

# MINUTES

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**McCall City Council  
Regular Meeting  
Legion Hall (McCall City Hall - Lower Level)  
July 22, 2010**

## Agenda

Call to Order and Roll Call  
Work Session  
Approve the Agenda  
Pledge of Allegiance  
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 5:48 p.m. Mayor Bailey, Council Member Kulesza, and Council Member Scott answered roll call. A quorum was present. Council Member Witte and Council Member Delaney were absent.**

City staff present were Lindley Kirkpatrick, City Manager; Bill Nichols, City Attorney; Linda Stokes, City Treasurer; Michelle Groenevelt, Community Development Director; Jerry Summers, Chief of Police; Eric McCormick, Golf Course Superintendent; Dennis Coyle, Parks and Recreation Director; Peter Borner, Public Works Director; Bradley Kraushaar, City Planner; and BessieJo Wagner, City Clerk.

## **WORK SESSION**

### **AB 10-168 Golf Fund Finance Discussion**

General discussion on the merits of making an operational fund transfer to the municipal golf course occurred. There was some concern expressed by the Council as to how much is enough and will there be a need for it to be more in the future. Mayor Bailey stated that the Golf Course may never be able to generate enough revenue to completely sustain itself so it was time to make a decision on whether the City is going to support it long term.

There was some discussion as to whether the municipal golf course needs to be in as good of shape as it is currently. It was discussed that the golf course is in direct competition with the private courses.

Mayor Bailey led the audience in the pledge of allegiance 6:08 p.m.

Mayor Bailey amended the agenda to remove AB 10-169 Contract Award for Krahn Lane Sewer Extension at the request of Public Works Director, Peter Borner and approved the remainder of the agenda as submitted.

## **PUBLIC COMMENT**

Mayor Bailey called for public comment at 6:09 p.m.

Hearing no comments, Mayor Bailey closed the public comment.

## **BUSINESS AGENDA**

### **AB 10-161 Planning and Zoning Commissions Annual Report**

Phil Feinberg, Chairman presented the Council with the Planning and Zoning Commissions Annual Report. (Exhibit A)

### **AB 10-160 McCall Urban Renewal Appointment**

**Council Member Kulesza moved to re-appoint Bob Youde to the McCall Urban Renewal Agency Board of Commissioners, to a term expiring June 2013. Council Member Scott seconded the motion. In a roll call vote roll Council Member Kulesza, Council Member Scott, Mayor Bailey and all voted aye and the motion carried.**

### **AB 10-166 Parasail Concession Request**

Dennis Coyle, Parks and Recreation Director, stated that the presented Concession request was recommended for approval by the Parks and Recreation Advisory Committee. Mr. Coyle introduced Mac Mackaben to Council. Mr. Mackaben answered questions clarifying the use of the dock and the nature of the business. Steve Epperson, boat Captain for the parasail answered questions about safety issues. He stated that he had 20 years of experience with parasailing.

**Council Member Kulesza moved to approve the concession request contingent on the conditions imposed by the Parks and Recreation Advisory Committee. Council Member Scott seconded the motion. In a roll call vote Council Member Kulesza, Council Member Scott and Mayor Bailey all voted aye and the motion passed.**

### **AB 10-164 Transportation Advisory Committee Recommendation: Excess ROW Development**

Bradley Kraushaar, City Planner, presented the Transportation Advisory Committee's (TAC) Recommendation for excess Right-of-way development. The recommended action to council was the short-term steps to have staff prepare a concept plan for the Railroad Ave. right-of-way portion (similar to what exists for Spruce Street). The expertise to prepare the plan exists within the Parks and Recreation department, and Dennis Coyle, Parks and Recreation Director, has

confirmed that the staff time to prepare this concept plan exists within the suggested 6-12 month timeline. However, the money required to construct the to-be-designed pathways has not been included in any budgeting process, either for FY11 or beyond. It is anticipated that, pending Council interest in the proposed pathways, the creation of the concept plan in the coming year would lead to future discussions about the feasibility of construction. At the June 22, 2010 meeting, the McCall Urban Renewal Agency heard a request to endorse the TAC's recommendation letter. In response to the presentation and request, the Agency moved to support the development of excess rights-of-way for use as pathways or parks.

**Council Member Kulesza moved to direct staff to prepare a preliminary and/or conceptual plan for the excess Railroad Ave right-of-way within the next 6-12 months. Council Member Scott seconded the motion. In a roll call vote Council Member Kulesza, Council Member Scott and Mayor Bailey all voted aye and the motion passed.**

Staff will prepare a conceptual plan for the development of a path across the Railroad Avenue ROW above The Sushi Bar.

**AB 10-165 CA-09-01: Code Amendment – Lake Frontage Minimum for Residential Zones and Alternatives**

Michelle Groenevelt, Community Development Director, gave a brief overview of the options available to the Council. Mayor Bailey stated that with option 3 there would be many lots that would be nonconforming. Mayor Bailey stated that in order to do “nothing” the motion to table the code amendment needs action. Ms. Groenevelt fielded questions from the Council clarifying the amount of public comments received and action taken over the past months on the issue. Ms Groenevelt stated that she had communicated with the County Commissioners that action was on hold until further direction was received by the McCall City Council.

After further analysis of the proposed code amendment Ms. Groenevelt stated that there were few lots that were eligible to be split under the current code.

Phil Feinberg, Planning and Zoning Commissioner, stated that there was a letter addressing the original proposed code amendment from Planning and Zoning Commissioner Jim Betts. (Exhibit B)

Council had a discussion as to the different options presented. It was also discussed as to what the intention of the code change was.

The question of how many lots would actually be impacted by the proposed code amendment was discussed.

Council Member Kulesza stated that he felt that Option 2 was the best option. He stated that that he did not want to allow additional docks on the lake. There was continued discussion as to what concerns that the Valley County Commissioners had with nonconforming lots. It was stated that it was possible that the Valley County Commissioners did not have a clear understanding of the City's zoning code and what a nonconforming lot means.

Mayor Bailey suggested that the City educate the Valley County Commissioners with the McCall Zoning code and explain what it means to be non conforming and compile the number of lots around the lake that would be affected.

Council Member Kulesza did not think that it was a priority at this time for staff to work on compiling the requested information.

Council Member Scott wanted to know if there was a way to go forward with the code change without making lots nonconforming. Mr. Nichols stated that since the City has the burden of setting the minimum lot size on the lake, the City also needs to regulate easements that would be used to access the lake. He summarized saying that he did not know of another way of doing it other than setting a minimum frontage on the lake.

Council Member Scott would like to know what other lake community's requirements are with their zoning code around the lake. Ms. Groenevelt stated that she would look into other communities; however she stated that generally other lake communities are more stringent than the City of McCall as far as their lake frontage is concerned.

Council Member Witte joined the meeting at 7:50 pm

Mayor Bailey wanted to know the estimate of how long it would take to look at all lake front properties, primarily in the impact areas, and what are their dimensions and how many would be affected by the proposed code amendment. Ms. Groenevelt stated that it would take a couple of weeks if they did no other business. Mayor Bailey wanted a precise number so that when it goes to the Valley County Commissioners there would be no question.

Mr. Kirkpatrick suggested that the entire analysis could be done within a year.

Council Member Kulesza restated that should not be a main priority.

After much discussion it was decided that Staff will develop a detailed public involvement plan and identify the work necessary to fully analyze the impact of the proposed amendment on each lot around the lake and present it to Council on October 14, 2010.

**Mayor Bailey moved to continue tabling CA-09-01: Code Amendment – Lake Frontage Minimum for Residential Zones until October 14, 2010. Council Member Kulesza seconded the motion. In a voice vote all members voted aye and the motion carried.**

**AB 10-162 Business Park Study Area Update- Results from meeting with property owners**

Michelle Groenevelt, Community Development Director, gave a brief overview of the information included in the packet. Mayor Bailey expressed disappointment with the lack of participation on the part of the property owners as only 5 of the 19 property owners took part in the meeting. No action was requested or taken by Council. Staff will begin the process of amending the Future Land Use Map in the McCall Area Comprehensive Plan to include the recommendations of the business park development report. Staff will also develop and propose a new chapter in the zoning code establishing development standards for business parks. That code

amendment will be presented to the Planning and Zoning Commission in September and the City Council in October.

**AB 10-169 Contract Award for Krahn Lane Sewer Extension**

This item was removed from the agenda.

**AB 10-167 Fund Balance**

Linda Stokes, City Treasurer, stated that the calculations for the ‘surplus fund balances’ for the governmental funds and ‘surplus cash balances’ for the enterprise funds have been completed for FY09. Internal balances have also been calculated.

Mrs. Stokes stated that forgiving the internal balances will more accurately and transparently reflect the true fund balance of the General Fund. Forgiving the Sewer Fund long-term internal balance (related to Wausau) and the short-term internal balance from the Golf Fund will not affect the cash position of the City. It will, however, improve the cash position of the Golf Fund.

Council Member Scott left meeting at 8:22 p.m. and rejoined the meeting at 8:27 p.m.

The Council reviewed the FY09 end-of-year fund balance calculations. Discussion on the balances and whether it is acceptable to maintain a municipal golf course occurred. Council Member Kulesza would like some kind of cap from the amount of the general fund would go to the golf course over time.

Council Member Scott left meeting 8:37 p.m. and rejoined the meeting at 8:48 p.m.

After much discussion, the Council unanimously agreed to forgive the short-term internal balance of \$699,107 owed by Golf Fund to the General Fund, and forgive the Wausau judgment portion of the long-term internal balance (\$1,037,670) owed by the Sewer Fund to the General Fund. Both of these changes will ensure that the financial statements more accurately reflect the financial condition of the City. No “surplus fund balances” from FY09 are available to spend in FY10.

**Council Member Kulesza moved to forgive the short-term internal balance owed by Golf Fund to the General Fund, in the amount of \$699,107 and the Wausau Judgment portion of the long-term internal balance owed by the Sewer Fund to the General Fund in the amount of \$1,037,670. Council Member Witte seconded the motion. In a roll call vote Council Member Kulesza, Council Member Witte, Mayor Bailey, and Council Member Scott all voted aye and the motion passed.**

**AB 10-170 Proposed Title 3 Code Amendments**

Mayor Bailey stated the one of the reasons for his recommendations for the proposed code amendments were precipitated by an interest by someone wanting to build an accessory dwelling building and wanted the setbacks be ignored and treated as they were one building. The other reason was to clarify the non-conforming chapter of the City Code.

The Council reviewed information prepared by Mayor Bailey regarding proposed changes to the zoning code, dealing with accessory structures and non-conformities. After a brief discussion, the Council directed staff to begin the process of amending MCC 3.8.11, regarding accessory structures. The Council also directed staff to schedule a joint work session with the Planning and Zoning Commission within the next 90 days to discuss possible changes to the chapter dealing with non-conformities.

**Mayor Bailey moved to initiate the proposed code amendments. Council Member Scott seconded the motion. In a roll call vote Mayor Bailey, Council Member Scott, Council Member Kulesza, and Council Member Witte all voted aye and the motion carried.**

**Mayor Bailey moved to direct staff to schedule a work session with the Planning and Zoning Commission to discuss code changes. Council Member Kulesza seconded the motion. In a voice vote all members voted aye and the motion carried.**

## **CONSENT AGENDA**

Staff recommended approval of the following items:

- Minutes July 8, 2010
- Warrant Registers printed on 7/16/2010
- Payroll Report for Period ending 7/9/2010
- Catering Activity Report Period ending 7/12/2010
- AB 10-163 the Rivers, Trails, and Conservation Assistance Program

**Council Member Kulesza moved to approve the Consent Agenda as submitted. Council Member Scott seconded the motion. In a roll call vote Council Member Kulesza, Council Member Scott, Mayor Bailey, and Council Member Witte all voted aye and the motion passed.**

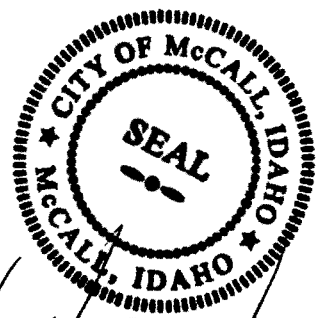
## **EXECUTIVE SESSION**

**At 9:02 p.m. Council Member Kulesza 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. Council Member Witte seconded the motion. In a roll call vote Council Member Kulesza, Council Member Witte, Mayor Bailey, and Council Member Scott all voted aye and the motion passed.**

Council discussed the Payette Lakes Water and Sewer litigation issue and possible solutions with the City Attorney.

**ADJOURNMENT**

Without further business, the Mayor adjourned the meeting at 10:30 p.m.



*Donald C. Bailey*  
Donald C. Bailey, Mayor

ATTEST:

*BessieJo Wagner*  
BessieJo Wagner, City Clerk

**Annual**  
**McCall City Planning and Zoning Commission Report**  
**To**  
**City Council**  
**Thursday, July 22, 2010**

## McCall Planning and Zoning Commission Members

July 22, 2010

NAME	CITY or IMPACT	EMAIL	START OF TERM	END OF TERM
Phil Feinberg Chairman	I	phil.feinberg@mccallrealestate.com	July 09	July 12
Kim Apperson	I	kapperson@frontiernet.net	July 09	July 12
Jim Betts*	C	<u>Jbetts1@frontiernet.net</u>	Oct 09	Oct 12
Linda Corder*	C	<u>lcorder@frontiernet.net</u>	Oct 09	Oct 12
Sarah Jessup	C	<u>sjessup@citlink.net</u>	July 09	July 12
Doug Russell	C	<u>douglou@frontiernet.net</u>	April 10	April 13
Natalie Spencer*	I	Natalie.re.spencer@gmail.com	Sept. 09	Sept. 12

\* First Term

Commission Legal Counsel: Meredith Chaudoir...mchaudoir@bwslawgroup.com

## Commission Members: Brief Bio's

- **Phil Feinberg**...Chairman for past year...post Bob Youde retirement.
  - 16 years in McCall...Mostly living in Pilgrim Cove. A Real Estate Associate Broker with McCall Real Estate Co. Approximately 10 years on the Commission
  - 23 years in Paso Robles Ca. after graduating from Cal. Poly in San Luis Obispo.....Commercial cattleman and Cutting Horses.
  
- **Kim Apperson**
  - Fisheries Biologist with the Idaho Dept. of Fish and Game
  - Backcountry ski guiding and hut rental business with husband Joe Baugh
  - Second term on Commission....member since 2006.
  
- **Jim Betts**
  - A graduate of three universities with a degree in Accounting and a Masters in Philosophy and Business.
  - Served in Vietnam. Later owned an International Harvester Dealership
  - Resident of Spring Mountain Ranch with his wife.
  
- **Linda Corder**
  - A graduate of BSU with a Nursing degree and also degrees in Philosophy and Computer Science from the Univ. of Idaho.
  - Retired from working in the fields Linda trained in she has been involved in many community groups. Married to the living legend Earl Dodds, Linda is the newest member of the Commission.
  
- **Sarah Jessup**
  - Sarah was a Cardiologist in the Detroit area before retiring to full time to McCall in 1999. Sarah lives in a beautiful home designed by the late David Kalange, in Bear Basin.
  - An avid Kayaker and Cross Country skier, Sarah in her retirement has started a free Community Care Clinic to help uninsured people in our area.
  - Sarah is in here third term as a City of McCall representative on the Commission.
  
- **Doug Russell**
  - Doug is a graduate of Washington University in Mechanical Engineering.
  - After working for Amalgamated Sugar for 36 years, his wife and he have retired to McCall in 2003.
  - Member of the Commission since 2007, Doug is in his second term.
  
- **Natalie Spencer**
  - A native of Idaho, Natalie has a Masters in Renewable Energy and Architecture from the Univ. of London. Using these skills in South Asia and North Africa has given Natalie much experience to help the Commission make tough decisions.
  - An avid skier Natalie has been a member of the Commission since September of 2009.

Year End Summary for McCall Planning and Zoning Commission  
July 2009 to July 2010

- Land Use Applications: 2010

- Total Applications: There were 49 total applications as of July 13, 2010. The last two years had 80+ applications total. 2007 saw a high of 145 applications.
  - Subdivision applications have been zero, compared to just two in 2009, and as many as 18 several years back.
  - The commission has promoted and endorsed Administrative Approvals over the past two years, for decisions that would expedite the time frame for applicants and diminish the red tape for the commission.
  - There were 17 Design Review applications, compared to 73 in 2007.
  - Sign Applications numbered 7 this year as compared to 25 in 2009.

- Major Projects:

- Planned Unit Developments:
  - Springs Affordable Apartments
  - Lutheran Church Parking Lot
  -
- Subdivisions:
  - Spring Mountain Ranch Phase 5
- Commercial Remodels:
  - Woody's
  - Market – East of the Bridge...on Hold
  - Hometown Pizza
  - Blue Moose Bistro
  - Hospital Remodel
- Code Amendments:
  - Street Banners: Administrative Approval
  - Micro - Livestock
  - Lakefront Minimum

- Proposed Agenda for the Winter 2010 / 2011
  - Re-Visit the city sign ordinance. The Chamber has been asked to give their input.
  - Develop a Business Park Ordinance
  - Work on Airport Zoning Codes
  - Revise Parking Code standards...with information from the recent study.

Bradley,

It is the intention of this presentation to explain why the Planning and Zoning commission has recommend a code change on minimum frontage requirements for all future lots splits within the shoreline and river zones of Payette Lake.

This code change was not intended in any manner to stop current property owners from splitting their property within the shoreline per say. It was only intended to establish a minimum for specific purposes. If passed, this code amendment will have no effect on current lots. Any property owner who has a lot on the shoreline will continue to be allowed to build on their property as long as the current building requirements (building codes) are met.

The reason a minimum frontage was recommended was to keep current property owners from establishing 25' flag lots (or easement) in order to increase their lot values because they now would be considered, by the State of Idaho, for dock privileges. The reason this code amendment is important is three fold. (1) 25' flag lots would cause additional docks to be built causing more congestion within a small confined area. More docks within a small confined area would increase safety hazards for the affected boat owners. (2) More docks on the lake within a confined area would increase the potential for unsightly congestion for boaters on our lake. (3) More docks on our lake would increase the potential for increased pollution of our lake.

These reasons for the code amendment are to protect current property owners while keeping our lake free from potentials, such as unsightly congestion, and safety concerns for our citizenry.

James Betts

Commissioner