

MINUTES

**McCall City Council
Regular Meeting
May 10, 2007**

Agenda

Executive Session
Call to Order and Roll Call
Reports
Public Hearings
Public Comment
Council Talk Time
Consent Agenda
Business Agenda
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Robertson called the regular meeting of the McCall City Council to order at 4:03 p.m. Council Member Bailey, Council Member Bertram, and Mayor Robertson answered roll call. A quorum was present. Council Member Kraemer and Council Member Scott were absent.

Also present were Lindley Kirkpatrick, City Manager; Fred Quiel, Deputy City Manager / Administrative Services; Richard Kluckhorn; and City Attorneys Bill Nichols, Kim Trout, and David Krueck.

EXECUTIVE SESSION

Mayor Robertson moved to go into Executive Session for litigation pursuant to Idaho Code §67-2345(1)f to consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation. Council Member Bertram seconded the motion. In a roll call vote, all members voted aye, and the motion carried.

Council Member Scott joined the meeting in progress at 4:05 p.m.

The Council discussed litigation pursuant to Idaho Code §67-2345(1)f.

A brief recess was taken, and the meeting resumed at 6: 08 p.m.

Other City staff members joining the meeting at this time were David Simmonds, Information Systems Manager; Anne Kantola, Librarian; Fred Quiel, Deputy City Manager/Administrative Services; Linda Stokes, Finance Manager; Brenda Loftis, Human Resources Director; John Anderson, Airport Manager; Brock Heasley, Parks and Recreation Director; Carol Coyle, Grant Coordinator; Steven Hasson, Planning Manager; Allan Morrison, Golf Pro; Eric McCormick, Golf Course Superintendent; Jerry Summer, Police Chief; and Joanne York, City Clerk.

Mayor Robertson led the audience in the Pledge of Allegiance.

REPORTS

Lindley Kirkpatrick, City Manager, presented his monthly report to Council, and highlighted the following:

- Waste Water Facility Plan was scheduled for Wednesday, May 16, 6 p.m. at the Court House in Cascade. Mr. Kirkpatrick said he would also present the plan on Monday morning at the County Commissioner's meeting.
- Dark Sky Ordinance. Mr. Kirkpatrick reported that standard street lights had been changed out; parts for decorative street lights have arrived and would be installed by the public works crew beginning next week. He said the City should be compliant by the end of next week.
- McCall Improvement Committee (MIC) Clean Up Day, Saturday, May 19. Mr. Kirkpatrick said that the MIC was organizing volunteers to clean up different areas of the city from 10 am to 2 p.m. on May 19.
- Noxious weed control. Mr. Kirkpatrick said that partnership with the County for weed control was still going strong. He said that the County and the Parks Department would be spraying for knapweed on June 13.
- Local Option Tax (LOT) Commission. Mr. Kirkpatrick informed Council that the LOT had reviewed applications in two different sessions but had not yet made any cuts or recommendations. He said they would present their recommendations to Council at the May 24th meeting.
- Letters from McCall Elementary School. Mr. Kirkpatrick noted that students at the elementary school had written letters urging Council to promote local recycling activities, and that copies had been distributed to the Council members.

Council Member Scott mentioned that the Marina staff wanted to meet with Mr. Hasson and Michelle Groenevelt about checking their cleanup site. Mr. Hasson said he and Michelle were meeting with them tomorrow.

Council Member Bailey asked if the CUP 07-09, expansion to Hunt Lodge, had been approved by the Planning and Zoning Commission. Mr. Hasson said it had been approved and would be coming before Council.

Mr. Kirkpatrick announced that Carrie Rushby, Administrative Assistant for the Planning Department, and Nancy Reed, Utility Billing, had both resigned. Ms. Loftis said a conditional offer had been extended for the Utility Billing position.

CONSENT AGENDA

Staff recommended approval of the following items:

- Minutes – April 24 and May 2, 2007
- Warrant Register printed on May 7, 2007
- Payroll Reports for Periods ending April 6 and April 20, 2007
- AB 07-74 Planning & Zoning Commission Member Appointment – Claudia Delaney
- AB 07-71 Investment Policy, Resolution 07-7
- AB 07-81 Lease of a used laptop computer to the Valley Adams Regional Housing Authority (VARHA)

There was a brief discussion about some of the items listed in the Warrant Register.

Mayor Robertson said he had the opportunity to speak on the telephone with Claudia Delaney, applicant for the Planning and Zoning Commission, and believed she would be an excellent addition to the Commission.

Council Member Bailey moved to approve the Consent Agenda as submitted. Council Member Scott seconded the motion. In a roll call vote, Council Member Bailey, Council Member Scott, Mayor Robertson, and Council Member Bertram all voted aye, and the motion carried.

PUBLIC HEARINGS

Mayor Robertson opened the public hearing at 6:30 p.m.

AB 07-80 ZON-07-1: Zoning Map Amendment to rezone the City of McCall Airport property - Ordinance Number 835

Mr. Hasson introduced the agenda bill for the Airport Rezone. He noted that the Planning and Zoning Commission had recommended that the City Council deny the zoning map amendment. Mr. Hasson explained that the consequences of not having the airport as a permitted use within the industrial zone was that a non-conforming use could not be expanded until it became

conforming. He said that the resolution for this situation was to put the airport in the airport zone. He noted that an opinion from the attorney addressed the issue of whether a rezone had to conform in all circumstances

Mr. Nichols explained that Idaho Law stated that a rezone should be in accordance with the policies of the adopted comprehensive land use plan and that it did not state it shall be in accordance with the designation of the future land use map component of the land use plan.

Don Chapman stated there was no reason to delay a rezone. He urged Council to have vision and courage and look beyond the organized noise to lead McCall to a better community.

Council Member Bailey read the following summary of discussions he had participated in, including written comments, telephone conversation and personal conversation:

- 8 April 2007
Memo to Council, Kirkpatrick, Hasson, Anderson
Listed reasons to rezone airport to the AP Zone. Some of these points are included in the Findings and Conclusions of the Council on this application.
- Email response to Bob Youde, P and Z Chair, on 15 April, in response to Email received from Bob via Kirkpatrick, who distributed to the Council on 11 April. I basically disagreed with Bob and the P and Z regarding their logic and reasons for denying the rezone application.
- 19 April Email to Michelle Groenevelt inquiring about Title 3, Chapter 7, section 3.7.031.C. Did she recall the origination of this amendment adopted by the Council on 15 February 2006. She had no memory of the amendment and was not involved at the time.
- 7 May Email to Roger Millar asking him the same question that I asked Michelle.
- 7 May Email response from Roger. He explained the reasons for including section 3.7.031. C.
- 7 May Memo to Council, Kirkpatrick, Hasson, Groenevelt, Anderson I made a statement of a plan to Table the Zone request and why.
- 8 May Telcon and Email from Dan Scott. He expressed opposition to any delay in approving the rezone and the idea of tabling the request. He also expressed a completely different recollection of why section 3.7.031.C was added from that expressed by Roger Millar.
- 9 May I met with Jim Egnew, Curt Mack, and Michelle (of Si Bueno). I explained the history of the rezone application, why AP zone was created and when, the need to rezone at this time, and the impacts on property and development within the zone. I also

explained that the current zone is not appropriate as an airport is no longer a permitted use in an Industrial zone. They expressed opposition to the rezone and reasons why. They are concerned that the code as written will permit 60 feet tall hangers or other buildings within 35 feet of the Scenic Route streets and block views across the airport. I explained that the two alternatives (approve the request for rezone or table it). They'd prefer that we table until after the Comprehensive Plan and Airport Master Plan are completed and understood the implications of section 3.7.031.C on the airport zone AP (the section removes the AP zone from the Scenic Route conditions).

- 9 May Memo to Council, Kirkpatrick, Anderson, Hasson, Groenevelt, Youde
I made several suggestions on how to proceed with the rezone request and possible code amendments to Title 3, Chapter 7.

Mary Allen expressed she was not in favor of the rezone and asked Council to not rush into any decisions.

John Rygh said it was not appropriate to move forward at this time and noted that decision makers should excuse themselves if there was any possible appearance of conflict of interest. He also admitted a letter from Mr. Egnew expressing his opposition to the rezone.

John Seevers, Airport Advisory Board Chairman, discussed reasons in favor of the rezone, and reasons why the industrial zone was inappropriate.

Larry Shake stated he was opposed to the rezone. He asked that the public be given more opportunities to voice their concerns.

Marilyn Olsen submitted a letter from Diane Evans-Mack asking to deny rezone and asked that all the Planning and Zoning Minutes be made part of the public record. Ms. Olsen also stated her opposition to the rezone.

In response to Ms. Evans-Mack's request, Mr. Nichols stated that the public needed to know that all the Planning and Zoning Minutes were already part of the public record.

Frank Bruneel said he was in favor of the rezone and urged Council to move ahead.

Joy Hamilton stated she was opposed to the airport zoning change, explaining that this was not an appropriate time for it.

Ray Dupree said he was in favor of the airport rezone and did not see any reason to delay it.

Tim Novoselski said he was not in favor of the rezone and that it made sense to wait a few months until the Comprehensive Plan was completed.

Marilyn Arp stated she was opposed to the rezone at this time.

Jim Arp said he was opposed to the rezone.

Melinda Nielsen stated her opposition to the rezone and asked that Council wait for the completion of the master plan.

Michael Anderson said he was in favor of adoption of the rezone. He urged everyone concerned to attend the Airport Advisory Committee meetings.

Rick Harvey explained the history of the Airport Master Plan, that it was originated with a request from the Federal Aviation Agency. He said the timing with the City's Comprehensive Plan was purely coincidental. He said the Airport Advisory Committee actually held more public forum meetings than had been required by the Scope of Services in the Airport Master Plan.

Christina Chapman said she was in favor of the rezone and urged the Council to move forward.

Mike Chapman stated he was in favor of the rezone. He said the airport was an economic center for the community, including use by LifeFlight which was extremely critical for the community.

Jim Weaver said he was not in favor of the rezone because he believed that the main issue was the location of Dan Scott's proposed hangar. He said he believed the City should have more public dialogue concerning direction of the airport and requested that Council hold off for a little while to consider the issues.

Ed Elliott said he was not in favor of the rezone because the decision should wait until the Comprehensive Plan was complete in order to allow the process to work.

John Kwader said he was against rezoning the airport at this time. He said he wanted to see coordination between the City and the County in developing a regional airport while there was still land available.

Andrew Cochrane stated he was opposed to the airport rezone at this time because it seemed logical that the rezoning be put off until the completion of the Comprehensive Plan.

Curt Mack said he was opposed to the rezone at this time, explaining that the issue was choosing the appropriate time to do that, and that there were procedures and policies in place to accomplish the same.

Cathy Them stated she was opposed to the rezone.

John Humphries said he was opposed to the rezone. He said he was concerned about the possibility of reapplications and urged the Council to not approve the rezone request. He also encouraged the Council to work with the County Commissioners to come up with a plan for a regional airport that would serve the population growth between Cascade and McCall.

Mr. Kirkpatrick said that Karen Olde had to leave, but had signed her name on the Public Hearing sheet in opposition to the rezone.

Mr. Nichols acknowledged Mr. Youde as the next speaker, and noted that he was present to speak as an individual, not as the spokesman for the Planning and Zoning Commission.

Bob Youde stated that he was chairman of the Planning and Zoning Commission but wished to speak of his own private opinions. He said the issue being debated concerned procedure. He said the testimony tonight was compelling that there was not sufficient linkage to the comprehensive plan. He questioned whether there was sufficient urgency in the request to shortcut the procedure, which had been the issue debated in Planning and Zoning. He said that violation of procedures and statutes would bring problems. He said he had observed no evidence from Planning and Zoning members of a pro- or anti-airport bias, and that their recommendation for denial was not due to bias against the airport.

Scott Findlay said the process for the airport rezone had been very well done and was excellent. He noted that the process had gone on for a year and that the rezone needed to be done. He said it had nothing to do with structures or views, but concerned protecting the airport.

Joey Petri asked the Council to have patience and not rush in to a decision to rezone the airport.

Steven Padgett urged Council to hold off on making this decision.

Paul Jorgensen, Chairman of the McCall Aviation Association, said the McCall airport was very dysfunctional. He urged Council to zone the airport appropriately so that improvements could be made.

Mayor Robertson closed the public hearing at 8:01 p.m.

Council Member Bailey said the rezone was also subject to the current scenic zone overlay and that would limit the building height in that overlay to 35' as well as setbacks. He said once the master plan was completed, the scenic zone overlay would not apply, which would remove the height limit from the airport zone. There was discussion whether or not the verbiage referred to the current airport master plan or a future airport master plan. Mayor Robertson said he did not believe the paragraph referred to a future master plan.

Michael Kramer joined the meeting in process at 8:09 p.m.

At this time Council Member Scott recused herself because her husband was involved in a potential land use application at the airport.

Council Member Bailey discussed the issues for and against, suggesting it might be wise to wait before making a decision.

Mayor Robertson recounted the involvement of both staff and the public during the process of developing the Airport Master Plan and noted that the Federal Aviation Agency put demands on the airport that must be met. He also addressed the statements that suggested the City was rushing into a decision and said there had been a lengthy procedure in place to arrive at this point. He noted the City needed to make sure the public had correct information. He said he also did not see any conflict with the Master Plan.

Council Member Bailey asked Mr. Hasson about a letter the Council had received concerning the noticing of the application to the Planning and Zoning Commission. Mr. Hasson said it had received adequate and sufficient notice. He said initially the noticing had not been done correctly, so it was redone appropriately.

Council Member Kraemer said he would abstain from the vote because he had not been able to attend the public hearing.

Mayor Robertson moved to adopt the Findings & Conclusions for the ZON-07-1 and authorize the Mayor to sign. Council Member Bertram seconded the motion.

Council Member Bailey moved to table that motion. The motion failed for lack of a second.

Mayor Robertson asked if there was any more discussion on the first motion. Council Member Bailey pointed out that the zoning amendments to chapter 7 of the Code needed to be revisited whether or not the Code was amended at this point or not.

Mayor Robertson called for a vote on the first motion. Mayor Robertson voted aye, Council Member Bertram voted aye, and Council Member Bailey voted nay. Council Member Kraemer abstained. The motion carried with two ayes, one no, and one abstention.

Mayor Robertson moved to suspend the rules, read by title only, Ordinance No. 835. Council Member Bertram seconded the motion. In a roll call vote, Mayor Robertson voted aye, Council Member Bertram voted aye, and Council Member Bailey voted nay. Council Member Kraemer abstained. The motion carried with two ayes, one no, and one abstention.

The Clerk read the Ordinance by title only, which was the first reading.

Mayor Robertson noted that the second reading of Ordinance No. 835 would be on May 24th.

Council Member Scott rejoined the Council.

AB 07-78 DR-07-12: Appeal of the McCall Planning and Zoning Commission's land use determination with respect to the Western Mountain Lodge Sign

Mr. Hasson introduced the agenda bill, explaining that it referred to the sign at the Western Mountain Lodge, formerly known as The Best Western. He explained the background of the situation concerning the sign.

Council Member Bertram asked if the Planning and Zoning Commission had the authority to grant exemptions for compliance for a period of time. Mr. Hasson said he was not aware of any such provision. Mr. Nichols said he did not believe that the Planning and Zoning Commission could give a non-compliance owner time to bring something into compliance contrary to what was required by code.

Mayor Robertson opened the public hearing at 8:54 p.m.

Bob Hunt, the applicant, said he was not aware at the beginning of the application process that a design review was required and had never been in a town where just changing the face of the sign required a review. He questioned staff and was told that he did not require a design review, but was told later that he did require a review. He said he had committed to the Planning and Zoning Commission that he would be back by the end of 2009 with a plan for the design review.

Mayor Robertson asked if anyone else was present who wanted to offer testimony on this appeal.

Hearing no further comments, Mayor Robertson closed the public hearing at 9:00 p.m.

Mayor Robertson noted that Mr. Hunt had proven his credibility by developing other worthwhile projects in McCall.

Council Member Kraemer said that two years seemed too long to allow for compliance. Mr. Kirkpatrick clarified that the timetable was two years and seven months.

Council Member Scott observed that since this situation was a result of errors made by the City, the City should allow Mr. Hunt the time he needed to change the sign.

Council Member Bailey moved to deny the appeal and uphold the original decision made by the Planning and Zoning Commission. Council Member Scott seconded the motion. In a roll call vote, Council Member Bailey voted aye, Council Member Scott voted aye, Mayor Robertson voted aye, Council Member Bertram voted aye, and Council Member Kraemer voted nay. The motion carried, with four ayes and one no. The appeal of the McCall Planning and Zoning Commission's land use determination with respect to the Western Mountain Lodge Sign was denied.

PUBLIC COMMENT

Mayor Robertson called for public comment at 9:12 p.m.

Ron Blewett, introduced himself, noting that he was Wausau's legal representative. He explained that he had read in *The Star-News* that the City was considering bankruptcy. He said he believed there had been some disconnect between the City and himself and that for the past several years, he had been asked that the City meet with him to negotiate the settlement. He said he was still willing to meet with the City and urged Council to make arrangements for that.

Hearing no further comments, Mayor Robertson closed the public comment at 9:18 p.m.

BUSINESS AGENDA

AB 07-79 McCall Improvement Committee 2007-08 Action Plan

John Milliner, co-chairman of the McCall Improvement Committee (MIC), referred to the MIC's 2007-08 Action Plan that had been included in the City Council Packet. He discussed priority projects including city beautification, improving the gateways to McCall, improving the streetscape, and supporting and promoting the formation of a Business Improvement District for downtown to help with economic development.

Mr. Milliner also noted that the MIC was looking into ways to make the appearance of the pedestrian flags more attractive.

Mr. Milliner said that the MIC had developed liaison groups within the committee to help keep the committee more informed on ideas and needs within the community.

Mr. Kirkpatrick clarified that the funds used by the MIC were totally separate from City funds and that the City had no say or influence on how those funds were spent.

Council Member Kraemer moved to adopt the 2007-08 McCall Improvement Committee Action Plan, and authorize submission to the Idaho Department of Commerce. Council Member Bertram seconded the motion. In a voice vote, all members voted aye, and the motion carried.

AB 07-82 Status of FY06 Surplus Funds

Mr. Kirkpatrick stated the City had received the audit report and could now calculate any surplus funds.

Mr. Kirkpatrick explained the process for determining the amounts of the surplus funds.

Mayor Robertson requested that the numbers from last year be provided to Council for comparison.

COUNCIL TALK TIME

Council Member Scott asked about starting the process to rezone City-owned properties and public-entity owned properties. Mr. Kirkpatrick he would be contacting Mr. Hasson about preparing a package addressing this that could be presented to Council.

Council Member Scott referred to the letter from Central District Health to Mr. Anderson and asked about the holding tanks.

Council Member Bertram discussed the sewer situation at the airport and the need to address it.

Council asked that creation of a new urban renewal district be put on an agenda in the near future.

ADJOURNMENT

Without further business, the meeting was adjourned at 9:55 p.m.

William A. Robertson, Mayor

ATTEST:

Joanne E. York, City Clerk