation in the Brownfields Assessment of the site, which is partially owned by the Forest Service. The City is also looking into acquiring property from the Forest Service to become part of the proposed park.

**Council Member Greer moved to adopt the 2004-05 MIC Action Plan and allow its submission to the Idaho Department of Commerce. Council Member Muller seconded the motion. All Council Members voted aye. The motion carried.**

### **AB 04-62 Commercial Boat Special Use Permit**

Ray Dupree, 45 Silver Fox Trail, Payette Lake Scenic Cruises, said he will be running a summer scenic family boat cruise on Payette Lake. Mr. Dupree is requesting the use of a city owned dock, that being the southerly face of the southernmost dock at the municipal boat launching ramp near the west end of Fir Street, to pick up and drop off passengers. Mr. Dupree has met with Park and Recreation Advisory Committee and has their approval. He has also met with the City Manager, the Waterways Committee, the Idaho Department of Lands, and the Outfitters and Guides Board. The cruise fee is \$300 for a half day and \$500 for a full day. Mr. Dupree has an insurance liability policy of \$300,000 and \$10,000 for medical and is prepared to meet the hold harmless agreement.

**Council Member Greer moved to approve the application of a special use permit, pending Mr. Dupree's submission of a hold harmless agreement and insurance naming the City as co-insured; authorize the Deputy City Clerk to sign the Special Use Permit; and authorize the City Attorney to work with Mr. Dupree in preparation of the hold harmless agreement. Council Member Muller seconded the motion. All Council Members voted aye. The motion carried.**

## REPORTS

**City Attorney – Susan Buxton, presented a Ward Hooper print donated by Mr. and Mrs. McCurdy to the City of McCall.**

**Council Member – Jerry Greer, brought Council Members up to date on the Safe School Training Program (STP) he attended in March.**

**Council Member – Bertram asked that when the City pays for a City staff member to go to a conference the attendee presents a report to the Council following the conference.**

## EXECUTIVE SESSION

**At 9:52 p.m., Council Member Eimers moved to go into executive session per Idaho Code 67-2345(1)(f) to consider pending litigation. Council Member Muller seconded the motion. Council Member Bertram, Council Member Greer, Council Member Muller, and Council Member Robertson, and Council Member Eimers voted aye. The motion carried.**

The City Council discussed ongoing litigation.

The City Council discussed postponing the City Manager's evaluation.

At 10:25 p.m., Council Member Eimers moved to come out of executive session. Council Member Muller seconded the motion. Mayor Eimers, Council Member Bertram, Council Member Greer, Council member Muller, and Council Member Robertson 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 10:26 p.m.

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Kirk L. Eimers, Mayor

**ATTEST:**

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Tina A. Clark, Deputy City Clerk