

MINUTES

McCall City Council Regular Meeting March 23, 2006

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CALL TO ORDER AND ROLL CALL

Mayor Robertson called the regular meeting of the McCall City Council to order at 6 p.m. Council Member Bailey, Council Member Bertram, Mayor Robertson, and Council Member Scott answered roll call. A quorum was present. Council Member Kraemer was absent.

Bill Nichols, City Attorney, was present.

City staff members present were Lindley Kirkpatrick, City Manager; Rick Harvey, Airport Manager; Brock Heasley, Parks & Recreation Director; Jerry Summers, Chief of Police; Roger Millar, Community Development Director; and Joanne York, City Clerk.

Mayor Robertson led the audience in the Pledge of Allegiance.

PUBLIC COMMENT

ROBERTSON called for public comment at 6:05 p.m. He asked the public to withhold comments concerning watercraft until the Business section.

Jim Hinson announced that the special speaker at the Chamber of Commerce May luncheon will be a general who will share his experiences while stationed in Iraq.

BERTRAM expressed the Council's appreciation to the Chamber for all of the work they had done this past year.

Hearing no further comments, ROBERTSON closed the public comment at 6:11 p.m.

CONSENT AGENDA

There was a brief discussion concerning the Consent Agenda.

BERTRAM moved to approve the Consent Agenda and authorize the Mayor to sign all necessary documents. **BAILEY** seconded the motion, and the motion carried.

BUSINESS AGENDA

AB 06-64 Federal Aviation Administration Grant for the Airport Master Plan

Rick Harvey, Airport Manager, introduced this agenda bill, stating that the Federal Aviation Administration will pay 95%, and the City and the State will each pay 2 ½%.

There was a brief discussion concerning airport issues, including relocation and the feasibility of having a regional airport.

BAILEY moved to approve the Federal Aviation Administration AIP Grant for the Airport Master Plan and Independent Cost Review, and authorize the Mayor to sign all necessary documents. **BERTRAM** seconded the motion, and the motion carried.

AB 06-65 Federal Aviation Administration Grant for Loader, Asphalt Repairs, and Fencing

Rick Harvey, Airport Manager, introduced the agenda bill, explaining the breakdown of costs.

SCOTT moved to approve the Federal Aviation Administration AIP Grant, and authorize the Mayor to sign all necessary documents. **BERTRAM** seconded the motion, and the motion carried.

AB 06-67 VAC-06-1 Vacation of Spring Mountain Boulevard

Roger Millar, Community Development Director, stated that the purpose of this agenda bill was to clean up differences between the old Right-of-Way and the new Right-Of-Way. **ROBERTSON** asked when the road would be finished; Mr. Millar stated the road should be completed by next summer.

BAILEY moved to adopt the draft Findings and Conclusions for VAC-06-1 and authorize the Mayor to sign all necessary documents. SCOTT seconded the motion, and the motion carried.

AB 06-69 Special Use Permit and Concession Agreement between Payette Lake Scenic Cruises and the City of McCall.

Brock Heasley, Parks & Recreation Director, gave a short presentation on the history and current status of watercraft use at Legacy Park

The Council discussed ways to protect the public beaches from being overrun by private businesses. They emphasized that the business operation was secondary to public use of the beach, that the public had the first right to the space, and that the private dealers could not interfere with the public use.

ROBERTSON called for Public Comment on the special use agreements.

Bill Weida stated that approval of these use permits would establish a licensed monopoly causing prices to go up for the consumer due to the lack of competition.

Shane Hinson discussed the noise level statistics for new watercraft, stating that the noise levels have come down with the newer four stroke models.

Jim Hinson spoke on behalf of the Chamber of Commerce, stating that the Chamber received many requests for pamphlets for the watercraft rental industry, and urged the Council to approve the permits.

Doug Masteller stated the permits were an inappropriate use of public property.

Marilyn Arp stated her appreciation to the Council for trying to solve a problem, but agreed that the permits were an inappropriate use of public property. She said that the rates were too low and should be based on what Mile High Marina was paying.

Jean Odmark stated she was against using the public beach for private businesses.

ROBERTSON clarified that the permits would not create a new use on the lake.

Ed Elliott stated the commercial use of the lake was not appropriate and he was against it.

Rick Fereday stated he was concerned about the lack of public involvement in the decision-making process.

ROBERTSON again reminded the audience that these permits would not address a new use.

Mr. Fereday replied that past use did not guarantee future use. He suggested the possibility of watercraft businesses renting space from Mile High Marina.

BERTRAM suggested this issue should be included in the Urban Renewal improvements discussions later this year.

Diane Evans-Mack stated there had been a lack of public information. She also stated that regulations should include bounds on activities, including time, and that the fees should be much more.

Eddie Gray said the beach was still a public beach and there needed to be communication between the public and the businesses.

Jim Hinson, Jr., said he was in favor of allowing a small area of the beach for the business owners.

Don Parkin said this was an issue that should be discussed but it would be wrong to tell the business owners three months before the season that they would not be allowed to conduct business.

Bruce Miller stated there are more people coming to the beach now and the beach should be left to the public.

Ray Dupree stated that McCall was a tourist town and tourism was its life blood. He reminded the Council that concessions on the lake have been going on for twelve years.

Andrew Cochrane stated he was against the special use permits.

Susan Bechtal stated that historical use did not constitute continued use

Bill Weida said this was creating an antithesis to free enterprise.

Curt Mack said that there had not been sufficient public involvement, and that the regulations did not address the hours of operation.

ROBERTSON explained that the City could not regulate use of the lake, but only the shoreline and what crossed that line. He said that the majority of the two stroke water craft were privately owned and out of the City's control.

Bruce Miller said the City was responsible for the area from the high water mark up and asked for clarification concerning that area. Mr. Kirkpatrick responded that the concessionaire agreements were for the use of the park which was above the high water mark.

BAILEY asked if the City limits extended past the lake. Mr. Kirkpatrick replied that the City has control over the no-wake zone, some zoning and land use issues etc. Mr.

Kirkpatrick explained that there was overlapping jurisdiction between the different entities that control the lake, without clear authority over use in general.

Chuck Whitescarver explained that the area of beach they used was not an area conducive for public enjoyment.

There was a lengthy discussion concerning long-range planning and options for handling increased use of the beach.

Burt Kilesza said it was inappropriate to use public beach for private enterprises.

Doug Masteller stated that the areas for public use should be contiguous.

Ed Elliott said that by signing these agreements, the City would be condoning a particular type of activity and should consider the liability issue.

Les Bechtal asked whether other types of businesses would be approved for special use. ROBERTSON replied would be addressed during this process. Mr. Kirkpatrick stated that other businesses would be denied applications for this season.

BAILEY asked if the liability issue would be greater because of having the use agreements. Bill Nichols, City Attorney, replied that the agreements improved the City's protection and that the City's exposure was actually very limited.

Jim Hinson said the different sides need to come together and make a presentation to the Council for next season. He urged the Council to approve these permits.

Jean Odmark again stated her opposition to the permits.

Esther Mulnick said the citizens had passed the bond measure in order to have a public beach.

Darrell Cobb said the beach was used for personal watercraft, not just private business.

Shorty Clark recommended that the Council approve the agreements for this year and then host a major public discussion of the use of watercraft.

There was discussion of how to enforce non-interference of the businesses with public use. Mr. Kirkpatrick stated this would be one of the responsibilities of the Boating Ambassador.

BERTRAM provided a clerical correction to the agreements.

Rick Fereday again stated this was an inappropriate use of the public beach.

ROBERTSON closed the Public Hearing at 9:50 p.m.

There was a lengthy discussion concerning what hours of operation would be appropriate and how many watercraft should be in use.

City Manager Lindley Kirkpatrick summarized the public comments into four specific issues:

1. The use was not appropriate.
2. The hours of operation were too long.
3. The fee was too low.
4. Too much of the beach was dedicated for this use.

The Council agreed that long-term planning was necessary and should be facilitated through Urban Renewal.

BAILEY moved to authorize the City Clerk to issue a Special Use Permit to Payette Lake Scenic Cruises for the use of the southerly face of the southernmost dock at the Municipal boat launching ramp near the west end of Fir Street and approve the concession agreement with Payette Lake Scenic Cruises, with one clerical correction, contingent upon submission of a hold harmless agreement and insurance in favor of the City and authorize the Mayor to sign all necessary documents. **BERTRAM** seconded the motion. In a roll call vote, **BAILEY**, **BERTRAM**, **ROBERTSON**, and **SCOTT** voted aye, and the motion carried.

The Council decided that since AB 06-69, AB 06-70, and AB 06-71 were so similar, no further discussion was necessary.

AB 06-70 Special Use Permit and Concession Agreement between McCall Power Sport Rentals and the City of McCall.

BAILEY moved to authorize the City Clerk to issue a Special Use Permit to McCall Power Sport Rentals for the use of the southerly face of the southernmost dock at the Municipal boat launching ramp near the west end of Fir Street and a portion of the City Beach and approve the concession agreement with McCall Power Sport Rentals, with the amendment of revising hours of operation, number of watercraft and one clerical correction, contingent upon submission of a hold harmless agreement and insurance in favor of the City and authorize the Mayor to sign all necessary documents. **BERTRAM** seconded the motion. In a roll call vote, **BAILEY**, **BERTRAM**, **ROBERTSON**, and **SCOTT** voted aye, and the motion carried.

AB 06-71 Special Use Permit and Concession Agreement between Cheap Thrills and the City of McCall.

BAILEY moved to authorize the City Clerk to issue a Special Use Permit to Cheap Thrills for the use of the southerly face of the southernmost dock at the Municipal boat launching ramp near the west end of Fir Street and a portion of the City Beach and approve the concession agreement with Cheap Thrills, with the

amendment of revising hours of operation, number of watercraft and one clerical correction, contingent upon submission of a hold harmless agreement and insurance in favor of the City and authorize the Mayor to sign all necessary documents. BERTRAM seconded the motion. In a roll call vote, BAILEY, BERTRAM, ROBERTSON, and SCOTT voted aye, and the motion carried.

AB 06-74 Second Amendment to Water Line Performance Agreement for Timber Crest Countryside (SUB 04-15)

Roger Millar, Community Development Director, introduced this agenda bill, explaining that weather conditions had delayed construction and the applicant wished to amend the agreement to change the date to May 1, 2006. Mr. Millar stated that the City Attorney had reviewed and approved the amendment.

There was a short discussion concerning the agreement.

ROBERTSON moved to approve the Second Amendment to the Performance Agreement and authorize the Mayor to sign all necessary documents. BAILEY seconded the motion. In a roll call vote, ROBERTSON, BAILEY, BERTRAM and SCOTT voted aye, and the motion carried.

AB 06-73 Mountain Meadows Regional Lift Station - Second Amendment to Lease/Option Agreement

Mr. Millar, Community Development Director, introduced the agenda bill. There was a brief discussion.

BAILEY moved to approve the Second Amendment to the Lease/Option Agreement and authorize the Mayor to sign all necessary documents. BERTRAM seconded the motion. In a roll call vote, BAILEY, BERTRAM, ROBERTSON, and SCOTT voted aye, and the motion carried.

REPORTS

Lindley Kirkpatrick, City Manager, emphasized a few highlights of his report, which had been distributed to Council, including the \$50,000 donation from the estate of Nell Tobias received by the Library.

ADJOURNMENT

Without further business, BAILEY moved to adjourn. ROBERTSON seconded the motion, and the motion carried. The Council adjourned at 10:54 p.m.

William A. Robertson, Mayor

ATTEST:

Joanne E. York, City Clerk