

MINUTES

**McCall City Council
Regular Meeting
May 24, 2007**

Agenda

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

CALL TO ORDER AND ROLL CALL

Mayor Robertson called the regular meeting of the McCall City Council to order at 6:01 p.m. Council Member Bailey, Council Member Bertram, Mayor Robertson, Council Member Kraemer, 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; Fred Quiel, Deputy City Manager/Administrative Services; John Anderson, Airport Manager; Steven Hasson, Planning Manager; Allan Morrison, Golf Pro; Eric McCormick, Golf Superintendent; Jerry Summers, Police Chief; and Joanne York, City Clerk.

Mayor Robertson led the audience in the Pledge of Allegiance.

PUBLIC HEARING

Mayor Robertson opened the Public Hearing at 6:03 p.m.

AB 07-57 CUP-07-3: Conditional Use Permit for McCall Boat Works

Steven Hasson, Planning Manager, distributed pictures he had taken of the McCall Boat Works facility. He explained that the building was built about 1969-70 and thus predated the current zoning requirements. He said that the current business had been at that location off and on since 1971.

Gregg Bradshaw spoke in favor of the conditional use permit. He said that the building was well-kept, clean, and blended into the neighborhood. He also spoke in favor of supporting the

small businesses in McCall that provided stable jobs, noting that McCall Boat Works fell into that category.

Chris Keith, Boydston Lane, said he lived across the street from McCall Boat Works, and spoke in favor of the conditional use permit.

Hearing no further comments, Mayor Robertson closed the Public Hearing at 6:11 p.m.

In response to questions from the Council, Don Hardy, applicant, distributed letters to Council members from people supporting his business. He noted that Council had expressed concern at the May 10th meeting about potential environmental hazards at McCall Boat Works and explained that he was very conscientious about protecting the environment and had obtained approval from the Department of Environmental Quality.

There was some discussion about the finishing process Mr. Hardy used on the boats (hand applied – not sprayed).

Mayor Robertson said he was impressed with the type of neighborhood support given to Mr. Hardy's application.

Mayor Robertson questioned item 5 of the Findings and Conclusions, noting that it stated there were four parking spaces, compared to the last page of the Findings and Conclusions, which said there were five parking spaces. Mr. Hardy said that the snow fall during the winter limited the parking spaces to four.

Council Member Bertram asked why the phrase, "minimal economic impact", was included in item 12. Mr. Kirkpatrick said the intent was to say, "minimal negative economic impact." Council Member Bertram asked that the phrase only be used once in the text rather than twice. Mr. Nichols clarified that the wording referred to the impact on the neighborhood.

Council Member Kraemer moved to adopt the Findings and Conclusions for the Conditional Use Permit (CUP-07-3) for McCall Boat Works. Council Member Bailey seconded the motion. Mr. Kirkpatrick asked that the motion be amended to add "and authorize the Mayor to sign all necessary documents". Council accepted the amendment. In a roll call vote, Council Member Kraemer, Council Member Bailey, Council Member Bertram, Mayor Robertson, and Council Member Scott all voted aye, and the motion carried.

AB 07-88 ZON-06-3: Zoning Map Amendment to rezone the Cross Bar property.

Mr. Hasson introduced the zoning map amendment, explaining that the Planning and Zoning Commission recommended that the application be denied. He said the applicant had requested to rezone the 4.5 acre Cross Bar property from the current R-1 (1 unit per acre) zone to the R-16 (16 units per acre) zone.

Council Member Bertram recused herself because she owned property in the same neighborhood as the application and had testified at the Planning and Zoning Commission public hearing.

Council Member Bailey asked for clarification about the total number of units. Mr. Hasson said there were forty-eight residential units and sixteen non-residential units.

There was some discussion concerning the surrounding land uses. Council Member Scott asked if the applicant was within the open space requirements. Mr. Hasson said the applicant still needed to provide more parking spaces and open park spaces.

Clayn Sonderegger spoke as representative of the applicant. He said the work was based on the fact that the land use was appropriate for R-16 zone. He discussed the twelve goals of the West Valley Smart Growth Concept Plan, which is an amendment to the McCall Comprehensive Plan, and how the developer was working to meet each one.

Dion Zimmerman, architect for the program, further explained how the park space had been determined and gave more details concerning the building designs. He said that the three-bedroom, two-bathroom residential units were between 1,200 and 1,400 square feet.

Mayor Robertson opened the Public Hearing at 7:02 p.m.

Henry Clouser, 190 Rio Vista, said he lived across the street from the proposed project. Mr. Clouser said he was not opposed to the project. He said he had addressed some issues to the applicant about the project including the ingress and egress road on the east edge of the property, and the applicant had responded to those concerns. He said that he was, however, very concerned about the R-16 zoning which would greatly increase the density.

Diane Evans-Mack spoke in support of the decision by the Planning and Zoning Committee. She also spoke concerning the park space, that if the purpose of having the park space was to benefit that particular development, then there should not be any choices for opting out.

Hearing no further comments, Mayor Robertson closed the Public Hearing at 7:10 p.m.

Mayor Robertson asked if the total number of parking spaces included both the inside and outside parking. The applicant said it did.

Mayor Robertson said that some of the concerns included the increased traffic and the speed limit through that area.

Council Member Kramer said the project did not have adequate open space and parklands, and that the Council should follow the Planning and Zoning (P&Z) Committee's recommendation.

Council Member Bailey said he supported the application, did not see any good reason to deny it, and that the area was appropriate for that type of zoning.

Mayor Robertson said this particular area could support more than an R-8 zone, and the only option to go up in zoning was an R-16.

Council Member Scott asked Mr. Hasson if there were any other major points that should be considered. Concerning height issues, Mr. Hasson said any project over 35 feet would have to have a Conditional Use Permit (CUP) and would also have to provide affordable housing. He said that Boydston Street was on the scenic route and thus would have constraints on going higher than 35 feet. He said there were four other development approvals that would be required if the rezone was approved: Design Review, Scenic Route Review, Planned Unit Development, and Subdivision.

Council Member Bailey moved to direct staff to prepare Findings and Conclusions for ZON-06-3, prepare an ordinance that would approve the rezone to present to Council on June 7th, and re-open and continue the Public Hearing until the June 7 Council Meeting. Council Member Scott seconded the motion. In a roll call vote, Council Member Bailey voted aye, Council Member Scott voted aye, Council Member Kraemer voted no, and Mayor Robertson voted aye. The motion carried with three ayes, one no and one abstention.

Mayor Robertson re-opened the Public Hearing and continued it until the City Council Meeting on June 7th.

At this time, Council Member Bertram rejoined the Council.

PUBLIC COMMENT

Mayor Robertson called for public comment at 7:41 p.m.

Bob Jesson asked about the sewer judgment and Chapter 9 municipal bankruptcy. Mr. Nichols responded to Mr. Jesson's concerns, explaining the requirements of Chapter 9 bankruptcy.

Joy Hamilton asked that Council reconsider the vote on the airport rezoning and wait until the Comprehensive Plan was completed.

Bill Eldredge spoke in favor of the airport rezoning.

Gordon Eccles said he had heard there were some efforts to table the second reading of the Airport rezoning ordinance. He urged Council to continue with the second reading and move on with the process. He asked that all five members of Council be allowed to vote if there was a motion to table the second reading, because that would be a separate motion to continue the process that had already been started.

Curt Mack urged the Council to reconsider the deliberations on the airport rezone to give the community due process and input on the future of the airport.

Larry Shake asked Council to table the rezone decision to allow time to develop vision about what the airport could look like. He also presented an alternative airport layout which showed a future commercial terminal in the area of the current FBO hangars, at the corner of Third Street and Deinhard.

Claire Remsberg asked that the consideration of the airport rezone be delayed until after the Comprehensive Plan was completed.

Diane Evans-Mack encouraged Council to allow time to finish the planning processes before making a decision concerning the airport rezone.

Hearing no further comments, Mayor Robertson closed the public comment at 7:57 p.m.

Mayor Robertson moved Council Talk Time to the end of the Business Agenda.

Council Member Scott asked to move AB 07-90 to the Business Agenda. Mayor Robertson placed it after AB 07-96.

CONSENT AGENDA

Staff recommended approval of the following items:

- Minutes – April 26 and May 10, 2007
- Warrant Register printed on May 21, 2007
- Payroll Report for Period ending May 4, 2007
- AB 07-84 Tooth-Orton Agreement for Professional Services, 2007 AIP Grant Projects
- AB 07-85 Airport Improvement Program (AIP) Grant, AIP 3-16-0023-012
- AB 07-86 Aviation Systems Maintenance, Inc. Contract to maintain the McCall Non-Directional Beacon Navigational Aide
- AB 07-87 Resolution 07-
- AB 07-93 2007 Street Dust Abatement Program
- AB 07-83 Tree Committee Member Appointment – Drew Andrew
- AB 07-89 Comprehensive Economic Development Strategy (CEDS) Project List 2007-08

Corrections were provided to the Minutes.

Mayor Robertson asked that City staff discuss the CEDS Project List for 2007-08 with John Blaye.

Council Member Kraemer moved to approve the Consent Agenda, with revisions and with AB 07-90 moved to the Business Agenda, and authorize the Mayor to sign all necessary documents. Council Member Bailey seconded the motion. In a roll call vote, Council

Member Kraemer, Council Member Bailey, Council Member Bertram, Mayor Robertson, and Council Member Scott voted aye, and the motion carried.

BUSINESS AGENDA

AB 07-94 Local Option Tax (LOT) Commission Annual Report to Council

Steve Gleason, Chairman of the Local Option Tax Commission, summarized the LOT activity for FY07 and also discussed the recommendations from the LOT Commission for FY08 allocations. Several points he covered were:

- **FY07:** The budgeted amount for FY07 approved allocations was \$255,550, of which \$140,000 had been received and paid out as of May 2007.
- **FY08:** The total recommended budget amount for the FY08 revenues and allocations was \$304,510. Mr. Gleason presented to Council the prioritized list of the LOT Commission's recommendations for FY08 allocations. He also discussed with Council additional recommended allocations in the event that the FY08 revenue exceeded \$304,510.
- **Revenue:** The original estimates for LOT revenues were based on numbers provided by the State of Idaho. The FY08 estimates are based on actual 3% tax monies received by the City of McCall during the past two years. The income estimates are "guess-timates" only, because there are several unknown factors that will affect these numbers, including the number of hotels (beds) opening in McCall, weather conditions, and fire conditions.

AB 07-92 Second Reading of Ordinance No. 835.

Mr. Nichols reviewed the Public Hearing that was conducted at the May 10th Council meeting and also explained to the Council the procedure for completing the second and third readings of the ordinance. There was a lengthy discussion on how the Council should proceed and the different options available to them.

Council Member Scott recused herself at this time.

Council Member Kraemer moved to Table 07-92 until the completion of the McCall City Comprehensive Plan. Council Member Bailey seconded the motion.

Council Member Bailey discussed the terminal layout plan and setback requirements. He said he was especially concerned about the three hangars that were in the scenic route. He suggested a code revision that would delete Section 3.7.031 C. from Title 3, Chapter 7, which would then retain those areas in the scenic route.

There was a lengthy discussion concerning design standards and the design review component that would be in the Airport Master Plan.

Mr. Nichols advised the Council that each applicant had the right to expect a review based on the City Code revisions and comprehensive plans that were in place at the time of the application.

Council Member Bailey recommended keeping the design requirements in the Zoning Code and not in the Airport Master Plan.

Mayor Robertson called for any other discussion. There was no other discussion and Mayor Robertson called for the vote.

Council Member Kraemer voted aye, Council Member Bailey voted aye, Council Member Bertram voted no, and Mayor Robertson voted no. The vote resulted in a tie, two to two, without a majority either way; therefore, the motion to table failed.

The Clerk read Ordinance Number 835 by title only as the second reading.

Council Member Scott rejoined the Council.

AB 07-95 Golf Professional Contract Renewal

Mr. Kirkpatrick explained that Mr. Morrison had been here since June 2003 and his contract would expire on December 31, 2007. He noted that Mr. Morrison had developed a great deal of customer loyalty at the golf course. He also explained that some changes had been made in the proposed contract concerning the reporting requirements and compensation formula. Mr. Kirkpatrick explained that the process for reporting requirements had been streamlined.

Mayor Robertson expressed the Council's appreciation for the work Mr. Morrison had done at the golf course and stated that Council wanted him to remain as the Golf Pro.

Mayor Robertson recommended that the City Manager continue to negotiate the Golf Professional Contract and bring the contract back for Council consideration at the July 26 meeting.

AB 07-96 Resolution 07-9

Mr. Kirkpatrick introduced this Resolution as an action plan to satisfy the City's obligations. He said the Resolution generally followed the April 23rd court order and also authorized an appeal of that Order to get a clarification on how much money the City could legally raise to satisfy the judgment. He said it recognized that there was a court order and put in motion the steps to satisfy that order. He discussed the steps outlined in the resolution.

Mayor Robertson provided a revision to Section 1 of the resolution, adding "General Fund" so that the section would read, "current determined *General Fund* surplus funds..."

Council Member Bertram asked about the process of declaring surplus funds. There was a discussion about surplus funds and that one public hearing would be required for that process.

Council Member Bertram discussed the possibility of having another election for a local option tax.

Council Member Bailey moved to adopt Resolution 07-9 with the revision to Section 1, adding the phrase, “General Fund.” Council Member Bertram seconded the motion. In a roll call vote, Council Member Bailey, Council Member Bertram, Council Member Kraemer, Mayor Robertson, and Council Member Scott all voted aye, and the motion carried.

AB 07-90 Assumption of lease for Greystone Village #3 Lot 10 from Neighborhood Housing Services to Shawn Denise Agenbroad

Mayor Robertson noted that AB 07-90 had been moved from the Consent Agenda to the Business Agenda per Council Member Scott’s request.

Mr. Nichols explained that the City of McCall had a lease agreement with Neighborhood Housing Services for development of housing on the nine lots on McCall Avenue. He said that one of the new housing units had been sold to Shawn Denise Agenbroad and that she would assume the land lease for Lot 10, Greystone Village #3. He asked that Council authorize the transfer of this land lease to Ms. Agenbroad.

Council Member Scott said she asked for the opportunity to discuss AB 07-90 to make sure there was consistency in all the leases. She noted that the following three items needed to be addressed:

- Irrigation and landscaping
- CCR’s
- Annual review of landscaping and building maintenance

There was discussion concerning these three items. Mr. Nichols said the maintenance issue was addressed in the master lease itself.

Mayor Robertson requested that Council table AB 07-90 until the June 7th Council meeting in order to allow Council time to review the master lease and ensure that the Assumption of Lease forms were consistent with the master lease.

Council Member Bailey moved to table AB 07-90 until the June 7th Council Meeting. Council Member Scott seconded the motion. In a voice vote, all voted aye, and the motion carried. Item AB 07-90 was tabled until June 7.

COUNCIL TALK TIME

Council Member Bailey reminded the City Manager about the slash piles on top of Aspen Ridge (currently University of Idaho property) and requested that they be taken care of.

Council Member Bailey asked what would happen to the shrubs at Legacy Park that needed to be moved or discarded. Mr. Kirkpatrick explained that some of the shrubs were being moved to the community housing lots. Council Member Bailey said that if any were not used, that the public should be allowed to take them so that they would not be wasted.

Council Member Bailey asked that a work session with the Forest Service be held to discuss Forest Service plans. Mr. Kirkpatrick said he had spoken with Shane Jeffries who said he would put together some information for Council to review. Council Member Bailey said it would still be beneficial to have a work session to discuss future plans as well.

Council Member Bailey said he had been trying to find a copy of the Aspen Ridge future Development Agreement from October 2004 (Aspen Ridge 1 and 2), but nobody had been able to locate it. He said that he had a draft copy of the agreement for Aspen Ridge 1, but had been unable to locate a final signed copy. He said he was not certain whether both Aspen Ridge 1 and 2 used the same Agreement. Mr. Hasson said he had discussed this with Amy Pemberton and she said she had a draft copy of the agreement. Mr. Hasson said the document had to be recorded.

Council Member Bertram said she had a request from a customer to put the Planning and Zoning minutes on the website. She also asked about the status on the proposed urban renewal areas. Mr. Kirkpatrick said Urban Renewal had received a quote for \$53,000 for the engineering plans for both potential urban renewal sites (Third Street corridor and the airport area.)

Mayor Robertson asked about the trees that Judd DeBoer had offered to the City a few years ago. Mr. Kirkpatrick said there had been discussions without any results. Council Member Bertram asked about planting trees along the new hangars at the airport. Mr. Kirkpatrick said that the problem that had come up was that the space available for that landscaping was limited. He said the concern now was if the City used the tree grant to put the trees in that narrow space, the City would be making a commitment to the State that the trees would be maintained and replaced if they die. He said the question was whether the trees would survive in that limited space, considering the amount of snow that would dump on them from the roof. There was discussion of the possibility of planting bushes instead of trees.

Mr. Kirkpatrick noted items discussed in his report to Council, which he distributed, including that the J-Ditch system had started pumping today, which was about a week earlier than last year.

EXECUTIVE SESSION

At 10:54 p.m. Council Member Bailey 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 Scott seconded the motion. In a roll call vote, all members voted aye, and the motion carried.

The Council discussed 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.

ADJOURNMENT

Without further business, the meeting was adjourned at 12:05 a.m.

William A. Robertson, Mayor

ATTEST:

Joanne E. York, City Clerk