

MINUTES

McCall City Council Regular Meeting September 28, 2006

AGENDA

Executive Session
Call to Order and Roll Call
Public Comment
Consent Agenda
Business Agenda
Committee Minutes
Executive Session
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Robertson called the regular meeting of the McCall City Council to order at 5:00 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 Manager Lindley Kirkpatrick and Deputy City Manager Roger Millar were present.

Mayor Robertson moved to go into Executive Session pursuant to Idaho Code §67-2345(1)f for litigation.

EXECUTIVE SESSION

The Council discussed litigation.

A brief recess was taken after the Executive Session.

Mayor Robertson reconvened the meeting at 6:00 p.m. Council Member Kraemer joined the meeting at this time.

City staff members joining the meeting were Anne Kantola, Library Director; Jerry Summers, Chief of Police; Brock Heasley, Parks and Recreation Director, and Joanne York, City Clerk.

Mayor Robertson led the audience in the Pledge of Allegiance.

Mayor Robertson added the Emergency Moratorium to the agenda.

PUBLIC COMMENT

Mayor Robertson called for public comment at 6:09 p.m. Hearing no comments, he closed the public comment section.

CONSENT AGENDA

Staff recommended approval of the following items:

Payment Approval List for Warrant Registers printed on September 20 and September 21, 2006

Payroll Reports for Pay Period Ending September 12, 2006

AB 06-183 Alcohol Beverage Catering Permits

AB 06-182 Xerox Rental Agreement (Police Department)

AB 06-168 Fireworks display at Ackerman wedding

AB 06-191 Tower lease agreement with E-DA-HOE for a television broadcasting antenna Lease for KSVT

AB 06-189 State/Local Agreement with ITD for Boydston Street Construction & Resolution 06-21

AB 06-184 Blanket Assignment & Assumption of Leases for the East Hangar Project

AB 06-185 Procedure for application of hangar deposits to lease payments

AB 06-188 ITD Division of Aeronautics Grant Agreement – Resolution 06-20

Council Member Scott asked about the response to the advertising program for cities along I-55. Mr. Kirkpatrick said he would check and email the Council tomorrow with information on how the advertising program was doing.

There was discussion about the Xerox Rental Agreement for the Police Department. Mr. Kirkpatrick explained that the increased needs in the Police Department had necessitated acquiring a more sophisticated machine. Mr. Kirkpatrick said that this could be deferred to the next meeting in order to bring more details to Council. Council pulled AB 06-182 from the Agenda and will address it at a future meeting.

There was some discussion about the tower lease agreement with E-DA-HOE, including questions concerning the term limits, whether or not the City can warrant the amount of available power, as well as other issues.

Mayor Robertson moved to approve the Consent Agenda without AB 06-182 and authorize the Mayor to sign all necessary documents. Council Member Bailey seconded the motion. In a roll call vote, all members voted aye and the motion carried.

BUSINESS AGENDA

AB 06-193 2008 Nordic World Masters report from Dennis Coyle

Dennis Coyle, Park Manager for Ponderosa State Park, gave a report on the 2008 Nordic World Masters, stating that it will be one of the premiere events to be held in McCall. He introduced Erin Roper, Chairperson of the 2008 Nordic World Masters event. Ms. Roper gave an update of preparations that have already been made for the World Masters. A letter from John Downing, Director of the USA World Masters, was distributed to Council. Jim Deverteuil explained that he would be acting as a liaison between the City and the World Masters committee.

AB 06-186 Parks & Recreation Committee Report – Kevin Briem

Kevin Briem, Chairman of the Parks and Recreation Committee, gave the committee's annual report to Council. He announced that there will be a public hearing on the jet skis at Legacy Park on October 18 at 6:00 p.m.

There was a lengthy discussion concerning the bike pathway. Mr. Millar said the Comprehensive Plan will study all modes of transportation including bicycling and the need for a bike path. He said they had begun working with the McCall Improvement Committee and the Parks and Recreation Committee on the preliminary planning.

Mr. Briem said the committee had been dealing with so many issues that they were considering either splitting their committee into two separate committees – one for Parks and one for Recreation - or having sub-committees for individual projects.

Ron Rooth, member of the Parks and Recreation Advisory Committee, gave an update on the status of the Riverfront Park development. There was a lengthy discussion concerning developing the conceptual plan for the park, how to raise money for it, whether or not it would be appropriate to hold a bond election, how to encourage extensive public involvement, and how much staff would be able to contribute to developing the plan. Mayor Robertson asked that staff come back to Council with recommendations on how to work towards developing the park plan.

Mr. Briem continued his report, explaining that the committee members visited each park yearly to assess what areas needed improvement or further development. He explained that more and better restrooms were needed, especially at Art Roberts Park.

Mr. Briem said the Parks and Recreation Committee would like to have all the City committees meet together once a year to discuss the issues they were addressing, even if the meetings involved only one person from each committee.

Mr. Briem said that Dave Rowe had resigned and that the committee was looking for volunteers.

There was a discussion about “in lieu of” fees collected from developers and the need to set up a trust fund specifically for those funds.

The Council expressed their appreciation for the report and for the committee members who showed up.

AB 06-194 Amended Water User and Supply Agreement with J.R. Simplot Company

Mr. Millar introduced the agenda bill and gave a brief background on the purpose of the agreement. Mr. Millar said the Public Works Department was ready to start work next week. Mr. Millar explained that the contract will cover 2007 and 2008 irrigation seasons and then will be up for a one-year renewal.

Council Member Bailey moved to approve the amended Water User and Supply Agreement and to authorize the Mayor to sign. Council Member Bertram seconded the motion. In a roll call vote, all members voted aye and the motion carried.

AB 06-187 Recommendation for definition of city and non-city patrons for receiving Library and Recreation services, Resolution No. 06-22 and Resolution No. 06-23

Mr. Kirkpatrick introduced the agenda bill, explaining the need for a better definition of who should receive a free library card and that the two resolutions expanded that definition, using the terms “City patron” and “non-City patron”.

Mr. Kirkpatrick said that the Library Advisory Board had determined that anything that brought more people into the library was a good thing, and the same concept would apply to the Recreation Department.

Council Member Bertram moved to adopt Resolution 06-22 and authorize the Mayor to sign. Council Member Kraemer seconded the motion. In a roll call vote, all members voted aye and the motion carried.

Council Member Bertram moved to adopt Resolution 06-23 and authorize the Mayor to sign. Council Member Kraemer seconded the motion. In a roll call vote, all members voted aye and the motion carried.

Council Member Bailey recused himself at this time because he had been chairman of the Planning and Zoning Commission when the conditional use permit for the fish pen docks had been discussed.

AB 06-195 Findings and Conclusions for Conditional Use Permit for Fish Pen Docks located at Brown Park

Mr. Millar introduced the agenda bill, stating that he was presenting two versions of the Findings and Conclusions to be considered for adoption. There was discussion concerning whether or not there would be a dock at Brown Park if the fish pens were moved. Council Member Bertram emphasized the need to have the fish in the water for next summer, and Mr. Millar said that both versions included that requirement. Mayor Robertson said he was in favor of the first version and did not see any benefit to approving the second version.

Mayor Robertson moved to approve the first version of the Draft Findings and Conclusions (does not include 2.b) and authorize the Mayor to sign. Council Member Bertram seconded the motion. In a roll call vote, all members voted aye and the motion carried.

Council Member Bailey rejoined the Council at this time.

A brief recess was taken until 8:18 p.m.

AB 06-197 Local Option Tax (LOT) Updated Forecast for FY06 Unanticipated Funds

Council Member Bertram asked that a report be published listing all the projects funded since the inception of the Local Option Tax. Council Member Bailey added that most of these projects would not have been completed without the funds provided by the 3% bed tax.

Mayor Robertson moved to approve the recommended allocations for the Local Option Tax FY06 revenue and authorize staff to make the appropriate line item transfers. Council Member Kraemer seconded the motion. All members voted aye and the motion carried.

AB 06-192 Reconsideration of Ordinance 826 (Interim Moratorium) and amendment of McCall City Code Title 3

Mr. Kirkpatrick asked Council Member Bailey to explain the intent and the content of the agenda bill.

Council Member Bailey requested that the following motion be considered by the Council. The proposed motion included the following actions:

1. Adopt the interim moratorium described in Ordinance 826.
2. Direct staff to start the process to amend Title 3 to:
 - a. Eliminate the ability to apply for a PUD for increased building height in the downtown Central Business District (CBD) area

- b. Add a note to the dimension table for special use districts that applies the same CUP and design standards for structures over 35' in the CV district as in the commercial districts
3. Establish a timeline for the amendment process that includes a P&Z public hearing on October 24 and a Council public hearing on October 26.
4. Repeal the moratorium if the zoning code amendments are not adopted.

Council Member Bailey said that adopting an interim moratorium would either allow time for the Code to be revised - in which case the moratorium would not be necessary - or it would allow time for a decision to be made against revising the Code. He also wanted to include all the Central Business District in the height limit consideration.

Mayor Robertson asked what provision allowed Council to make a change at this point in time. Mr. Nichols explained that the issue of when a decision can be reconsidered is not addressed in the City Code or in the State Statutes. He said that some cities and counties have specific ordinances on reconsideration of decisions but there was also a case from Kootenai County that conflicted with that. He said there was no specific answer but at some point a decision must be final and not revisited, unless Council decided to go back to the beginning and start all over. He said the Council was limited as far as guidance available. In this case, Mr. Nichols said it was an issue for the Council to decide.

Council Member Bailey said it was not necessary to revisit the moratorium except for the purpose of not holding people in abeyance while the Code changes were being considered.

There was a very lengthy discussion concerning the reason for requesting these changes and whether it would be responsible for the Council to revisit this issue. Council Member Bailey said these changes to the Code would eliminate the controversy concerning the height limit.

Council Member Bailey moved to reconsider the rejection of Ordinance 826. Council Member Kraemer seconded the motion. In a roll call vote, Council Member Bailey voted aye, Council Member Kraemer voted aye, Council Member Scott voted aye, Council Member Bertram voted nay, and Mayor Robertson voted nay. The motion carried

Council Member Bailey moved to amend Ordinance 826 as follows:

Amend Title 3 to:

- a. **Eliminate the ability to apply for a PUD for increased building height in the CBD downtown area**
- b. **Add a note to the dimension table for special use districts that applies the same CUP and design standards for structures over 35' in the CV district as in the commercial districts**

Council Member Kraemer seconded the motion. In a roll call vote, Council Member Bailey voted aye, Council Member Kraemer voted aye, Council Member Scott voted aye, Council Member Bertram vote nay, and Mayor Robertson voted nay. The motion carried 3 to 2.

Emergency Moratorium to address Community Housing due to the recent lawsuit of the Mountain Central Board of Realtors, Ordinance No. 827

Mr. Nichols introduced the issue concerning an emergency moratorium, explaining that it was the result of the lawsuit brought against the City by the Mountain Central Board of Realtors. He explained that the issue was whether to allow any further residential building applications to be received and building permits to be issued, and whether relative factors would contribute to an existing problem or make it worse and cause imminent peril to the City, requiring an emergency moratorium to freeze applications for residential subdivisions and building permits, to expire after 182 days, or until the lawsuit was resolved, whichever occurred first. Mr. Nichols said that should Council want to continue the moratorium after the initial 182 days, they would have to enact an interim moratorium and bring the issue back to Council after the Planning and Zoning Commission made recommendations. Mr. Nichols said that Staff had prepared a draft ordinance in case Council decided to adopt the emergency moratorium, which would take effect immediately if the ordinance was approved.

Mayor Robertson emphasized that there had been no discussion between the Mountain Central Board of Realtors and anyone at the City. Mr. Millar reminded Council of the many public hearings that had been held without anyone from this organization showing up nor had anyone from that organization contacted staff. Mayor Robertson said the lawsuit from the board of realtors would not affect the nine affordable housing sites donated by Greystone because no community housing fees had been involved in that project.

Council discussed the question of whether or not the lawsuit, with all its implications, provided an imminent peril to the health and welfare of the people of McCall.

Council Member Bertram observed that this lawsuit would essentially shut down all the efforts the City had made over the past several years towards developing affordable housing.

Mayor Robertson explained that the Mountain Central Board of Realtors consisted of local people.

Mayor Robertson moved to read the Ordinance No. 827 by title only, one time only. Council Member Bailey seconded the motion.

At this time Council Member Scott, who had participated in the meeting by telephone, joined the meeting in person.

In a roll call vote, Mayor Robertson voted aye, Council Member Bailey voted aye, Council Member Scott voted aye, Council Member Bertram voted aye, and Council Member Kraemer voted aye.

The City Clerk read the Ordinance No. 827 by title only, one time only.

Mayor Robertson moved to adopt Ordinance No. 827. Council Member Bailey seconded the motion. In a roll call vote, Mayor Robertson voted aye, Council Member Bailey voted aye, Council Member Scott voted aye, Council Member Bertram voted aye, and Council Member Kraemer voted aye. The motion carried.

In other business, Mr. Kirkpatrick reported that Council meeting dates for November and December needed to be scheduled. He recommended that Council plan to meet twice each month and that the specific dates could be decided at a later time. He asked that Council give some thought to available dates and that he would like to keep the meetings Thursdays if possible.

Mr. Kirkpatrick said that the McCall Skate Park had an impromptu grand opening, featuring Tony Hawke as a special guest. The principle donor for the skate park was also introduced. The City will hold a grand opening when the skate park is completed.

Mr. Kirkpatrick reported that as a result of the Airport Master Plan Meeting, the City had scheduled an additional public session next Monday at the airport.

Mr. Millar reported that the next meeting for the Comprehensive Plan Steering Committee will be at 7 p.m. on October 11.

Mr. Kirkpatrick reported that the Urban Renewal bonding petition for judicial confirmation had been filed and the hearing was scheduled for November 15 at 10 a.m. Mr. Millar stated that the Urban Renewal Board's top priority was to purchase Marie Owens' property, but that the sale would now roll over to early 2007.

Mr. Millar said that the Waste Water Facility Plan was moving forward and Phase II would be presented at the October 12 Council meeting. He said he would like to schedule a 4:00 p.m. Council work session with CH2M HILL at that meeting. He said a Public Open House was tentatively scheduled for November 2, and that he would notify the Council when the date was finalized. Mr. Kirkpatrick asked if Council could schedule the work session for 4 p.m. on October 12. Council Member Kraemer said he would not be able to attend. Mr. Kirkpatrick said he would brief Council Member Kraemer on the work session at another time.

Mr. Kirkpatrick informed Council that he had an Interview for the Deputy City Manager/Administrator position scheduled for next Thursday and Friday.

Mr. Nichols reported that the judicial review on the Spring Mountain Meadows case had been settled.

Mr. Kirkpatrick announced that Rick Harvey had submitted his resignation effective the end of the year. He said that Mr. Harvey had done an excellent job and had been the best airport manager in recent years.

Council Member Bailey reported on an information meeting he had attended about funding available to help cities and counties build sustainable communities. He said this could be a source to help fund the preliminary design on Riverfront Park.

Council Member Bertram said she was concerned that Planning and Zoning be given adequate information about the emergency moratorium, especially concerning projects scheduled for their next meeting.

Council Member Bertram asked if a letter could be sent from the City to State legislators about helping fund the 2008 World Masters. Mayor Robertson said he would work with Mr. Kirkpatrick to draft a letter.

Mayor Robertson said he had received a letter from the University of Idaho Extension Office about having a forum for getting youth involved in City government. He said he would not be able to attend. Council Member Bailey said he would attend.

Council Member Bailey asked who owned the Central Idaho Museum. Mr. Kirkpatrick replied that the City owned the land and the buildings and leased them to the Central Idaho Historical Museum. He said the museum was a separate organization with their own board of directors, and managed and operated the facility. Mayor Robertson said that Brock Heasley and Monika Trapp had helped a great deal with grounds maintenance. Mr. Kirkpatrick said the City was helping out in other areas, including paying the irrigation bill. Council Member Bailey addressed the need for a place to house historical collections and whether or not the museum had adequate room. Mr. Millar said that Carol Coyle was working on a grant to update the master plan for the museum which might allow them to improve their facilities. Mayor Robertson said the master plan would be the best vehicle to get that accomplished. Council Member Bailey asked that the lease for the Museum be given more consideration when it was time for renewal.

Mr. Kirkpatrick said he would prepare an official statement from the Council concerning the emergency moratorium and have each of them sign it tomorrow.

ADJOURNMENT

The meeting was adjourned at 10:05:p.m.

William A. Robertson, Mayor

ATTEST:

Joanne E. York, City Clerk