

# MINUTES

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## McCall City Council Regular Meeting August 24, 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 6:08 p.m. Council Member Bailey, Council Member Bertram, Council Member Kraemer, Mayor Robertson, and Council Member Scott answered roll call. A quorum was present.

Bill Nichols, City Attorney, was present.

City staff members present were Lindley Kirkpatrick, City Manager; Carol Coyle, Grant Coordinator; Brock Heasley, Parks & Recreation Director; Roger Millar, Community Development Director; Allan Morrison, Golf Pro; Eric McCormick, Golf Course Superintendent; Linda Stokes, Acting Finance Director; Monika Trapp, Parks Director; Jerry Summers, Chief of Police; and Joanne York, City Clerk.

Mayor Robertson led the audience in the Pledge of Allegiance.

### PUBLIC HEARING

#### **AB 06-165 Conditional Use Permit for Fish Pen Docks located at Brown Park**

Mayor Robertson noted that this was a continuation of the Public Hearing from August 10, 2006. He asked for the staff report.

Council Member Bailey recused himself.

Council Member Kraemer was not eligible to vote because he had not been able to attend the Public Hearing on August 10.

Mr. Millar, Deputy City Manager, reported that staff had received two estimates from dock builders for reconstruction of the fish pen docks at the former location, one for \$67,327 and the second for \$68,385. He said he had spoken with the City engineer about the cost of managing the process of applying for the encroachment permit from the Department of Lands and applying for the Design Review required at the City. He said he had hoped to minimize those costs but for budgeting purposes he was given a cost of \$8,000. That information was relayed via email to the attorney for the Mill Park Homeowners Association. He said that Mr. Heasley was available for questions. Mayor Robertson pointed out that this cost did not incorporate any cost to make the docks stronger than in the past. Mr. Millar said that estimating costs for making the docks stronger would involve engineering costs. Council Member Bertram asked if the cost involved moving the docks; Mr. Heasley said it did. Mayor Robertson pointed out that the removal of the dock would take away any public access to dock at Brown Park. Mayor Robertson summarized that \$76,000 was the round number for relocating the docks, not including any cost for strengthening the docks.

Mayor Robertson asked if anyone wished to speak.

Gery Edson, President of the Mill Park Homeowner Association, said the Homeowner Association was willing to pay the cost for relocating the docks but they were concerned that the City would be responsible for costs of moving the old dilapidated docks. Mr. Edson said that the Marina was interested in incorporating the fish pen dock into their future plans which would provide several benefits such as access from a public street; incorporation into a public boardwalk, and having a lit walkway. He said the Marina would also cover maintenance and insurance coverage. He said that the homeowners organization would stand by their commitment to cover the relocation cost and getting the docks ready for use.

Council Member Bertram stated that it was inappropriate for the Council to discuss the plans for Mile High Marina's project along with the public hearing for the fish pen docks because the Marina had not presented their project before Council. Mr. Edson asked that the Council consider the proposal from the homeowners association on its own merits.

Mayor Robertson proposed that if Mile High Marina was not able to get their project done this spring that the City put the fish pens in Brown Park for next summer and then consider moving them to Mile High Marina at a later date.

Council Member Bertram stated that the fish pen docks was a use for Brown Park which was a public park, that it was an acceptable use for a park, and that it was unacceptable that this discussion would have to be repeated any time the City wanted

to put a public amenity into one of the public parks. She stated she did not believe the City should be negotiating with any neighborhoods as to what should be allowed to go into the public parks.

Mr. Edson replied that his group did not believe that the fish pen docks were an acceptable amenity in Brown Park.

Mayor Robertson asked if they wanted to get rid of the old dock and if the fish pens would be immediately adjacent to the current planned docks at Mile High Marina. Mr. Edson said the docks would be incorporated into Mile High's plan.

Mayor Robertson asked if there was any other input related to what was presented to staff tonight.

Debra Nelson, attorney representing the homeowners association, asked if there could be an alternative that would avoid economic stress to the City and would put the fish pen dock where it would meet the requirements of the conditional use permit and where it would be harmonious with the surrounding uses.

Debra Huber stated she believed the fish pen dock was an inappropriate use of Brown Park and was not a fair burden to place on the homeowners.

**Mayor Robertson closed the public hearing at 6:36 p.m.**

Mayor Robertson stated his main concern was to get the fish in the lake next summer. He said there was no certainty that the project at Mile High would get approved. He said he would be in favor of approving the conditional use permit as proposed, but if there was progress in the next few months, then he would be interested in entertaining that proposal to move the site. He said, however, that this did not affect the decision before Council tonight.

Council Member Scott asked if it would be reasonable to assume that the City could get through the State approval and the design review next spring in time to get the project in place by summer. Mayor Robertson stated it was not a reasonable assumption and there was no certainty that it would happen. He stated that the only certainty at this time was the Council's ability to pass the issue tonight.

Mayor Robertson repeated that the cost may be more than the \$76,000 due to additional unknown costs associated with strengthening the docks after they were moved. He emphasized that going through the process of getting approval for a new location would also involve another group of neighbors who might be interested in opposing the project. He said the decision tonight was only as it related to Brown Park and that Council could express intent for the future, but another council may be in place by the time it was considered. Council Member Bertram asked if it could be a condition of the approval. Mr. Millar said they could put additional conditions on the approval or as the Mayor suggested, approve the application as it was and stay open to future

changes. He said they could link the decisions or make the decision tonight and link it to future conditions. Mayor Robertson said they would not know what conditions to link a decision to because it was unknown at this time what Mile High Marina intended to do.

Council Member Scott said that if the City could get the fish pen dock into the alternative location, she would prefer to do that instead of approving the conditional use permit tonight.

Council Member Bertram stated that if the Marina's location was not done by the time the fish pens should be installed by next summer, then the fish pens should go into Brown Park. Council Member Bertram cautioned the Council that the City might be responsible for funding a higher cost.

Mayor Robertson reiterated that if the dock at Brown Park was moved, the public dock access at Brown Park would be gone.

Council Member Bertram said that all the parks needed more public docks and she did not want to see the City set precedence and regret it later on. She suggested putting a smaller dock without the fish nets in place of the current dock to continue to allow public access. She said that moving the dock would take a needed amenity out of the public park.

As far as the purpose for tonight, Mayor Robertson said there had been valuable input and that this Council would be amenable to discussing an alternative site if it became available. He said that Council would also be interested in adding a smaller dock for public access, but that this could be added in the future. He stated the Council should approve the conditional use permit as presented tonight.

Mr. Millar distributed revised Findings and Conclusions which contained minor changes.

Council Member Scott asked Mr. Nichols about wording for the approval, and Mr. Nichols provided some wording that could be used.

Mayor Robertson said the Council could approve the permit subject to addendums still to be worked out, provide an expiration of the conditional use permit and provide a location. He said the permit for an alternative site needed to get past the public hearing process.

Mr. Nichols said they could approve the findings and direct staff to bring back amended findings that would contain those particular criteria.

Council Member Bertram asked for some clarification. Mr. Nichols explained that the dock and the fish pens conditional use could be approved with an expiration date, which necessarily did not have to be a certain date. He said it could be when another site for the fish pens was found and that the City would be indemnified from the costs.

Council Member Bertram stated that any approval should not involve any future plans for Mile High Marina.

Mr. Nichols said that if and when Mile High Marina asked for approval, that the fish pen docks could be included and would require a design review approval.

Council Member Scott said this solution would work for everyone in the room. Council Member Bertram said she was willing to agree to this because the public was so passionate about it. She said, however, that the fish pens had to be in the water by next summer.

**Mayor Robertson directed staff to come back to Council with additions to the findings with regard to the potential future relocation of the docks and fish pens, with a definitive time line.**

**Mayor Robertson moved to adopt the amended draft Findings and Conclusions, as discussed, and authorize the Mayor to sign. Council Member Bertram seconded the motion. In a roll call vote, Mayor Robertson, Council Member Bertram and Council Member Scott voted aye, and the motion carried. Council Member Kraemer abstained.**

Council Member Bailey rejoined the Council.

**AB 06-164 Parks and Recreation Master Plan**

Brock Heasley, Parks & Recreation Director, introduced Mandi Roberts from Otak, who gave a presentation on the Parks and Recreation Master Plan.

There was some discussion concerning the master plan, including funding of the proposed improvement and editing of the plan. Council Member Bertram asked that an inventory of subdivision common areas be done.

Mayor Robertson said there was a lot of content in the master plan but that an action plan of recommendations was needed as a follow up.

Council Member Scott asked if McCall was too small to have an indoor year-round complex. Ms. Roberts said that the challenge in having a facility such as that was not necessarily the funding, but the long-term maintenance and operation of the facility.

Council Member Bertram said the Plan was comprehensive and that she was interested in the impact study. She said she really liked the concept of a "Friends of the Parks" organization and that it would be an opportunity for local people to make contributions such as memorials. She also said she would like to see an updated master plan at the next budget process.

Mr. Millar stated that the City was now charging developers a fee for developing parks; the developer had to go to the Parks and Recreation Advisory Committee to see if a park at that location was appropriate and could be incorporated into that project; if not, the developer would be charged an "in lieu" fee. He informed Council that there were two projects that would be going before the Parks and Recreation Advisory Committee in the immediate future.

Council Member Bailey mentioned a couple of locations that might be looked at for potential park locations, one of which was the old gasoline station site across the street from Rotary Park.

Mayor Robertson thanked Ms. Roberts and Mr. Heasley for their presentation.

**Mayor Robertson opened the Public Hearing at 7:58 p.m.**

Anne Rush spoke concerning the lack of parking space at Fairway Park; she asked that the Master Plan address parking issues. She also asked about the dirt that was dumped at the park in the parking area.

Shorty Clark stated there were only two public restrooms in public areas, one at Rotary Park and one at Brown Park. He said there was a need for a public restroom at Art Roberts Park as there used to be. He said there needed to be more quality permanent public restrooms in the downtown area.

Mr. Kirkpatrick said there was also a new public restroom at the Skate Board Park which would be operational soon.

**Mayor Robertson closed the Public Hearing at 8:05 p.m.**

Council Member Bertram asked Mr. Heasley about the dirt at Fairway Park. He said he had been told it was City-owned land, but found out after the dirt was placed there that it was not City property. Mr. Heasley said that the dirt had been placed there to improve the parking area but he was not able to complete the project when he found out it was not City property. Council requested that staff find out if that land was for sale. Council stated there was a need to increase parking availability at the park.

Council Member Bertram asked if Council would be provided with updates on the Parks and Recreation Master Plan. Ms. Roberts said Otak was part of the City's engineering team and would continue to provide updates.

**Mayor Robertson moved to approve the Parks and Recreation Master Plan. Council Member Bailey seconded the motion. All in favor said aye, and the motion carried.**

**AB 06-159 Water and Wastewater Rates – Resolutions 06-16 & 06-17**

Roger Millar, Deputy City Manager, introduced this agenda bill, giving a brief history of when the water and wastewater rates were last updated. He also discussed how needs had changed and water lines needed to be replaced. He said that staff had determined that the base rate for water fees could be reduced about \$5 per month; however, he said that connection fees could not be decreased.

There was some discussion clarifying the changes.

Council Member Scott asked if the fees were in line with other communities. Mr. Millar said that McCall's fees have been much lower than other communities and are just now coming in line with what other cities charge. Mr. Millar stated that the staff's intent was to have these fees in place by October 1, 2006.

**Mayor Robertson opened the public hearing at 8:26 p.m.**

**Hearing no comments, he closed the public hearing.**

Council Member Bailey asked the cost of the rate study from CH2M HILL. Mr. Millar said the cost was between \$60,000 and \$70,000.

**Mayor Robertson moved to adopt Resolution 06-16, establishing sewer utility rates. Council Member Scott seconded the motion. In a roll call vote, all members voted aye and the motion carried.**

**Mayor Robertson moved to adopt Resolution 06-17, establishing water utility rates. Council Member Scott seconded the motion. In a roll call vote, all members voted aye and the motion carried.**

## **PUBLIC COMMENT**

**Mayor Robertson called for public comment at 8:32 p.m.**

Richard Coonts introduced himself as the representative for McCall Transit. He expressed appreciation to the Council for working with the transit company.

**Hearing no further comments, Mayor Robertson closed the public comment at 8:34 p.m.**

## **CONSENT AGENDA**

Staff recommended approval of the following items:

- ❖ Minutes of May 25, 2006
- ❖ Payment Approval List for Warrant Register printed on August 17, 2006
- ❖ Payroll Reports for Pay Period Ending August 11, 2006
- ❖ AB 06-156 Alcohol Beverage Catering Permits
- ❖ AB 06-154 Bike Path Signs Funding
- ❖ AB 06-152 Utility Hardship Renewal
- ❖ AB 06-163 Resolution 06-12: Public Tree Removal Permit Fee

Council Member Bailey asked Mr. Kirkpatrick about the County's arrangement with the disposal company; Mr. Kirkpatrick said he had received a voice mail message from Mr. Heinrich stating only that they had a franchise agreement. Mr. Kirkpatrick said he would find out more information.

Council Member Bailey asked about the Ray Alford property and if the City was going to go forward with that discussion. Mr. Kirkpatrick said that there had not been any further discussions at this point.

There were some questions about expenses on the Warrant Register, including costs for the "Concert at the Park" sponsored by the Parks and Recreation Department. When questioned about the concert, Mr. Heasley explained what the expenses were. He also said there were no complaints from business owners about the concert and the concert had ended at 8:30 p.m. so that it would not compete with local businesses. Mr. Heasley said the concert attracted about 200 people to the downtown location and was a successful event.

Mr. Kirkpatrick said activities such as the "Concert at the Park" could be continued in Legacy Park when the Urban Renewal Plan was completed.

There was some discussion concerning the Utility Hardship Renewal application and the staff's recommendation for denial.

**Council Member Bailey moved to approve the Consent Agenda as amended and authorize the Mayor to sign all necessary documents. Mayor Robertson seconded the motion. In a roll call vote, all members voted aye and the motion carried.**

## **BUSINESS AGENDA**

Roger Millar, Deputy City Manager, requested that the next two agenda bills be considered together.

### **AB 06-162 Community Lease agreement with Neighborhood Housing Services for community housing lots**

**AB 06-161 Authorization of use of community housing revenue to facilitate site development of City property to be leased as Community Housing**

Mr. Millar introduced these two agenda bills.

Mayor Robertson provided some clerical corrections to the lease agreement. He asked about the cost of rent. Mr. Nichols said that he had put in \$100 as the yearly rent because no other number had been provided. Mayor Robertson asked that the yearly rent amount be changed to \$1.00.

Mayor Robertson asked if there would be separate agreements for each of the nine parcels; Mr. Nichols said there would be.

Carol Coyle, Grant Coordinator, answered questions concerning the tax valuation; she said that the homeowner would pay tax only on the structure and not on the land.

Council Member Bailey asked about the landscaping for AB 06-161. He also asked about the three different plans and which one would be used. Tom Lay, Neighborhood Housing, explained that the plans presented today were representatives of what the final plans would be. He said the final plans would be chosen depending on elevation and that all three plans would be used in variation throughout the lots. He said that neither landscaping nor an irrigation plan was in the budget, and that each would be the responsibility of the owner.

Council Member Bertram asked if there could be a provision for proper irrigation valving that would have to be winter-proofed. She stated that requiring the homeowner to install it when the foundation was being built would be reasonable.

Council Member Bailey asked if there would be covenants for the neighborhood requiring that the landscaping be maintained. Mr. Lay said there would be and to keep in mind that a body or group would have to oversee that. Mr. Lay said that CCR's should be easy to follow so that homeowners would follow the guidelines voluntarily.

There was discussion on ways to encourage property and landscaping maintenance. Council Member Bertram asked who would be responsible for handling complaints and concerns. Mr. Millar said the Code Enforcement Officer could be responsible for enforcement.

Council Member Bailey asked that Neighborhood Housing consider using pellet stoves rather than wood stoves. There was discussion concerning the type of insulation used on the homes. Mr. Millar said there would be two sources of heat in each home – electricity would be the main source and pellet, propane or a wood stove would be the second source. Council Member Bertram said that consideration needed to be given to the cost of propane because the cost could vary greatly during the winter.

Mr. Millar explained to Council that all these lots would be going through the building permit process. He explained that the City would front the costs of water and sewer and then be reimbursed.

**Council Member Bailey moved to approve the lease agreement between the City of McCall and Neighborhood Housing Services as discussed and to authorize the Mayor to sign all necessary documents. Council Member Bertram seconded the motion. In a roll call vote, all members voted aye and the motion carried.**

**Council Member Bailey moved to authorize up to \$175,000 of community housing revenue for building permits, water and sewer hookups, and site preparation for nine lots on McCall Avenue, and authorize staff to transfer \$175,000 from Contingent Revenue to Housing Commitment Revenue and from Contingent Expense to Housing Investment Expense. Council Member Bertram seconded the motion. All members voted aye and the motion carried.**

#### **AB 06-160 Historic Preservation Commission Annual Report to Council**

Pat Eames, Chairwoman of the McCall Historic Preservation Commission, presented the Commission's annual report to the Council. She reported there were currently three active members and two unfilled positions. Ms. Eames referred to a study last year of the places in McCall that could be eligible for historic designation, explaining that the process for designation of an historic site was very rigorous and time consuming. She said that many places in McCall had been renovated and remodeled and no longer retained the original character of the building. However, she reported that the renovation of the Old Jail was one project that was almost completed. She said that Marlene Bailey had worked extensively on seven projects, and had been praised by State Historical Preservation organization for her research.

Ms. Eames said that the properties identified as having historical significance were the Lake Street Station, the Yacht Club and five homes. She said that money from grants had been used to attend training. She said that she and Mrs. Bailey had attended the National Alliance of Preservation Commission Forum in Baltimore, Maryland. Ms. Eames summarized the training, stating that one of the main subjects had been how to design today so that in a hundred years there would be an architectural environment in which buildings would have an intrinsic value that would make people want to keep them.

Ms. Eames said the Historic Preservation Committee believed there was a need to energize the town to connect with the past in a meaningful way. She said they wanted to establish a voluntary local history district, and to find a way to establish a museum complex to see and hear programs that enhanced the experience of being in the mountains and by the lake at McCall, Idaho.

Ms. Eames expressed the committee's appreciation to Carol Coyle for all the expert guidance she had given them.

There was a discussion about how to get more members. Ms. Eames said they needed more bodies and minds to get out in the community to talk to residents about what they have. She said they needed to work more with the other commissions and groups in town, especially with the new comprehensive plan.

Council Member Bailey said that the Comprehensive Plan process might provide contacts for potential members for the Historic Preservation Committee.

Ms. Eames said there were a number of people who wanted to donate their collections to a museum but that there was no place to put them.

Ms. Eames said that the areas in McCall most worth preserving were the lake and the original village area.

There was discussion on places to locate a museum that would be adequate to house displays.

The Council thanked Ms. Eames and her committee for all their work.

**AB 06-157 FY07 Budget Adoption – Ordinance 825**

There was a brief discussion on some of the items on the budget.

**Council Member Scott moved to suspend the rules, read by title only, one time only Ordinance No. 825. Council Member Bertram seconded the motion. In a roll call vote, all members voted aye and the motion carried.**

Mr. Kirkpatrick, City Manager, read the Ordinance by title.

**Council Member Scott moved to adopt Ordinance No. 825, setting the FY 2007 City of McCall budget appropriation at \$18,706,465. Council Member Bertram seconded the motion. In a roll call vote, all members voted aye and the motion carried.**

In other business, there was some discussion of why The Simplot Company had not signed their agreement. Mr. Kirkpatrick said he did not understand why they had not yet signed it.

There was discussion about pumping at the pond for irrigation purposes.

Council Member Bailey asked about the status of the environmental committee. Mr. Kirkpatrick said the citizen representative who had volunteered to head it up had been unable to work on it and Mr. Kirkpatrick said he would take responsibility for it.

There was some discussion about a future meeting with the Sewer District, and also having a special meeting on September 27 with the Valley Adams Regional Housing

Authority (VARHA). Council Member Bertram said the council needed to see VARHA's budget before they met with them.

Council Member Bailey asked about the YTD 2006 budget, if there were any potential problems. Mr. Kirkpatrick said the budget was generally good; he said he and Linda Stokes would be meeting with the various department heads to go over each department's final budget.

Council Member Bertram asked about extra Local Option Tax (LOT) funds for FY 06. Mr. Kirkpatrick said staff would come to Council before the end of the fiscal year with a proposal if it appeared there would be extra funds.

Mayor Robertson asked about the paving at Cece Way; Mr. Kirkpatrick said it would go forward as soon as the paving contractor provided a bond.

There was discussion about Idaho Transportation Department projects, and that the change in leadership might affect these projects.

Mr. Kirkpatrick reported on moving funds to the new Idaho First Bank; he said the bank offered some opportunities for medium term CD's and staff would be moving toward that direction with some of the funds in reserve accounts. He said the City wanted to support them as much as possible.

Council Member Bertram asked Chief Summers about a problem with security alarms. The Chief said they had had multiple false alarms. He said they had decided to adhere to the City Code and charge \$150.00 on the fourth offense. He said that prior to doing that they would advertise in the newspaper and notify all the alarm companies. He said it would be the responsibility of the alarm companies to notify their clients.

## **ADJOURNMENT**

Without further business, the meeting was adjourned at 10:21 p.m.

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William A. Robertson, Mayor

### **ATTEST:**

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Joanne E. York, City Clerk