

# MINUTES

---

**McCall City Council  
Regular Meeting  
August 9, 2007**

## Agenda

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

## **CALL TO ORDER AND ROLL CALL**

**Council President Bailey called the regular meeting of the McCall City Council to order at 6:05 p.m. Council Member Bailey, Council Member Bertram, Council Member Kraemer, and Council Member Scott answered roll call. Mayor Robertson was absent. A quorum was present.**

City staff members present were Lindley Kirkpatrick, City Manager; Fred Quiel, Deputy City Manager / Administrative Services; David Simmonds, Information Systems Manager; Anne Kantola, Librarian; 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 Summers, Police Chief;

City Attorney Bill Nichols was present.

Council President Bailey led the audience in the Pledge of Allegiance.

## **REPORTS**

Lindley Kirkpatrick, City Manager, introduced the Department Heads to answer questions regarding their reports, and presented his monthly report to Council, and highlighted the following:

1. Community Housing. Board of Realtors, MSJ, no decision from bench.

2. McCall Ave homes complete, problem w floor in one of buildings. One unit has closed. You have a proposal for landscaping. This is to get started for sod, grass, etc.
3. Pond filling up on Deinhard. Will be doing liner inspection. We failed leak test. Failure shows 2" a day, would be 800k gallons. Something is wrong with that because we put that much daily into pond.
4. Budget – on Agenda tonight.
5. Rio Vista Water line., under construction.
6. District Court. Committee will be meeting next week, Wed at noon.
7. Lake Front, Urban Renewal. Agency reconfirmed earlier decision to re bid parking lot and park improvements. Will do a portion of the work w City crews, paid by Agency. Two council members on Agency, but Board wants to have good appearance for winter. Board is meeting again on the 21<sup>st</sup>.
8. Mission to Mather. Will now be six days. If not reconfigured, will be next year. The volume of traffic on highway has ITD concerned. Originally was going to be 9" base, grind up and have 13" of base. Originally 17 working days. ITD is looking at alternative, for 9" and lay on top of that, and will take only 6 days. ITD assured us they will put a "scratch coat" of asphalt on top, so it will be better through the winter. Will be done by Labor Day.
9. Personnel – New hires, new police officer, only one vacancy in PD. Have conditional offers out for City Clerk, and Deputy City Manager, Roger's position.
10. DEPARTMENT REPORTS- Usually see Development Status report will come on Tuesday. Don Bailey requested that minutes of P & Z be posted on the web site. Helpful to read comments on web site, so can see later.
11. Council Member Bertram- Holding tanks at Airport. Steve was looking into feasibility of connecting sewer line. The holding tanks will not be allowed, but perhaps could have a septic tank.

## CONSENT AGENDA

Staff recommended approval of the following items:

*Minutes – July 12, 2007*

*Warrant Register printed on August 2, 2007*

*Payroll Report for Period ending July 27, 2007*

*AB 07-130 Alcohol Beverage Catering Permits*

*AB 07-140 Landscaping at the McCall Avenue Homes*

*AB 07-139 Burial of Overhead Utilities on Third Street, between Washington Street and Colorado Street*

*AB 07-131 CUP-07-11: Church of Jesus Christ and Latter Day Saints Building and Parking lot Expansion*

*AB 07-136 Merganser Lake: Approval of Final Plat Subdivision (SUB-05-08) and Planned Unit Development (PUD-05-03)*

*AB 07-132 CUP-06-23: Roosevelt Place Mixed Use Building*

AB 07-133 SUB-07-8: Minor Amendment to Final Plat, Hearthstone Townhomes  
AB 07-142 Landscaping Project at McCall Airport

**Council Member Bailey moved to approve the Consent Agenda with changes to the Minutes, and with comments from Don Bailey about under grounding utilities, not including burying electrical on Third Street by Frontier. The current undergrounding is for the west side only. Don Bailey corrected the Agenda Bill (AB 07-131) for Merganser Lake should read "Title 3". Don Bailey wanted to make sure, on CUP-06-23, that both Whipkey, and Roosevelt are completed this year. The City Manager reassured that both will be completed this year; they will be on the next agenda.**

**Council Member Bertram moved to accept the consent agenda with noted corrections to the minutes. Council Member Scott seconded. Council President Bailey asked for an aye vote for all in favor. All Council Members voted aye, and the motion carried.**

## **PUBLIC HEARING**

**AB 07-135 Public Hearing on Fiscal Year 2007-2008 Budget** City Manager Kirkpatrick reviewed the several month budget process: 2 Council work sessions, one with LOT, several opportunities for public involvement over a period of four months. The budget in front of you has four changes the Council requested, from the tentative budget you have adopted. We recommend you leave the public hearing open until August 21, and then, you can adopt the final budget on August 23.

### **Council Member Bailey opened the public hearing at 6:31pm**

Council Member Bailey, observing that no one had signed up to speak, asked if anyone desired to speak about the budget.

Amy Pemberton, 706 North First Street, member of the Board of Directors of McPaws, said she appreciated the support of the City, and know both the City and McPaws are in financial need. She said McPaws needed more support from governmental entities. Individual members want to see McPaws with more stable funding, and then they will support. If McPaws closes, the entire County will be in trouble regarding animal control. Several things have increased costs: Veterinarian is more costly. We welcome all input from the City. We have tried to develop income sources of our own, including boarding facilities. McPaws has a contract for services and if the City does not pay our bill we will need to cut services. We have great volunteers, but we need a permanent solution to funding.

Council Member Bailey asked if we had a contract with McPaws, and was told by the City Manager that the contract had expired in January of this year. We had one for several years.

The contract provided for McPaws taking impounded dogs, and perhaps cats, in exchange for a fee. Council Member Bailey asked for a copy of the contract for the Council. Council Member Bailey was asked by Council Member Bertram to talk about his idea for support for McPaws. He said funding has increased by the City, the LOT funding has fluctuated, but the pot of money has increased to McPaws. The LOT Commission has held several hearings, and made recommendations, and the Council accepted the recommendations, for the most part. The Council had this year paid their surplus over reserves to the Wausau judgment, and all new tax monies this year, and will be going to court to pay a portion of the remainder. All of the City's property tax the City can raise in FY'08 will be going to the Wausau judgment. We will have paid about \$900k this year, and we are supporting a recycling center, that citizens are asking us to support.

Council Member Bailey went on to say, that in thinking about funding for McPaws, he thought up a plan to go back to the voters, in November, and ask the citizens to support a proposal to increase the state sales tax by ¼%, and that would raise \$200,000. The voters must support a measure like this by 60%, of those voting. In 2002 a 1% measure was defeated because it only got 57+% of the vote. The Council has not supported my notion yet, Council Member Bailey, added. I am going to ask concerned citizens to support this. I propose the first \$200,000 go to McPaws, and if the ¼% raises more than that, then to the LOT Commission to recommend funding to the Council.

Council Member Bailey said Sun Valley passed an Ordinance that was valid for 10 years. Obviously the measure will require 60% of the community to support it. A committee would have to form to promote this measure. Amy Cruikshank asked if the City and McCall could form a partnership to promote this campaign. The City Manager cautioned that public money cannot be used to support a political campaign.

Council Member Bailey reminded that the rest of the Council has not supported this, but this is just a trial balloon. The City Manager reminded that the prior 3% lodging tax passed in November and the City began collecting in December. Council Member Bailey reminded that the staff would need to work with the City Attorney to develop appropriate Resolution, Ordinances, and an administrative approach to implement a sales tax.

Council Member Bertram reminded that McPaws coming to the Council for funding every year is not a stable funding source and there should be a more stable way to fund this program on an ongoing basis. She reviewed the process to pass the Hotel Tax, and it took three or four times to get it passed.

Christiana Lukens, Kennel Manager at McPaws asked what would happen if the vote did not pass for next year. The City Manager reminded that the current budget has \$71,000 for McPaws, \$60,000 for operations, but McPaws would still get the funding from the City budget for this year. Council Member Bailey reminded we would look at entire budget to see if there is a way to trim it, and get additional money.

City Manager Lindley reminded that there is not a current contract in place for McPaws, but we will develop one, and McPaws will be given money quarterly.

Michael Anderson, 278 Country Loop, McCall, chairman and president of McPaws, and chairman of Lita Anderson foundation, spoke next. He reminded that the foundation has no more funds. He thanked Council Member Bailey for the creative suggestion of the ¼% for permanent funding. He also invited a member of the Council to have a permanent seat on the McPaws Board.

Council Member Bailey left the public hearing on the budget open, so when the Newspaper reports are read the Council can receive comments prior to the next meeting. The City Attorney suggested closing the hearing on August 21, prior to the Council Meeting on August 23, for the purpose of receiving written comments prior to the August 23 Council Meeting. The public hearing was left open until August 21, 2007.

Council Member Bertram commented that the Shepherd's Home has funding problems, and many people have stated that if we question what McPaw's needs, we are animal haters. Now, we can anticipate that if we further fund McPaws, the Shepherd's Home will say, you took care of the animals, now take care of the kids. Council Member Bailey asked, "can we afford that quality of care for animals"? The question is: Are we looking for a \$1 million dollar grant for McPaws in five years?

**AB 07-138, Cattail Ridge Subdivision: Zone Map Amendment, Preliminary Plat, and Planned Unit Development**

Steve Hasson reminded that this was scheduled for a public hearing. Take 18 acres and rezone from R1 to R4. The applicant told us they modified the preliminary plat in front of P & Z, and staff has no chance to review these changes and we need to see if these changes are substantial or not. Hasson recommended the Council open the public hearing, take comments, and leave the hearing open until the next meeting.

**Council Member Bailey opened the public hearing at 7:07pm**

John Walker 1441 Warren Wagon Road, and the director at Quaker Hill, directly north of this parcel of land. The scenic byway committee of the County has met on our project to review projects that come close to the Highway 55. The committee covers development from Adams Lane to Cascade. Council Member Bailey received the letter and photographs from Quaker Hill.

Tom Turcko, 9721 Letals Head drive. The preliminary plat looks like the original one that was denied. We have used that property for years for emergency response, and if this project happens emergency response will not be able to reach our back 40 acres. We have a Zip Line and need to have people have access to our property for the few injuries we get a year. We were given an easement across this land originally to have access to our property. We need Tiernan's property, that is now sold to have access to our property. We have been trying to get a hold of the developer and his attorney to gain an easement to our property. Council Member Bailey pointed out that P & Z has accepted this plat.

The City Manager told the Council that they have an incomplete packet on this issue, but, the issue will be considered at the next meeting. Council Member Bailey suggested they (Turcko) continue talking to developer to get the easement they need.

Council Member Bailey continued the hearing to a future date. Steve Hasson reminded that they have not seen the final plat yet. The City Attorney recommended continuing to a date certain so the public hearing did not need to be publicly noticed again. Steve Hasson recommended the issue be continued to August 23.

**AB 07-137 Louisa Avenue Condominiums: Zone Map Amendment, Preliminary Plat, and Planned Unit Development**

Steve Hasson said this is a preliminary plat to rezone from R4 to R8 to afford expansion of 4 to 7 units, and asked to open the public hearing, but continue to August 23, but inclusionary housing is tied to Cattail Ridge, and the developer wants to transfer over to the other project. Council Member Bailey said it looks like significant wetland in the area. Hasson said that as a condition of approval that if wetland is found, it must be treated as all other wetlands.

**Council Member Bailey opened the public hearing at 7:27pm.**

Bailey asked that the agreement they signed with Mr. Tiernan for the “Huckleberry Corner” be extended to the Spring, so the City could go in and clean up the property.

Council Member Bailey continued to the Public Hearing to August 23, 2007.

**AB 07-117 Crystal Beach Condominiums: Zone Map Amendment**

Steve Hasson reported that this is a rezone that needs to go back to P & Z. We have found out in the last few days that ITD is planning a major improvement on Mission and Lake and that will impact where wall and other things are placed. So in discussing this with Andy Laidlaw this needs to go back to P & Z once this is understood. Mark Woods, Idaho Power, who we were talking to for under grounding, talked to ITD and they told him we have this improvement at this intersection, and they will put a left hand turn lane, etc, and the changes are sufficient that this needs to go back to P & Z. The white fence is likely to be in the ROW.

Council Member Bertram asked if ITD could get a published schedule for these projects. Bill Keating was talking to ITD about this issue. Crystal Beach wanted to know what ITD’s plans were before committing to a development agreement. Mr. Hasson said that the white wall is currently within the ROW, and it will cause movement of many things that could impinge on the ROW. The City Manager recommended remanding this to the P & Z.

**Council Member Bailey opened the public hearing at 7:33pm**

Council Member Bailey continued the public hearing until the P & Z re hears this issue.

**Council Member Scott moved that this item be remanded back to P & Z. Bonnie Bertram seconded. A voice vote received unanimous support and the motion carried.**

## **PUBLIC COMMENT**

**Council Member Bailey called for public comment at 7:56 p.m.**

Bob Youde 1210 S. Samson Trail, McCall reported that the other members of the P & Z asked him to discuss the staff changes in the Community Development department. The P & Z wanted to thank Steve Hasson and wish him good luck in Kuna, and welcomed Michelle Groenevelt, and said she was smart, well trained, and motivated, and wished her good luck in an office with a window.

Steve Gleason, 341 Memo , McCall, Chairman LOT Commission, responded to a request for a review of projects, and he handed out a memo, reviewing projects. The City of Ketchum is collecting Lodging, Liquor and Sales. Building materials contributes more than liquor. Ketchum and Sun Valley have a strong commitment to their Chambers of Commerce. They fund them in hundreds of thousands of dollars. The LOT Commission invited McPaws, Ice Rink, World Masters, Brock for the seal coat, the Senior Center, and other projects, but they left the meeting and felt they did not believe they could speak. Council Member Bailey believes McPaws should be a public, county wide operation, monitored by the County. He also believes that any extra money from this LOT could potentially go to helping fund the Chamber.

Steve Gleason added that a measure this November could be added to the ballot to permanently fund McPaws. He would like to see the Sales tax, and perhaps an increase in the Hotel/Motel Occupancy tax. Visitors pay a good percentage of the sales tax in Ketchum and Sun Valley. Council Member Bailey suggested that perhaps when the Ordinance is written we can look at setting the sales tax rate at ½%.

Council Member Bertram also said we could increase the Hotel/Motel tax by 2 to 3% more, instead of a Sales Tax. Steve Gleason said we should leave the sales tax on for McPaws, as well as increasing the Hotel/Motel tax. Fred Quiel cautioned that there is very little time to prepare the Ordinance and get it on the ballot. The ballot had to be finalized by the last meeting in August so the timeline and printing of the ballot deadlines can be met. The City Attorney said an enabling resolution would be a companion to the Ordinance, and thought we might have to coordinate with the State Tax Commission. Council Member Bailey said the '02 Ordinance had a table that computed the tax. He asked Fred Quiel to provide a firm schedule to follow so we do not miss any deadlines. Fred Quiel added that we will be using an Optical Scan machine to count votes, and the ballot will have to be specially prepared by ESS in Nebraska.

**Council Member Bailey closed the public comment at 8:23p.m.**

## **BUSINESS AGENDA**

**The meeting was called back to order and the Business Agenda began at 8:30p.m.**

### **AB 07-134 Through the Fence, Status Report.**

John Anderson, Airport Manager, on lease price wanted to: (1) Assure that the through the fence operators are paying at least parity or more, FAA strongly advises us to do this, (2) How do we assure we are collecting adequate revenues to pay for the operation of the run way and parallel taxi ways. The operating income budget shows the forest service is 75% of total income, and the rest is 25%, if exclude property tax. So, how do we structure an agreement to assure we are collecting enough now, and in the future. We need to make sure that both on and off entities are treated equitably.

Council Member Bailey said if current lease holders build a building, they have no capital in land. Anderson said they provide utility improvements. He tried to look at cost approach of providing an income stream. FAA orders says we need "parity", so a cost approach of services could be allocated back to space provided. Bailey said since we do not have to buy the land there should be some value placed upon us avoiding that cost.

Anderson said that once we grant TTF status to one land owner we must grant to a third party they sell to. He said we would grant access to the airport for a term, and the bundle of rights would end after a term. Bailey said Anderson should continue his negotiations.

Judd deBoer, owner of the property in question said before we want to work with the City, and want to be on a level playing field with the City, and it must be fair. Our number is 13 cents, not the City's 35 cents. The taxes generated would be about 70,000 a year in property tax so it is a "win/win" for the City. We would like a consensus tonight. If we are in the ball park, and can moderate between us, then we can proceed. You saw the jets out there today, and if they had a place to stay, they would stay overnight. So, we must work with landowners to get the roads completed, and the TTF agreement finished. Our numbers and we have figures to corroborate it, are 13 cents.

The City Manager said the difference (35 v 13) is \$500 per year, per hanger, and wanted to confirm that the difference is the deal breaker here. DeBoer said it is a deal breaker. Council Member Bailey confirmed that the entire Council wants to get this worked out, at a fair agreement to all. Council Member Scott said she is not sure yet as to what parity is. There is a difference of 35 to 13, and that is a huge difference. John Anderson said there is a possibility of compromise.



Council Member Bailey suggested a work session, or special meeting to help resolve this issue. The City Manager said we need to simply agree on parity, Judd said, and Anderson said “around 20” may work.

Council Member Bailey said his sense is the Council wants to proceed, and would like an agreement next time. The City Attorney said you need to have agreement in concept first. The City Manager said deBoer is just asking for an agreement in concept. John Anderson said the agreement would best be done between the City Manager, himself, deBoer, and the City Attorney. The City Attorney said, the agreement should include who is going to pay what, the term, are there escalation clauses, etc., and reach a workable TTF agreement adaptable to McCall.

### **AB 07-141 Request for Easement across City property from Ray Alford**

The City Manager said a similar request was made in March '05, and what looks like a similar request happened in September '05. Right before the September minutes you can see a map. It is west of Mission, south of Deinhardt, and the small triangular piece of ground, adjacent to a piece of ground the City owns, 80' wide. At one time the Council was going to grant an easement should the property be developed for affordable housing. Then, that same year there was an action that resolved the ROW acquisition for an adjacent piece of land for the Lutheran Church. As part of the ROW resolution the church was granted an easement. Their parcel is east of the triangular piece, with frontage on Mission. This request is like the request a bit ago, a request for access across City property. In exchange for this access the City was to receive 100% affordable housing on this property. Mr. Alford did not produce that, but now, Mr. Alford is back asking for 20% affordable housing. In exchange for access to City property, the City should receive something of value, that is more than required by City code.

Council Member Bailey questioned Mr. Alford about the four maps in the packet. The City Manager said there is not access available off of Deinhardt. The Lutheran Church owns the parcel to the north, and the offer from Mr. Alford was rejected when the church asked too much for the land. Mr. Alford said it was back in '04 when they discussed this with Camp Pinewood, and we had a tentative agreement with some people to put in affordable housing, prior to the requirement for 20% affordable housing. The affordable housing we agreed to at the time was for mobile homes. Mr. Alford questioned the need for affordable housing in view of the City's failure to sell the nine “affordable” houses they now have on the market.

Council Member Bailey made the point that in this zone, you could create a mobile home subdivision. Mr. Alford said they cannot offer this property to develop because we have no access to this property. Council Member Bertram pointed out that is not up to the City to market your property. She reminded that at 100% affordable housing, the City was willing to offer an easement. She said all Mr. Alford needs is a copy of the minutes where the City promised an easement for 100% affordable housing.

Council Member Bertram confirmed there is sewer and water access to property. The whole length of the easement property, from the City is not able to be developed. The City Manager said there is not a problem with putting a road on the property. The City Attorney said an

easement can include the ability to include improvements to the property. If they have an easement, and come in for project approval, you can then require them to bring the easement up to City standards. Mr. Alford is asking to know what a developer of their land is going to be required to do, in order to acquire the easement.

**Council Member Kraemer moved that Mr. Alford be granted an easement in exchange for 40% affordable housing, or in-lieu fees, or a reasonable alternative. The motion was seconded by Council Member Bailey. Council Member Bailey asked for a voice vote, and all voted “eye”, and the motion passed.**

Council Member Bailey said this authorizes staff to negotiate an agreement for the easement. The City Manager told Mr. Alford that he can propose a written agreement, or the he can wait a week for the City Manager to initiate a written agreement.

**Council Talk Time:**

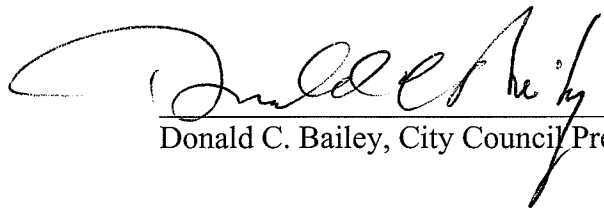
**Council Member Bailey opened Council Talk Time at 10:01pm**

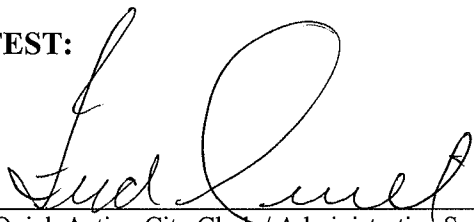
Council Member Bertram questioned “finance charges” on two credit cards, one for Fred Quiel, and Jerry Summers. Neither one could be paid within 30 days because both were being disputed, and both are being adjusted. Neither credit card vendor gave notice until the 30 days was up.

Council Member Kraemer asked about Alan’s contract, golf course pro. The City Manager said the contract will be completed within a month, and on the agenda.

Council Member Bertram said another recycling program, not funded by the LOT, was doing her own program to recycle aluminum, etc. Her problem was how does the material get taken to the recycling center. The City Manager said taking them to the center is no problem, it is separating them that is the challenge.

**Council Member Bailey moved to adjourn, all voted “aye”, and the motion passed. The meeting adjourned at 10:05 pm.**

  
Donald C. Bailey, City Council President

**ATTEST:**  
  
Fred Quiel, Acting City Clerk / Administrative Services