

MINUTES

McCall City Council Regular Meeting Thursday, May 27, 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 Bertram, Council Member Greer, and Council Member Muller answered roll call. A quorum was present. City staff members present were City Attorney Tammy Zokan, City Manager/City Clerk Robert Strope, Community Development Director Lindley Kirkpatrick, Parks and Recreation Director Brock Heasley, Airport Manager Kevin Delaney, Grant Coordinator Carol Coyle, and Assistant to the City Manager Tina Clark.

Council Member Robertson arrived at 7:04 p.m.

Council Member Eimers led the Council in the Pledge of Allegiance.

PUBLIC HEARING

At 7:02p.m., Mayor Eimers opened the public hearing on AB 04-81 VAC-04-1 a request to vacate a portion of the Lenora Street and Fourth Street rights-of-way

Lindley Kirkpatrick said the Planning and Zoning Commission held a public hearing April 6, 2004, took testimony and recommended that the vacation be approved. The Transportation Advisory Committee looked at the matter and recommended that the vacation not be approved. The Planning and Zoning Commission's recommendation is silent on which options to pursue. The applicant is proposing either an appraisal for purchase of the land for the fair market value, or the construction of a pocket park along the bike path.

Council Member Robertson said the land value is identified in the application as approximately \$25,000 to \$35,000 without an appraisal, and asked if the cost of the pocket park be the same. Council Member Muller wanted to know about the value of the land along with elevation of the proposed buildings, parking, the use of the property, and if it would affect the bike path. Mr. Kirkpatrick said he didn't know the estimated value of the park construction and that there is no approval being requested for a particular building or development plan.

Judy Leister, 1073 Plymouth Road, requesting the vacation of the Lenora Street and Fourth Street rights-of-way, said she contacted Stan Barkley, a certified general appraiser. He has agreed to appraise the land if the City Council agrees to sell Ms. Leister the right-of-way. Ms. Leister said there is no design at this time for a building just a concept, and that the elevation from the rear of the property and the way the building would set back into the hill would create a one-story roof line from Fourth Street.

Council Member Robertson asked about the anticipated parking for a potential building. Ms. Leister responded that there will be a couple of parking spaces above going into garages with most parking down below. There will be seven residential units as of now, but is subject to change along with a house already located on the property that is being rented out and will continue to be rented out and does qualify as low income housing.

Jim Fronk, Secesh Engineering, presented to Council a plat map with topography showing buildings (both existing and proposed) and the right-of-way in question.

Dave Peugh, Resort Design Associates International, said the proposal has been designed to work with and respects the land and existing trees and provides a small sheltered viewing/resting area for McCall visitors and neighboring residents. The style of architecture will be consistent with the character already established in the existing neighborhood and reflected in John Carey's Railroad Depot development, tying the whole area together aesthetically. This project is also consistent with the City's desire to create infill in the Downtown District, as opposed to developing outside the downtown area.

Judy Leister proposed that the City of McCall vacate the right-of-way and she would compensate the City anyway it chooses.

Dave Peugh presented the concept of a pocket park along the adjacent bike path.

Judy Leister said that she has talked with the Parks Department and she would be willing to maintain the park in the future.

Council Member Bertram inquired about the water line easement across the property. Mr. Peugh responded that there is a water line going through the property that will need to be relocated, because the proposed building will be encroaching upon it. This will allow for an adequate easement and easy access for maintenance.

Council Member Greer asked if the next step was to review and approve the plan for the parcel and will there be conditions to the approval. Mr. Kirkpatrick said the Council would not need to approve any building permit or development plans for this vacation, or see it again unless the applicant requests a variance.

Council Member Bertram would like to see the pocket park and some payment for the property. Council Member Muller said he would like to see the options for the land, what the value of the land is, what the cost of the park is, and what the cost is to relocate the water line.

Ron Rooth with the Parks Advisory Committee, said he would like to have time to look at the plans from a parks point of view before committing himself, but has no objections at this time.

Hearing no further comments, Mayor Eimers closed the public hearing at 7:55 p.m.

Council Members discussed the monetary value of the land, appraisal of the land; assessing the easement value, and the options for compensation.

Council Member Greer said he feels comfortable vacating the easement and sees no use for the land as a right-of-way. Also he likes the idea of the City being reimbursed for the value of the land.

Council Member Greer moved to continue a public hearing until June 10, 2004, and to direct staff to prepare alternatives for Council consideration on June 10, to include options for compensation. Council Member Muller seconded the motion. All Council Members voted aye. The motion carried.

AB 04-34 Ordinary and Necessary Expense for Necessary Improvements to the Domestic Water System

Robert Strobe said on May 4, 2004 Council adopted Resolution 04-4 to set the public hearing for May 27, 2004 for the Ordinary and Necessary Water System Improvements. Staff published a notice of public hearing for March 11, 2004 to consider requesting judicial confirmation. The notice was not properly published and the hearing had to be re-noticed. The notice has now been properly published for this public hearing.

Council Member Bertram asked what the water tank would look like. Mr. Strobe explained that the water tank is partially buried, with the remaining 20 feet above ground.

Council Member Robertson asked if Aspen Ridge Subdivision understands that the water tank is 20 feet above ground. Mr. Strobe said that Aspen Ridge Subdivision understands that its 20 feet above ground, and understands that the road requirement is a 6% grade.

Council Member Muller directed the staff to seek funding approval for the necessary improvements to our domestic water system facilities and petition the court for judicial confirmation of this action at the appropriate time and authorize

the Mayor and City Attorney to sign all necessary documents. Council Member Robertson seconded the motion. All Council Members voted aye. The motion carried.

PUBLIC COMMENT

Mayor Eimers called for public comment.

Ron Rooth, 115 Idaho Street, Parks Advisory Committee, presented an update on River Front Park, and discussed general project ideas that include: 1) A site survey setting elevations and boundaries on a plot plan. 2) Complete the assessed work for the land fill area. 3) Design a preliminary master site development plan, including under ground utilities, sprinklers, well, parking areas, paths, playing fields, and support buildings. 4) Complete the design and adopt. 5) Raise funds. 6) City workers and volunteers could go along way in creating this park.

Carol Coyle commented that the DEQ has a Targeted Brownfield's Assessment program that may be appropriate for this project. She suggested that the Parks Advisory Committee contact Aaron Scheff at DEQ, and submit a grant application to DEQ.

Council Member Bertram suggested contacting Dwayne Peterson retired Valley County Road Superintendent.

Hearing no further comments, Mayor Eimers closed the public comment at 8:35p.m.

CONSENT AGENDA

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AB 04-84 SUB-04-6 Gunhill Subdivision Final Plat

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AB 04-87 SUB-04-5 West Hayes Estates Subdivision Final Plat
AB 04-88 East-West Loop State/Local Agreements

Council Member Robertson asked that agenda bills AB 04-82, AB 04-83, AB 04-84, AB 04-86, and AB 04-87 be pulled and discussed in the Business section.

Council Member Robertson moved to approve the Consent Agenda. Mayor Eimers seconded the motion. All Council Members voted aye. The motion carried.

BUSINESS

AB 04-76 Skateboard Park Agreement

Robert Strobe said the school district approved the agreement between the City and the school district. The agreement contains the provisions the City has been working on for the past two years regarding the skateboard park. Under the agreement, the City would maintain the park in the same fashion as all other parks. The Skateboard Park Association would be responsible for the costs of construction.

Steve Millemann with Millemann, Pittenger, McMahan & Pemberton, LLP explained the lease agreement between the City and the School District.

Council Member Robertson moved to approve the agreement between the City and the School District for the Skateboard Park, contingent upon receiving a letter from ICRMP stating they will cover the City of McCall, and authorize the Mayor to sign. Council Member Bertram seconded the motion. In a roll call vote, Mayor Eimers, Council Member Muller, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried.

AB 04-82 SUB-04-7 Greystone on Payette Condominiums Phase One Final Plat

Lindley Kirkpatrick said on May 11, 2004 the Planning and Zoning Commission reviewed the final plat for Phase One of the Greystone on Payette Condominiums. Phase one consists of 16 units in 8 buildings. The preliminary plat was approved by the Commission on April 6, 2004 for 30 condominium units in two phases. The Commission recommends that the City Council approve the final plat.

Council Member Muller asked about the stormwater run-off. Mr. Kirkpatrick said that the developers have agreed to contribute to a regional stormwater treatment facility. The City will treat the stormwater discharge just north of the marina.

Council Member Robertson moved to adopt the draft Findings and Conclusions and approve the final plat of phase one of the Greystone on Payette Condominiums (SUB-04-7). Council Member Muller seconded the motion. In a roll call vote, Mayor Eimers, Council Member Muller, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried.

AB 04-83 SUB-04-1 Shiner Creek Condominiums Final Plat

Lindley Kirkpatrick said on April 6, 2004 the Planning and Zoning Commission conducted a public hearing on the proposed Shiner Creek Condominiums. Shiner Creek Condominiums is a re-plat of a portion of the Greenbriar Condominium complex. It contains 8 condominium units, detached garages and other improvements on approximately 1 acre. The Commission approved the preliminary plat and recommends that the City Council approve the final plat.

Council Member Muller asked about the snow removal, and stormwater run-off into Shiner Creek. Mr. Kirkpatrick responded that the snow storage is located at the northwest corner of the site (west of the parking). The drainage plan has been reviewed and approved.

Council Member Muller moved to adopt the draft Findings and Conclusions and approve the final plat of the Shiner Creek Condominiums (SUB-04-1). Mayor Eimers seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Robertson, Council Member Muller, and Mayor Eimers voted aye. The motion carried.

AB 04-84 SUB-04-6 Gunhill Subdivision Final Plat

Lindley Kirkpatrick said on May 4, 2004 the Planning and Zoning Commission conducted a public hearing on the proposed Gunhill Subdivision. Gunhill Subdivision is a two lot subdivision along SH 55, immediately west of the Ski Ranch Subdivision. Each lot will be one acre in size. The Commission approved the preliminary plat and recommends that the City Council approve the final plat.

Council Member Muller moved to adopt the draft Findings and Conclusions and approve the final plat of the Gunhill Subdivision (SUB-04-6). Mayor Eimers seconded the motion. In a roll call vote, Mayor Eimers, Council Member Muller, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried.

AB 04-86 SUB-04-3 Timberlake Condominiums First Amended Plat

Lindley Kirkpatrick said on March 2, 2004 the Planning and Zoning commission conducted a public hearing on the proposed Timberlake Condominiums First Amended Plat. The project is a re-plat of the existing project to convert the existing "Manager's

Apartment” into a 34th saleable condominium unit. There will be no increase in the total number of dwelling units on the property. No other changes to the site are proposed. The Commission approved the preliminary plat and recommends that the City Council approve the final plat.

Council Member Muller moved to adopt the draft Findings and Conclusions and approve the final plat of the Timberlake Condominiums first amended plat (SUB-04-3). Council Member Greer seconded the motion. In a roll call vote, Mayor Eimers, Council Member Muller, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried.

AB 04-87 SUB-04-5 West Hayes Estates Subdivision Final Plat

Lindley Kirkpatrick said on April 6, 2004 the Planning and Zoning Commission conducted a public hearing on the proposed West Hayes Estates Subdivision. West Hayes Estates is a three lot subdivision along Boydston Lane. Each lot will be approximately 1/3 acre in size and will be served by existing public utilities. The Commission approved the preliminary plat and recommends that the City Council approve the final plat.

Council Member Muller moved to adopt the draft Findings and Conclusions and approve the final plat of the West Hayes Estates Subdivision (SUB-04-5). Council Member Robertson seconded the motion. In a roll call vote, Mayor Eimers, Council Member Muller, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried.

REPORTS

Council Member Bonnie Bertram wanted to know the outcome of the meeting with Kim Allen regarding the stormwater issue for the south corridor. Mr. Kirkpatrick reported that he, Bill Keating, and Shawn Kohtz met with Kim Allen to discuss the drainage improvements needed at the Pancake House and within Basin 13. He explained that a 319 Grant application had been previously approved for substantial drainage improvements within Basin 13, but that the local match could not be provided and the City declined the grant award. He stated that several items were discussed, included doing a smaller portion of the original grant proposal, rerouting some of the stormwater to a portion of the airport, expansion and limitations of the Holiday Inn Express treatment area, and options for the required on-site treatment at the Pancake House. Council Member Bertram asked if a grant could be obtained to address the stormwater. Mayor Eimers stated that he would now support a 319 Grant, and that the local match might come from the nearby property owners.

Council Member Bertram asked if at some point the City could work on the sidewalk ordinance regarding, weeds, sweeping, snow removal, and not dumping trash on City sidewalks.

Council Member Bill Robertson said Bill Keating presented a letter to Bill McMurray regarding decibel readings. Bill McMurray presented it to the Spring Mountain Ranch Board. The Spring Mountain Ranch Board has asked that some of the home owners respond back to Bill McMurray who will in turn give it back to the City. The letter stated 42 decibels is considered okay.

EXECUTIVE SESSION

At 11:03 p.m., Council Member Muller moved to go into executive session per Idaho Code 67-2345(1f) to consider pending litigation. Council Member Robertson seconded the motion. Council Member Muller, Council Member Robertson, Council Member Greer, Council Member Bertram, and Mayor Eimers voted aye. The motion carried.

The discussion concerned pending litigation.

At 11:09 p.m., Mayor Eimers moved to come out of executive session. Council Member Robertson 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, Mayor Eimers moved to adjourn. Council Member Robertson seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 11:10 p.m.

Kirk L. Eimers, Mayor

ATTEST:

Tina A. Clark, Deputy City Clerk