

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
April 8, 2010**

Agenda

Call to Order and Roll Call
Reports
Pledge of Allegiance
Approve the Agenda
Public Hearing
Public Comment
Business Agenda
Consent Agenda
Executive Session
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Bailey called the regular meeting of the McCall City Council to order at 5:31 p.m. Mayor Bailey, Council Member Delaney, Council Member Kulesza, and Council Member Witte answered roll call. A quorum was present. Council Member Scott was absent.

City staff present was Lindley Kirkpatrick, City Manager; Bill Nichols, City Attorney; Dennis Coyle, Parks and Recreation Director; John Anderson, Airport Manager; Eric McCormick, Golf Course Superintendent; Carol Coyle, Grant Coordinator; Anne Kantola, Library Director; David Simmonds, Information Systems Manager; Linda Stokes, City Treasurer; Brad Kraushaar, City Planner; and BessieJo Wagner, City Clerk.

REPORTS

Council Member Witte complemented Eric McCormick, Golf Course Superintendent, on his efforts at the Golf Course to minimize effects on the environment while maintaining the Golf Course.

Council Member Witte expressed concern for the lack of dog leash control, in the Rio Vista area particular, and asked if Code Enforcement would be looking more closely at the issue now that there are two Code Enforcement Officers.

The Council received copies of the following committee minutes:

- Parks and Recreation Advisory Committee – February 17, 2010
- Golf Advisory Committee – January 13, 2010
- Golf Advisory Committee – February 10, 2010
- McCall Area Planning and Zoning Commission - February 2, 2010
- Historic Preservation Commission – January 19, 2010
- Historic Preservation Commission – February 16, 2010
- McCall Improvement Committee – February 25, 2010
- McCall Improvement Committee – March 11, 2010

Mayor Bailey commented that in the McCall Area Planning and Zoning Commission Minutes it references that City Staff makes the final decision, Mayor Bailey clarified that City Council makes the final decision not City Staff.

Mayor Bailey commented that the McCall Improvement Committee had a concern with the appearance of the McCall Market Place. Mayor Bailey suggested that Carol Coyle draft a letter to the owners of the vacant lot in front of the McCall Market Place, Simplot, to encourage improvement of the area. Mayor Bailey stated he would be willing to sign it. He also suggested that photos be included so that the owners could see what the area currently looks like.

Council Member Kulesza commented on the new FAA Policy of Through the Fence, stating that based on the policy, the City of McCall made the correct decision by not approving a Through the Fence Agreement.

Lindley Kirkpatrick stated that the City had a draft of the Wash Down Agreement with the Forest Service and that the agreement would come before Council for action on April 22, 2010. Council Member Delaney requested that the rationale for the cost be available to Council.

Council Member Kulesza commented on the UPRD grant stating that the County would be having a public hearing on Monday, April 12, 2010 to discuss the grant for an Economic Advisor. He stated that the City of McCall and the City of Donnelly had already stated their support of the grant.

Mayor Bailey commented that he was pleased to learn of the paving of State Highway 55 to correct problems that have been getting worse every year.

There was some discussion as to who should attend the North West Community Development Institute Conference. There was a consensus to put a notice in the paper seeking a member of the community to attend the conference.

Mayor Bailey led the audience in the Pledge of Allegiance at 6:00 p.m.

Mayor Bailey approved the agenda as submitted.

PUBLIC HEARING

AB 10-92 Adoption of Resolution 10-13: Establishing Fee for Staff Engineer Development Review Service

Mayor Bailey opened the public hearing for Establishing Fee for Staff Engineer Development Review Service at 6:03 p.m.

Hearing none, Mayor Bailey closed the public hearing for Establishing Fee for Staff Engineer Development Review Service.

Council Member Witte asked if the fees were substantial enough to cover costs, Mr. Kirkpatrick responded that staff had analyzed the costs associated with the Staff Engineer Development Review service.

Mr. Nichols stated that generally a City should review the fees charged for all services on an annual basis to ensure that they are adequate.

Council Member Kulesza moved to approve Resolution 10-13 and authorize the Mayor to sign all necessary documents. Council Member Delaney seconded the motion. In a roll call vote Council Member Kulesza, Council Member Delaney, Mayor Bailey, and Council Member Witte all voted aye and the motion passed.

AB 10-97 CA-09-01: Code Amendment – Lake Frontage Minimum for Residential Zones – Possible Ordinance Adoption

Bradley Kraushaar, City Planner, presented an overview of the code amendment stating that after a code amendment work session, the Planning and Zoning Commission directed staff to submit a code amendment application to create a 60 foot lake frontage minimum requirement for all residentially zoned properties. At the time of the code amendment recommendation, there was not a minimum lake frontage development standard. Prior to the 2006 code, there was provision to regulate the width and depth of a lot. Since 2006, there had been a void in the code and this code amendment would resolve the issue. The proposed amendment is intended to foster more orderly and logical property layouts and development around Payette Lake.

Mr. Kraushaar stated that the code amendment was presented to the Valley County Board of Commissioners on March 15, 2010. The Commissioners directed staff to bring the amendment back in July with additional information after additional public notice including a mailed notification to all the property owners.

Mr. Kraushaar stated that City Staff recommends further analysis of the current code, the proposed amendment, and other alternatives to address the identified issues in the current code, therefore tabling the item until June, 2010.

Council Member Kulesza inquired as to whether the staff intends to send out a mailing to all property owners around the lake. Mr. Kraushaar reiterated that staff will be reevaluating this

code amendment prior to committing to a mailing of that magnitude. He also stated that if the City decides to go with the amendment then the City would be obligated to do the mailing as directed by the Valley County Board of Commissioners.

Mr. Kirkpatrick stated that the recommended action for this code amendment at the June 10, Council meeting had not yet been determined. He stated that the Community Development Department would be doing additional analysis to determine whether this code amendment is best for the City or if there may be a better way to approach the issue.

Mayor Bailey stated that there had been some misunderstanding as to the intent of the code amendment. He stated that by contacting the property owners with the suggested amendment and how it would affect their property along with the date of the future hearing would be needed. He suggested that a notice be sent prior to the June meeting to have time to respond.

Council Member Delaney asked when it is required to notify the property owners, and why would the City choose to alter the process for this issue and not others, and how expensive would it be. Mr. Nichols stated that the code amendment would be a legislative change, not a quasi-judicial change; therefore all that was required was to notice the public hearing. He stated that the notice for the public hearing would be the minimum standard; however there is prudence in more notice rather than just the minimum. Mr. Nichols reiterated that the City was not required to do more than just the notice.

Council Member Delaney stated that she did not agree that a notice to all property owners should be mailed out. She also stated that it was her concern that the City would be treating those property owners differently than others just because they live on the lake.

Council Member Kulesza stated the majority of those that would be affected are not in the City until summer. Council Member Delaney countered that with that reasoning would the Council wait to make decisions on all issues until the summer months? Council Member Kulesza stated that Council Member Delaney made a valid point and that the Council would not wait on other decisions. He stated that the significance of the issue had to be considered.

Mayor Bailey stated that the County was concerned with making the properties non-conforming and what that means. Mayor Bailey stated that a letter clarifying the concerns needs to be sent out.

Council continued discussion as to whether it would be prudent to create a precedent on how property owners are treated.

Mayor Bailey continued the public hearing for CA-09-01: Code Amendment – Lake Frontage Minimum for Residential Zones at 6:30 p.m.

Hearing no further comments, Mayor Bailey closed the public hearing for CA-09-01: Code Amendment – Lake Frontage Minimum for Residential Zones at 6:31 p.m.

Mayor Bailey moved to table consideration of the ordinance until June 10, 2010. Council Member Kulesza seconded the motion. In a voice vote Mayor Bailey, Council Member

Kulesza, and Council Member Witte all voted aye, Council Member Delaney voted no and the motion passed.

PUBLIC COMMENT

Mayor Bailey called for public comment at 6:32 p.m.

Hearing no comments, Mayor Bailey closed the public comment.

BUSINESS AGENDA

AB 10-93 Historic Preservation Commission Annual Report

Brian Corcoran, Chairperson, presented the Historic Preservation Commission's annual report to Council.

AB 10-100 Amended Ground Lease with Neighborhood Housing Services for the Remaining McCall Avenue Homes

Council worked through the lease with Mr. Nichols. Council made some minor suggested changes to the lease. Council directed Mr. Nichols to incorporate the changes and seek input from Nick Partin at USDA, Rural Development on the recommended changes. The lease will come back before Council at a later date.

AB 10-96 Annual Audit Report for FY09

The annual Audit Report for the fiscal year ended September 30, 2009 was presented to Council by Bobby Lawrence from EideBailly. Mr. Lawrence discussed the audit documents with the Council and answered questions during the process.

AB 10-99 Assumption of lease for Greystone Village #3, Lot 9, Block 3, from Neighborhood Housing Services to Thomas K. Burke

Council Member Delaney moved to authorize the transfer of the land lease for Lot 9, Greystone Village #3, from Neighborhood Housing Services, Inc. to Thomas K. Burke, and authorize the Mayor to sign all necessary documents. Council Member Witte seconded the motion. In a roll call vote Council Member Delaney, Council Member Witte, Mayor Bailey, and Council Member Kulesza all vote aye and the motion passed.

AB 10-91 Circulation Plan within the Urban Renewal District

Lindley Kirkpatrick introduced the Circulation plan within the Urban Renewal District stating that there were memos and recommendations from both the Urban Renewal Board and the Transportation Advisory Committee. He also stated that there may have been some miscommunication between staff and the Urban Renewal Board as to what the recommendation to Council would be.

Council Member Kulesza questioned as to whether there was any value to having a combined meeting with the Urban Renewal Board, the Transportation Advisory Committee and staff to come to a consensus relating to the Circulation Plan prior to Council taking action. He felt that the three entities should have an opportunity to discuss their various ideas on this issue.

Mr. Kirkpatrick stated that there was no urgency that the decision had to be made at the April 8, 2010 Council meeting and that there could be value in having the Urban Renewal Board, the Transportation Advisory Committee and staff meet.

Council Member Delaney stated that she would request that, as Council, they give staff and Urban Renewal Board a chance to meet and communicate an understanding of each position.

Council Member Kulesza wanted to ensure that neither the Urban Renewal Board nor the Transportation Advisory Committee would think that the Council was sending the issue back. The reason for the meeting needs to be clear that it would be so that the Urban Renewal Board, the Transportation Advisory Committee and staff would all have the opportunity to communicate so that each entity's position was clear.

CONSENT AGENDA

Staff recommended approval of the following items:

- Minutes March 25, 2010
- Warrant Registers printed on 4/2/2010
- Payroll Report for Period ending 3/19/10
- AB 10-90 Alcohol Beverage License Report as of 3/30/10
- AB 10-95 REEZ contract with Idaho Office of Energy Resources

Some discussion took place to clarify the warrant register and correct the minutes.

Council Member Kulesza moved to approve the Consent Agenda with the minutes corrected. Council Member Witte seconded the motion. In a roll call vote Council Member Kulesza, Council Member Witte, Mayor Bailey, and Council Member Delaney all vote aye and the motion passed.

EXECUTIVE SESSION

At 8:15 p.m. Council Member Delaney moved to go into Executive Session for:

- **Litigation – Pursuant to Idaho Code §67-2345(1) (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated; and**
- **Land Acquisition pursuant to Idaho Code §67-2345(1) (c) to acquire an interest in real property which is not owned by a public agency.**

Council Member Kulesza seconded the motion. In a roll call vote Council Member Delaney, Council Member Kulesza, Mayor Bailey, and Council Member Witte all voted aye and the motion passed.


Council discussed litigation issues and possible strategies and solutions; and the possibility of land acquisition for the City.

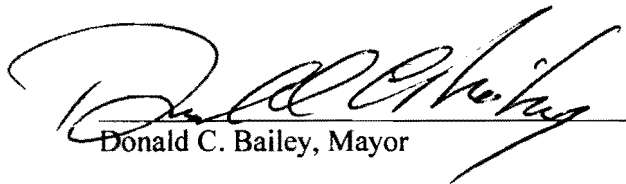
ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 8:45 p.m.



ATTEST:


BessieJo Wagner, City Clerk


Donald C. Bailey, Mayor