

MINUTES

McCall City Council Special Meeting Wednesday, March 30, 2005

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ADJOURNMENT

CALL TO ORDER AND ROLL CALL

Mayor Eimers called the special meeting of the McCall City Council to order at 5:30 p.m. Council Member Bertram, Council Member Muller, Council Member Robertson, and Mayor Eimers answered roll call. A quorum was present. Council Member Greer arrived at 5:45 p.m.

City staff members present were Lindley Kirkpatrick, City Manager; Roger Millar, Community Development Director/Assistant City Manager; Bill Keating, Public Works Director; and Dan Irwin City Clerk.

EXECUTIVE SESSION

At 5:31 p.m., Mayor Eimers moved to go into executive session per Idaho Code 67-2345(1f) to consider threatened or pending litigation. Council Member Muller seconded the motion. In a roll call vote, Mayor Eimers, Council Member Bertram, Council Member Robertson and Council Member Muller voted aye. The motion carried.

The Council reviewed and discussed the legal opinion issued by the City Attorney in regards to the Whitetail PUD application.

At 5:56 p.m., Mayor Eimers moved to come out of executive session. Council Member Robertson seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Mayor Eimers, Council member Muller, and Council Member Robertson voted aye. The motion carried.

PUBLIC HEARING

AB 05-61 PUD-05-1 Whitetail, a Club for All Seasons

Mayor Eimers explained that the agenda item was the public hearing for the Whitetail PUD application which was continued from the March 24th regular Council Meeting.

Mr. Kirkpatrick stated that nine letters had been received in regard to the application since the preparation of the Council packets. He stated that at the last meeting the City Attorney was requested to issue a legal opinion in regards to the prohibition of gated communities. Mr. Kirkpatrick stated that the City Attorney issued the opinion and explained that the document is considered a privileged document at this time.

Council Member Bertram requested that the Council be given time to review the public comments that have been received in regard to the application.

John Sabala, applicant, stated that arguments can be made on both sides of the issue of allowing gates. He stated that the development team began the process openly by initiating meetings with the neighbors of the project in order to reduce any concerns about the project. Mr. Sabala stated that based upon the public input that has been received, the development team revisited the issue of gates and has proposed a solution that will allow the City Council to approve the application and serve the interests of the community. Mr. Sabala stated that the new proposal is to open the upper part of the development to public access. He stated that he wants to open up the mountain in order to show a commitment to the community. Mr. Sabala stated that the mountain would be open to the public but restrict use by motorcycles or snowmobiles. He stated that the developer is committed to the concept of extending the greenbelt to the new park. He stated that since the extension can't be made for awhile because of the other properties that are involved, a change to the development has been proposed that will connect the greenbelt to the road system in the development.

Council Member Robertson asked for clarification about the new plans for the greenbelt.

Steve Millemann identified the revised plans for the greenbelt on a map.

Council Member Muller asked if a resolution had been obtained with Mr. Crowley regarding the problems with the easement to the property.

Mr. Millemann stated that the property was acquired with the knowledge that the easement was transferable and has a historic use. He stated that the development team is engaging in continuing talks about the scope of use of the easement with Mr. Crowley. He stated that the issue is not legally resolved but he is confident it will be soon.

Mr. Sabala stated that it is his intention to get back to developing a quality project that is mindful of the community. He stated that opening the mountain will provide a significant benefit for the public to enjoy. He said that new proposal is based upon the comments that have made in regards to the development. Mr. Sabala stated that gates are still needed in the development to protect the operations of the golf course but he is willing to open up everything else.

Council Member Robertson inquired as to which gates would remain in the project.

Mr. Sabala stated that gates would exist in the lower portion of the project and one at the upper access point. He explained that the upper gate would remain open during the day but would be closed at night. He stated that the closure of the gates at night would only be restrictive to vehicle travel but will allow pedestrian access.

Mayor Eimers asked Mr. Sabala to identify the gates that would restrict access in the development.

Mr. Sabala identified the placement of the gates on a map. He stated that gates are needed in order to protect the golf course operations. He explained that an upper gate would be placed on Gun Hill road in addition to the lower gates. He stated that the Gun Hill gate wouldn't be visible from the highway.

Mr. Millemann stated that the Fulkerson property was acquired in order to avoid accessing the property through Ski Ranch subdivision. He stated that an access through Ski Ranch would be extremely disruptive to the residents.

Mr. Sabala stated that he wants to open up the mountain side in the interests of the public. He stated that he believes it is what the community wants based upon the testimony that has been received throughout the process.

Council Member Robertson asked Mr. Sabala to identify the accesses from Crowley Lane and Club Hill Blvd.

Mr. Sabala identified the location of Crowley Lane. He stated that a discussion is occurring with six homeowners on Crowley Lane about the easement and improvements to the road. Mr. Sabala identified Club Hill Blvd. where the developer has inherited a 242 foot wide easement to the development. Mr. Sabala stated that the public will be able to access the greenbelt from the location. He reiterated that the gate on Club Hill Blvd. will not be closed during the day.

Mr. Millemann stated that the new proposal guarantees public access to the Whitetail development and greenbelt through Club Hill Blvd. He stated that the access will allow the public to access the greenbelt from another location besides the Little Ski Hill. Mr. Millemann stated that it is hoped that an additional recreation access will be located on Crowley Lane under negotiations with the homeowners in the area.

Mr. Sabala stated that he believes the issue with gates is because the public wants the development to be community minded. He stated that the new proposal allows the mountain and development to be opened for the public's use and enjoyment.

Council Member Bertram asked for clarification of where the gates would be located.

Mr. Sabala stated that the gates would be located on Gun Hill Road, Boydston Street, and Club Hill Blvd. He stated that the gates on Gun Hill and Boydston would be closed to public access in order to protect the operations of the golf course.

Mayor Eimers asked if the access from Crowley Lane would be gated.

Mr. Millemann explained that Whitetail has no plans to restrict access from the road. He explained that Crowley Lane is a private road that is under the control of the homeowners in the area.

Mr. Kirkpatrick stated that the maintenance road is also gated in addition to the other locations.

Mr. Millemann confirmed that the maintenance road is gated. He stated that the maintenance road has never been considered as an entrance point.

Council Member Greer asked if the gate would open automatically if the public happened to be on the property after dark.

Mr. Sabala confirmed that the gate would allow for exiting traffic.

Council Member Greer asked for clarification if pedestrians would be able to access the development at all times.

Mr. Sabala stated that pedestrians would be allowed to enter the development at all times from a pathway that will be installed.

Council Member Muller asked if the new plans would preclude the possibility for the bike path to be connected to Riverfront Park.

Mr. Sabala stated that the plans wouldn't interfere with the eventual plans of connecting the path throughout the City.

Council Member Greer stated that the map shows a pedestrian access to the path between lots 92&93. He asked where the users of the path would park in order to access the path.

Mr. Sabala stated that the location will actually be a resting area for users of the path. He stated that the plans are to install a garden area with a bench.

Mr. Millemann stated that the intention of the developer is to create a loop for the path. He stated that the location isn't intended to be an access point for users.

Council Member Muller asked for clarification if public parking would be allowed near the location.

Mr. Sabala stated that it isn't the intention to allow for public parking at the location. He stated that they do not want to allow on-street parking in the development.

Mr. Kirkpatrick asked for clarification about the roads marked in green on the map.

Mr. Sabala stated that the roads would be private but would provide for limited public access during the day.

Mr. Kirkpatrick asked how public access from the upper portion of the development would be restricted from the golf course.

Mr. Sabala stated that access could be limited by either a gate or bridge. He stated that a final design hadn't been developed.

Mr. Kirkpatrick asked for clarification about the restrictions on motorcycles and ATVs.

Mr. Millemann explained that access would limit the use of ATVs because of liability concerns. He stated that the green belt would be restricted to non-motorized uses only.

Council Member Bertram asked if the greenbelt would be groomed in the winter.

Mr. Millemann stated that it depends on the plans for the Little Ski Hill. He stated that the concept is to provide for a groomed ski trail.

Mayor Eimers opened the public hearing to public testimony at 7:01 P.M.

Hal Wiking, 1408 Club Hill Blvd., stated that the initial plans proposed to proportionally transfer the traffic throughout the four access points in the development. He stated that the new plans would increase the amount of traffic on Club Hill Blvd. by 60%. Mr. Wiking stated that he believes the engineers will be challenged in order to make the design of Club Hill safe. He stated that because of the increased traffic and terrain of the area it is essential for the developer to obtain an access to the development through Adams County. Mr. Wiking stated that it is imperative to manage traffic safely on Club Hill Blvd.

Ron Walker stated that he owns a home that is located on the hairpin turn of Club Hill Blvd. He stated that if gates are allowed to be placed in the development he feels that all future developments will seek to install them to increase the price. He stated that he hasn't been contacted by the developer about putting an access road by the home. He stated that all of the construction traffic will drive by his home because of the lower gates. Mr. Walker stated that if Whitetail is allowed to benefit financially because of the exclusive nature of the development they should make the construction traffic to drive through their property.

Dan Ostermiller stated that he has a fondness for the community of McCall and the Little Ski Hill. He believes the plans for the development will allow the Little Ski Hill to continue to operate. Mr. Ostermiller stated that the trails will allow for the connectivity of neighborhoods throughout the City. He said that the plan will benefit the community and have a positive effect. He challenged the Council to work with private developers in order to link the bike path into the City. Mr. Ostermiller stated that the Little Ski Hill will be able to provide adequate parking for the public to access the trails. He said that it is

important for the Little Ski Hill to install approximately 10 kilometers of trails in order to continue. Mr. Ostermiller said that the proposed amenity will be a winter and summer benefit to McCall. He stated that the development and amenities will draw money into the community.

Phil Feinberg, Planning and Zoning Commissioner, stated that he recused himself from the Whitetail development because he owns a lot in King's Pines. He stated that he would like the developer to enter into an agreement with the Little Ski Hill to ensure its operation will continue, and would like a traffic agreement reached between the City and the developer in regards to the dispersion of construction traffic.

Don Griffiths stated that he has always been concerned about the safety aspects of the curve on Club Hill Blvd. He stated that the Planning and Zoning Commission issued conditions of approval that would require the developer to seek a traffic impact study and gain approval from Valley County and the Idaho Transportation Department in order to ensure the safety issues are addressed at the curve and entrance to Highway 55. He stated that he would like another condition imposed that would fairly distribute the amount of construction traffic using the access points to the development.

Ballard Smith, 1612 E. Lake St., stated that he loves the community and has a vested interest in seeing the approval of the development. He said that the proposal is a wonderful project and establishes a model that should be duplicated by other developers. Mr. Smith stated that the Council should consider the personal agendas of the public who have provided testimony at the public hearings. He stated that his own personal agenda is the fact that he is friends with the developer, a member of the golf course, and plans on purchasing a lot in the development. He stated that the presence of gates will not stop the residents from supporting the community. Mr. Smith stated that 80-90% of the residents won't be permanent residents and believes the development should be gated. He stated that the part-time residents will still support the community if the development is gated. He stated that the Ice Rink was primarily supported with contributions from part-time residents and it is a ridiculous statement to infer that people in gated communities aren't good citizens. Mr. Smith stated that gates currently exist along the lake and he doesn't understand the difference for this development. He asked if a law existed that prohibited the placement of gates. He stated that he doesn't understand why the issue is being debated if there isn't. He said that Whitetail is already a gated community because of the gates to the entrance of the golf course. Mr. Smith said that the developer's proposal will benefit the City by increasing the tax rolls of the City by \$200 Million, assisting in creating the water system, creating a trail system, and not placing a heavy demand upon municipal services. Mr. Smith encouraged the Council to examine the personal agendas of those testifying and make a decision based upon the merits of the development.

Guy Rivers, 1510 Club Hill Blvd., stated that he is concerned about the safety on Club Hill Blvd. for the public to access the trails. He stated that the details about parking will need to be addressed in order to ensure public access to the trails is done safely. He said that Mr. Millemann stated that an access through Ski Ranch Subdivision wasn't

pursued because it would be extremely disruptive to the neighbors. He stated that the new plans will be equally as disruptive to the residents on Club Hill Blvd. Mr. Rivers stated that he would like the Council to remember the Mayor's statement that the installation of gates would be a community changing event. He believes that future large developments will propose the installation of gates if Whitetail is allowed to establish the precedent.

Barry Dow stated that he would like the Council to require a legal agreement be developed that would ensure the permanence of the public access to the development through the upper gate.

Irwin Mulnick, 42 Garden Lane, stated that he feels gated communities do not fit with the character of the McCall. He stated that concept of allowing for the installation of gates is bringing an idea to the area from somewhere else. Mr. Mulnick stated that the City of Ketchum recently passed an ordinance that bans gated communities and believes McCall should do the same. He stated that he supports the development besides the proposal for gates. Mr. Mulnick stated that the Council should also consider that Whitetail has a personal agenda to keep traffic from driving through the golf course by funneling it through an existing development.

Dean Martens, 321 Cee Cee Way, commended the Planning and Zoning Commission, City Staff, and development team for allowing the application to go through the public process. Mr. Martens stated that the one million gallon water tank which is located in Phase 2 is the key to completing the westside master plan. He stated that he would like the Council to escalate the project for completion. Mr. Martens stated that the City will not have to build or maintain roads in the development but will collect the same amount of property tax.

Council Member Bertram asked how the Whitetail golf course was supplied with water.

Mr. Millemann explained that the golf course is watered from existing water rights from the lake.

Robert Sweetgall, 1422 Club Hill Bld., stated that he thought the contentious issue that was being discussed was the approval of the gates. He stated that despite the proposed changes to the project it still has the same four gates proposed. Mr. Sweetgall stated that the character of McCall is at stake if the gates to the development are approved. Mr. Sweetgall stated that the changes to the development still propose the same four access controls which satisfies Whitetail's original plan for control and monitoring of traffic. He stated that the developer should limit the amount of homes in the development if they are concerned about the traffic in the golf course. Mr. Sweetgall stated that the new plans will now divert even more traffic to Club Hill Blvd. and the safety of the hairpin curve hasn't been addressed. He stated that people have the right to voice their opinions on gates but the safety concerns on Club Hill Blvd. and Gun Hill Road must be addressed.

Mr. Sweetgall stated that the comprehensive plan specifies that McCall must be a friendly small town. He said that idea of installing gates doesn't comply with that provision. He would like the Council to make a determination that benefits the public's interest and not a private interest.

Judy Anderson stated that she believes the issue of gates is about fear rather than control. She stated that gated communities are a symptom of fear and are the heights of arrogance. Ms. Anderson stated that the affluent residents who will be living in the development should be the individuals who contribute the most to the community since they have profited from the most from the general population. She stated that gated communities are the antithesis of a democratic community.

Brigid Wiking, 129 Sue Dr., stated that she would like to see the construction traffic diverted through the maintenance road if possible.

Charles Griffin asked if the City Attorney had issued a opinion on whether gates could be allowed or banned under the McCall City Code and comprehensive plan.

Mr. Kirkpatrick stated that the City Attorney had issued an opinion but that the document is protected by attorney client privilege.

Hal Wiking stated that the traffic study should be completed before the project continues. He stated that the preliminary traffic study that was conducted should be reevaluated based upon the proposed changes to the project.

Darcy Sweetgall, 1422 Club Hill Bld., stated that she has been a resident of Valley County for 50 years. She stated that she opposes gates and is against gated communities. She sees the Whitetail development as a gated resort rather than a gated community. Mrs. Sweetgall stated that the development will consist of 80-90% part time residents. She stated that they will contribute financially to the community but that the community is about more than money. She stated that the community is about volunteerism and doing things for the good of the community. Ms. Sweetgall stated that if too many part-time residents inhabit McCall, the City will become a place to visit rather than home.

Irwin Mulnick stated that impact fees should be established. He stated that sidewalks and other amenities need to be installed and he would like developers to pay the brunt of the cost.

Dan Ostermiller, 320 Virginia Ave. New Meadows, stated that he is opposed to the concepts of the gates but feel the overall project will result in a positive outcome.

Ballard Smith stated that a safety consideration also exists in the roads that will be constructed through the golf course. He stated that the roads should be considered as well as the potential safety issue in King's Pines.

Robert Sweetgall, 1422 Club Hill Blvd., stated that traffic will exist in the golf course regardless of the installation of the gates. He stated that the design of the golf course could be revised to provide for a higher level of safety.

Diana Sabala stated that the residents of King's Pines have only brought up their safety concern about the road since the development application has been presented. She disagrees with the statement that gates and part-time residents aren't community minded. She stated that the developer has been very generous to assist in making the community the best it can be. She stated that the Manchester family has been blessed financially but they have worked hard for their fortune and have contributed significantly to the community. Ms. Sabala stated that Mr. Manchester had proposed to establish a convention center in McCall but the demands of the community made him leave. She stated that the facility would have made McCall better than Coeur D' Alene. Ms. Sabala stated that the development proposal will increase the City's tax base which will benefit the local schools and children. She stated that tourism is a great piece of commerce and shouldn't be avoided by the local residents as it is needed to thrive as a community. Ms. Sabala stated that gates don't represent elitism.

Bob Neeves stated that the construction access needs to be thought out and carefully planned. He stated that he developed property in Delaware but knew there would be a final end to the project. He stated that based upon the size of the development, the residents will have to endure an enormous amount of construction traffic for a long time.

Guy Rivers, 1510 Club Hill Blvd., stated that the reason there is an issue with Club Hill Blvd. is because 10 full time residents live there. He stated that they are concerned that the development will create a safety concern because of more people and the proposed left hand turn that will exist on the blind corner.

John Sabala stated that he is committed to being a part of the community. He stated that the project represents what is real. He stated that affordable housing will be provided the Whitetail employees, a greenbelt will be developed that will be able to connect back into the path system, a mountainside will open for the public to access, a water tank will be constructed for the benefit of the community, and there will be an increase in the amount of property taxes collected by the City. He stated that he is committed to spreading the amount of construction traffic throughout the phasing of the project. He stated that all of the gates will be open to the construction traffic. Mr. Sabala stated that he ensures the residents of Club Hill Blvd. that all of the construction traffic will not be diverted through their neighborhood.

Mr. Millemann stated that precedence is limited to the facts that have been presented to the Council under the application. He stated that all construction access won't be diverted through Club Hill Blvd., and that the extension to the development from the road won't even exist during Phase 1 of the project. Mr. Millemann stated that the County Engineer has indicated that the extension of Club Hill Blvd. to the development is feasible. He stated that the Planning and Zoning Commission heard testimony and has issued conditions of approval that require the County and ITD to approve the

design. He stated that the developer has embraced the conditions of approval to make sure the project is done safely. Mr. Millemann stated that Mr. Sweetgall wants Club Hill Blvd. to be closed. He stated that the road can be developed safely. Mr. Millemann stated that Mr. Martens requested that the City escalate the water tower project. He stated that the Planning and Zoning Commission have issued a condition of approval that requires the tank to be built within three years. Mr. Millemann stated that the developer is willing to make the permanence of the open public gate a condition of approval. He stated that the logical place for parking for the bike path and trail system would be at the Little Ski Hill rather than Club Hill Blvd. Mr. Millemann stated that the new public access plan will allow those who don't bike or walk to enjoy the amenities of the development as well. He stated that there is a difference in the level of disruptiveness that would occur between Ski Ranch Subdivision and Club Hill Blvd. He stated that Club Hill Blvd. is a platted County road that has been built to County standards. He stated that the issue of gates presents extreme views on both sides. He stated that based upon the input of the public, the developer has agreed to make a compromise that will allow the community to enjoy Phase 2 of the development. He stated that is the hope of the applicant for the Council to accept the draft findings and conclusions that were adopted by the Planning and Zoning Commission with the exception of conditions L & M.

Council Member Bertram asked if the maintenance road could be used as a construction access to the development.

Mr. Millemann stated that the maintenance road was never intended to be an access point to the development. He stated that the road could be used but it wouldn't offer any additional functionality to the development plans.

Council Member Bertram asked if any there was any road that could be developed that would allow for construction traffic without disturbing a residential neighborhood.

Mr. Sabala stated that he had acquired a parcel of land located north of Boydstun that will be used to bring in construction traffic.

Jim Fronk, Secesh Engineers, stated that construction traffic will access the development from Boydstun during Phase 1 of the development.

Mr. Millemann stated that the County Engineer has specified that the phasing of the project and amount of construction traffic will be considered in part of the approval process. He stated that Club Hill Blvd. will only have a limited amount of construction traffic during the development of the property. He added that the residents on Gun Hill Road haven't voiced any opposition to the plan.

A break was taken from 8:39 p.m. to 8:49 p.m.

Tammy Zokan, City Attorney, stated that the Council has the authority to enforce the City Ordinances, comprehensive plan, and act in the best interest of the City. She

stated that the public hearing is a meeting for the gathering of information. Ms. Zokan requested that staff be given the opportunity to look at the issues in more detail and to prepare proposed findings and conclusion

Mr. Kirkpatrick stated that he would like the Council to provide guidance as to what they would like to be included in the draft findings and conclusions of the application.

Council Member Robertson stated that he was delighted with the developer's new approach to open the gate and construct the path loop. He stated that he is concerned about the steepness of the terrain in Phase 2. He stated that he is interested in the question of allowing public roads as opposed to private roads. Council Member Robertson stated that the traffic flows into the development will be different based upon the new changes proposed by the developer. He stated that it isn't in anybody's interest to allow a high volume of traffic through a single neighborhood. He stated that he would like staff to provide direction about how construction traffic to the development will be handled. He stated that he would also like input from Bill Keating about the feasibility of providing snow removal services if the roads were public. Council Member Robertson stated that Spring Mountain Ranch was approved 10 years ago and still isn't completely built out. He stated that infrastructure will be constructed immediately but the development and construction of Whitetail will take place over time. Council Member Robertson stated that the comprehensive plan and City Code discourages private roads from being developed. He requested that staff prepare materials discussing the potential options available for declaring the roads public or private.

Council Member Bertram stated that the Planning and Zoning Commission had a concern about the roads in the development being designated as private. She stated that she would like staff to explore the benefits of designating the roads as public or private. She stated that it would be ideal for the City to maintain roads since property taxes are collected from the property. Council Member Bertram stated that the comprehensive plan promotes the establishment of affordable housing in the community. She stated that gates present the perception of unaffordability and is opposed to their establishment around the residential area. Council Member Bertram added that she is concerned about the lack of visibility on the approach to Highway 55 from Gun Hill Road.

Council Member Robertson stated that he has no qualms in allowing for a gated golf course. He stated that he opposes their establishment in the residential portions of the development.

Council Member Bertram stated that she is agreeable to the idea of gating the accesses to the golf course but is opposed to their placement in the other areas. She stated that the placement of a gate on Gun Hill Road is acceptable for the protection of the golf course but doesn't want to see any additional gates installed in the development.

Council Member Muller doesn't think that socioeconomic classes establish criteria for the composition of a community. He stated that he has safety concerns about the

approach to Highway 55 from Club Hill Blvd. He thinks that ITD will need to install turning lanes at the approach to the roadway. Council Member Muller stated that the engineers will need to study traffic patterns and carefully analyze the hairpin curve in order to guarantee safety. Council Member Muller stated that the greenbelt will be a great amenity but sees possible problems with parking. He requested that the developer consider constructing a parking area that could be utilized by persons accessing the greenbelt. Council Member Muller stated that the project has many positive points and is confident that a final plan can be developed that would be acceptable to everyone. He stated that a decision should be made that benefits everyone. He thanked the public for voicing their input on the proposed plan.

Council Member Robertson asked if the placement of driveways in the development were going to be an element of the County review process.

Mr. Kirkpatrick stated that the condition of approval issued by the Planning and Zoning Commission requires that all elements impacting traffic be studied.

Council Member Greer stated that he has received a number of comments in regards to the application and expressed his appreciation of the open public process. He stated that he doesn't believe that that gates change a community but that a community changes by itself. He stated that it is important to reach a compromise to satisfy the interests of all parties. Council Member Greer stated that he would like to see the same energy expressed about other important issues that was expressed by the public in regards to the gates. He stated that he believes private property owners should have the right to control their own property but also realizes the importance of having public places to walk and hike.

Mayor Eimers stated that he is more receptive to allowing a gated golf course than a gated residential area. He stated that he would like the applicant to remove the gate on Club Hill Blvd. entirely rather than having it open in the day. He stated that many people have addressed their concerns about the safety of the roads accessing the development. He stated that the Council's final decision must ensure that the safety of the public is addressed. Mayor Eimers thanked the public for their input in the process.

Mr. Kirkpatrick stated that the Council has provided sufficient direction that will enable him to prepare draft findings and conclusions for the Council's adoption. He suggested that a Special Meeting be scheduled for April 11 in order to have all members of the Council present.

Mr. Sabala stated that he appreciated the Council's willingness to discuss the considerations of the development.

Mayor Eimers stated that the most difficult decision facing the Council is in regards to designating the roads as public or private.

Council Member Robertson asked if Mr. Kirkpatrick would be able to talk to the applicant in order to discuss the options for the new proposal.

Mr. Kirkpatrick stated that he expects to engage in dialogue with the applicant when preparing the draft findings and conclusions.

Council Member Robertson asked if the applicant's position on private roads has changed with the new proposal.

Mr. Sabala stated that if a gate isn't allowed he would like the road to be designated as public and maintained by the City. He stated that if the gate is allowed he would like the roads to be private.

Mr. Millemann suggested that the roads in Phase 1 be designated private and the roads in Phase 2 be designated as public.

Council Member Robertson moved to continue the public hearing until April 11, 2005. Council Member Greer seconded the motion. All Council Members voted aye. The motion carried.

BUSINESS AGENDA

AB 05-67 Timbercrest Downtown Final Plat

Mr. Kirkpatrick introduced the agenda bill for the Timbercrest Downtown Condominiums Final Plat. He explained that on March 10 the Council approved a Performance Agreement with Chad Olsen, the developer of this project, to make improvements to the McCall sewer system by repairing 1,395 feet of sewer line along Lake Street in exchange for sewer service from the City. He stated that the Planning and Zoning Commission had approved the final plat with several conditions of approval. Mr. Kirkpatrick stated that all but three of the conditions have been met.

Council Member Robertson commended the Planning and Zoning Commission for issuing the condition of approval that requires the condominiums to remain as residential in use and be recorded at the County as such.

Council Member Robertson moved to adopt the draft Findings & Conclusions and approve the Final Plat for SUB-04-18, Timbercrest Downtown Condominiums. Council Member Greer 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.

EXECUTIVE SESSION

At 9:42 p.m., Council Member Robertson moved to go into executive session per Idaho Code 67-2345(1b) to discuss a personnel matter. Mayor Eimers seconded the motion. In a roll call vote, Mayor Eimers, Council Member Bertram, Council Member Greer, Council Member Robertson and Council Member Muller voted aye. The motion carried.

The discussion pertained to a personnel matter relating to the City Manager.

At 10:21 p.m., Mayor Eimers moved to come out of executive session. Council Member Robertson seconded the motion. In a roll call vote, 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 Greer moved to adjourn. Council Member Robertson seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 10:22 p.m.

William A. Robertson, City Council President

ATTEST:

Dan Irwin, City Clerk