

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
January 5, 2012**

Agenda

Call to Order and Roll Call
Approve the Agenda
Consent Agenda – Old Business
Oaths of Office
Election of Mayor
Election of Council President
Reports
Pledge of Allegiance
Public Comment
Business Agenda
Consent Agenda – New Business
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Bailey called the regular meeting of the McCall City Council to order at 5:30 p.m. Mayor Bailey, Council Member Aymon, Council Member Swanson, and all answered roll call. Council Member Scott and Council Member Witte were absent.

City staff present was Lindley Kirkpatrick, City Manager; Bill Nichols, City Attorney; Linda Stokes, City Treasurer; Jerry Summers, Police Chief; Dennis Coyle, Parks and Recreation Director; Eric McCormick, Golf Course Superintendent; John Anderson, Airport Manager; Anne Kantola, Library Director; Peter Borner, Public Works Director; Michelle Groenevelt, Community Development Director; Carol Coyle, Grant Coordinator; and BessieJo Wagner, City Clerk.

Council Member Scott arrived at 5:30 p.m.

APPROVE THE AGENDA

Mayor Bailey with the consent of the Council approved the agenda as submitted.

CONSENT AGENDA – OLD BUSINESS

Staff recommended approval of the following items:

1. Council Regular Minutes – 9/08/11
2. Council Regular Minutes – 10/06/11

3. Council Special Minutes – 11/28/11
4. Warrant Register – Payments made under Resolution 11-23, printed December 29, 2011
5. Warrant Register – Current payments, printed December 29, 2011
6. Payroll Reports - period 11/26/2011 to 12/09/2011
7. Payroll Reports - period 12/10/2011 to 12/23/2011

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

OATHS OF OFFICE

AB 12-04 Installation of newly elected City Council Members Don Bailey, Jackie Aymon and Nic Swanson

BessieJo Wagner, City Clerk, swore in newly elected City Council Members Don Bailey, Jackie Aymon, and Nic Swanson.

ELECTION OF MAYOR

Elect a new Mayor for the term January 2012 through December 2013

Council Member Aymon nominated Council Member Bailey for Mayor. Council Member Scott seconded the nomination. In a voice vote all members voted aye and the motion passed.

ELECTION OF COUNCIL PRESIDENT

Elect a new Council President for the term January 2012 through December 2013

Mayor Bailey nominated Council Member Scott for City Council President. Council Member Swanson seconded the nomination. In a voice vote, all members voted aye and the motion passed.

REPORTS

Department Reports

Mayor Bailey asked for clarification on the Building Inspector job requirements. He stated that the job announcement had a degree requirement and wanted to know if the City's previous Building Inspectors had had a degree. Michelle Groenevelt, Community Development Director, clarified that the position would not just be a Building Inspector but a Building Official which is a higher level position. She also stated that a number of high level candidates with the education requirement had applied.

Council Member Aymon asked for clarification of what the Environmentally Preferable Procurement policy would be. Ms. Groenevelt responded stating that the policy would be related to purchasing, some communities have policies that require a certain percentage of their products

be environmentally sound. She stated that the City was in the beginning stage of research for developing a policy.

Mayor Bailey inquired about the Community Service offered to accept unwanted medications at the Police Department. Chief Summers confirmed that the service was advertised in the paper. He also explained the process the Police Department follows when receiving the unwanted medications for destruction.

Council Member Aymon asked for clarification of the Capacity Building and Outreach in the Community Development Department. Ms. Groenevelt clarified that she met with a Business Representative from Chamber of Commerce to clarify some of the recent action the City had taken in regard to the Pancake House and other enforcement issue around the City. Lindley Kirkpatrick clarified further stating that it was a positive exchange between the Chamber and the City in building the relationship between the two.

Mayor Bailey asked what the design review for the Yacht Club was. Ms. Groenevelt explained that the Yacht Club submitted a proposal for a pathway along the property that would connect to the street.

Council Member Aymon asked about what the policy was for Public Works to initiate snow removal. Peter Borner, Public Works Director responded stating that generally at 3 inches of snow fall the equipment would be warmed up and removal would then commence.

Committee Minutes

The Council received copies of the following committee minutes:

- Airport Advisory Committee – November 11, 2011
- McCall Centennial Committee – August 10, 2011
- McCall Historic Preservation Commission – September 1, 2011
- McCall Library Board of Trustees – October 18, 2011
- McCall Improvement Committee – October 27, 2011
- McCall Redevelopment Agency – November 22, 2011
- Planning and Zoning Commission – November 1, 2011
- Planning and Zoning Commission – November 16, 2011

The Council reviewed the committee minutes.

Mayor Bailey led the audience in the Pledge of Allegiance at 6:10 p.m.

PUBLIC COMMENT

Mayor Bailey called for public comment at 6:11 p.m.

Steve Clements and Kathy Bachelor requested assistance with acceleration and deceleration lane in relation to Whitetail development agreement. The agreement is attached as Attachment A.

Hearing no further comments, Mayor Bailey closed the public comment.

BUSINESS AGENDA

AB 12-01 One year contract extension for McCall City Prosecutor

Jerry Summers, Chief of Police, presented the contract extension for the McCall City Prosecutor to Council.

Matt Williams and Carol Brockman fielded general questions from the Council.

Council Member Aymon moved to approve the contract for McCall City Prosecutor with Williams Law P.L.L.C and authorize the Mayor to sign all necessary documents. Council Member Scott seconded the motion. In a roll call vote, Council Member Aymon, Council Member Scott, Mayor Bailey, and Council Member Swanson all voted aye and the motion carried.

AB 12-07 Local Option Tax Commission Appointments

Council Member Scott moved to appoint Bob Giles and Gene Drabinski as Members of different City Committees; Helen Eimers as the Senior Citizen Representative; and Bob Hunt as a Local Business Representative to the Local Option Tax Commission to a term to expire December 31, 2018. Council Member Swanson seconded the motion. In a roll call voted, Council Member Scott, Council Member Swanson, Council Member Aymon, Mayor Bailey, and all voted aye and the motion carried.

AB 12-06 Resolution 12-02 Adoption of McCall Historic Preservation Plan

Carol Coyle, Grant Coordinator and staff liaison for the Historic Preservation Commission, Presented the Historic Preservation Plan to Council. Brian Corcoran, Chair of the Historic Preservation Commission, was also present. The Plan will provide the guidelines for ongoing historic preservation efforts. The Council was very supportive of the Plan and of the work of the committee and staff.

Council Member Swanson moved to approve Resolution 12-02 adopting the McCall Historic Preservation Plan and authorize the Mayor to sign all necessary documents. Council Member Aymon seconded the motion. In a roll call voted, Council Member Scott, Council Member Swanson, Council Member Aymon, Mayor Bailey, and all voted aye and the motion carried.

AB 12-03 Amendments to McCall City Code (MCC) Title 1 Work Session - continued

Mayor Bailey distributed a proposed additional amendment to McCall City Code (MCC) Title 1 §1.6.1 and is attached as Attachment B. The amendment would allow the Council to adopt an ordinance in the instance when a referendum or initiative has been brought forward from the public to save the cost of an election.

The proposed changes to the MCC Title 1 were largely housekeeping and administrative changes which make the City Code consistent with both State Code and current practices.

Council Member Aymon called out the following corrections:

- Page 6 §1.7.1 the last paragraph "...Council; and the City Manager..." should be "Council. The City Manager..."
- Page 15 §1.9.9(A)2. "...keeper of the seal..." should be "...keeper of the Seal..."
- Page 14 §1.9.8 title "...DESIGNATED AND OFFICERS'..." should be "...DESIGNATED AND OFFICERS..."
- Page 10 §1.9.3 (E), (F), and (G) refers to committee members and not officers, it was determined that those items would be moved to Chapter 10 of MCC Title 1.
- There was a question as to whether the Local Option Tax (LOT) Commission and the Centennial Committee should be called out in Chapter 10. After a brief discussion it was determined that the LOT Commission was called out separately in the code. Bill Nichols advised against adding the Centennial Committee to the code as it is a temporary committee.
- There was a brief discussion as to whether or not to maintain the Transportation Advisory Committee as throughout the history of the committee's existence it has been inactive much of the time. It was determined to keep the Transportation Advisory Committee in the code and make a final determination at final adoption of the amendment.
- Page 18 §1.10.1 the Committees should be alphabetized
- Page 17 §1.9.1 (D) add "must be a member in good standing of the Idaho state bar."

Mayor Bailey called out the following:

- Page 5 §1.3.1 top paragraph last sentence "...term of his imprisonment." Should be "...term of his or her imprisonment."

Bill Nichols, City Attorney stated that in §1.7.4 "...the permanent City Manager may designate by letter, filed with the City Attorney..." Should be "...the permanent City Manager may designate by letter, filed with the City Clerk's office..."

Bill Nichols stated the proposed amendment to McCall City Code (MCC) Title 1 §1.6.1 made sense; however he cautioned the Council stating that in the initiative section it states that the Council could pass an ordinance that would be substantially the same as the petition. The risk is that someone could say that the ordinance is not exactly the same as the one in the petition therefore you have removed their right to vote. Mr. Nichols stated that Ketchum has not been challenge with the same verbiage in their code. He stated that if a petition is submitted with a poorly written ordinance it could be adopted and then immediately cleaned up and re-adopted.

Council directed staff to prepare an ordinance for the MCC Title 1 amendments for Council's review.

AB 12-08 Resolution 12-01: Designating the Mayor and Council President as Signatories on the City of McCall's Bank Accounts

The Resolution establishes that the Mayor, Council President, City Manager and City Treasurer are authorized signers on the City's bank accounts.

Mayor Bailey moved to adopt Resolution No. 12-01 designating the Mayor and Council President as signatories on the City of McCall's bank accounts and authorize the Mayor,

Council President, City Manager, and City Treasurer to sign all necessary documents. Council Member Aymon seconded the motion. In a roll call voted, Mayor Bailey, Council Member Aymon, Council Member Scott, and Council Member Swanson all voted aye and the motion carried.

AB 12-09 Resolution 12-03: Signatories on City Safe Deposit Box

The Resolution establishes that the Mayor, Council President, City Clerk and Information Systems Manager are authorized to access the City's safe deposit box.

Mayor Bailey moved to adopt Resolution No. 12-03 and authorize the Mayor, Council President, City Manager, City Clerk, and Information Systems Manager to sign all necessary documents. Council Member Aymon seconded the motion. In a roll call voted, Mayor Bailey, Council Member Aymon, Council Member Scott, and Council Member Swanson all voted aye and the motion carried.

AB 12-05 Assignment of Council liaison duties

There are several representative or liaison roles that must be filled by a Council member. Council worked through the list of assignments. There was Council agreement on all assignments with the exception of West Central Highlands Resource Conservation & Development (RC&D) District. There was a brief discussion on the duties West Central Highlands RC&D District. One Council member or staff member serves as a representative of the City for this assignment. Carol Coyle has served the last two years. There was general consensus that Carol Coyle would attend the next Council Meeting and give the Council a brief explanation of what the to the West Central Highlands RC&D District does.

Mayor Bailey moved to approve the following assignments of Council Liaison duties:

- **Urban Renewal Agency: Two Council members serve as voting members of the seven member Board of Directors: Mayor Bailey and Council Member Swanson**
- **Valley Adams Planning Partnership Transportation Subcommittee: One Council member serves as a representative of the City: Council Member Aymon, with staff support from Peter Borner, Public Works Director.**
- **Western Idaho Community Action (WICAP): One Council member serves as a representative of the City: Council Member Aymon.**
- **Big Payette Lake Watershed Advisory Group: One Council member serves as a member of the Board: Council Member Scott - City staff serve on the Technical Advisory Committee.**
- **MCPAWS Board of Directors: One Council member serves as a non-voting member: Council Member Scott.**
- **Sage Community Resources: One Council member represents the City; Council Member Swanson**

The other representative or liaison roles that can be filled by a Council member or a staff member:

- **McCall Area Chamber of Commerce Board of Directors: One representative of the City serves as an ex-officio, non-voting member: Lindley Kirkpatrick, City Manager.**
- **Payette River Scenic Byway Committee: One Council member or staff member serves as a representative of the City: Delta James, City Planner**

Council Member Scott seconded the motion. In a voice vote all members voted aye and the motion carried.

CONSENT AGENDA

Staff recommended approval of the following items:

- AB 12-02 Personal Property Lease Agreement – Artist Leasing Art to the City of McCall – Zella Bardsley

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

It was determined that at the next meeting there would be an executive session for property acquisitions on the agenda.

Lindley Kirkpatrick commented on the amendment to Title One stating that it would be a good time to revisit the Council meeting schedule. The Council determined that the Friday work session meetings should be later in the day at 3:00pm – 5:00pm.

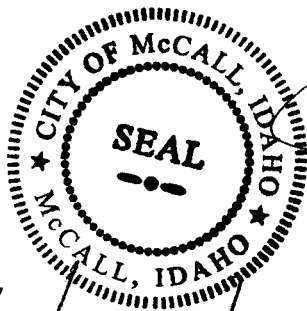
Mr. Kirkpatrick stated that it was time for the Council to start the process of the City Manager's Evaluation.

The Council requested that a Special Meeting of the Council in the form of a Retreat be scheduled

ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 7:39 p.m.

ATTEST:




BessieJo Wagner, City Clerk


Donald C. Bailey, Mayor

**WHITETAIL PLANNED UNIT DEVELOPMENT
ESCROW AGREEMENT AND JOINT ESCROW INSTRUCTIONS**

THIS WHITETAIL PLANNED UNIT DEVELOPMENT ESCROW AGREEMENT AND JOINT ESCROW INSTRUCTIONS ("Escrow Agreement") is made and entered into by and between WHITETAIL A CLUB FOR ALL SEASONS, LLC an Idaho Limited Liability Company ("Whitetail"), whose address is 501 W. Lake Street, McCall, Idaho 83638, and the CITY OF McCALL, a Municipal Corporation ("the City"), whose address is 216 E. Park St., McCall, Idaho, 83638.

RECITALS

- A. Whitetail and the City have entered into that certain Settlement Agreement, dated December 18, 2007, a true and accurate copy of which is attached hereto as Exhibit A ("the Agreement").**
- B. The Agreement calls for the establishment of an Escrow Account (the "Account") into which monies shall be placed to provide funds for the City's construction of certain improvements to the intersection of Club Hill Blvd. and State Highway 55, all as is described in more detail in the Agreement.**
- C. Pursuant to the further terms of the Agreement, the parties desire to enter into this Escrow Agreement to confirm the terms and conditions under which the Account will be established and managed. This Escrow Agreement shall constitute the joint instructions of the parties to AmeriTitle, whose address is P.O. Box 798, Cascade, Idaho 83611 (the "Trustee"), and whose execution of this Escrow Agreement shall constitute its acceptance of the terms stated herein.**

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereof and other good and valuable consideration, the parties hereto agree as follows:

- 1. The Escrow Account: Upon the execution of this Escrow Agreement by all parties, Whitetail shall establish an interest bearing Escrow Account with Trustee, which account shall be a separate account established solely to implement the terms of the Agreement and this Escrow Agreement. Whitetail shall be solely responsible for any fees associated with the establishment and maintenance of the Account.**
- 2. The Funding of the Escrow Account: The Account shall be funded as follows:**
 - a. Whitetail shall deposit in the Account such minimum sum as may be required by Trustee to establish the Account.**
 - b. 1% of the net proceeds from the sale by Whitetail of any lot or unit located within the Whitetail Planned Unit Development, Phases 1, 1A, 2 or 3, as the same are or may hereafter be platted**

of record with the Offices of Recorder of Valley County and Adams County, Idaho (the "PUD"), together with any additional property which may be annexed into the PUD during the term of this Escrow Agreement, shall be deposited into the Account at the closing of such lot/unit sale, subject to the Account Cap described below.

c. "Net Proceeds", for purposes of this Escrow Agreement, shall mean the gross sales proceeds from the sale of a lot or unit, less only commissions, closing costs and any required third party closing disbursements (ex., pro rated POA assessments, property taxes).

d. The Account will be capped at a sum equal to \$247,270, together with an annual adjustment based on the West Urban CPI, as is described in greater detail in the Agreement (the "Account Cap"). Accrued interest will be applied to the Account, until the Account Cap is reached. When the total of funds contributed to the Account equals the Account Cap, then no additional funds shall be contributed to the Account, except as necessary to comply with the aforesaid annual CPI adjustment.

e. In the event that the Account Cap has not been reached by the aforesaid 1% funding mechanism on or before December 31, 2011, then, by not later than January 30, 2012, Whitetail shall deposit into the Account the funds necessary to increase the Account balance to a sum equal to the Account Cap. Thereafter, the annual CPI adjustment shall be funded from the 1% of Net Proceeds as aforesaid, or, if such funding is inadequate to maintain the Cap, then by Whitetail.

3. Disbursements From the Account:

a. At its sole discretion, the City may unilaterally withdraw funds from the Account for the City's actual cost of construction of the Improvements, as described in the Agreement. The City shall provide Whitetail with fifteen (15) days advance written notice of its intent to withdraw funds, with such notice containing a brief description of the intended use of the funds by the City. Whitetail's consent to the disbursement shall not be required, nor shall Trustee be required to verify the City's proposed use of the funds or the appropriateness thereof. Whitetail releases Trustee from and waives as to Trustee any claims regarding the disbursement of funds to the City.

b. Any funds remaining in the Escrow Account which have not been used by the City as of the earlier to occur of the following two dates shall be refunded to Whitetail: (i) two years following the date on which the Account Balance first equals or exceeds the Account Cap, or (ii) December 31, 2013. Whitetail shall provide the City with written notice at least thirty (30) days prior to the date of any such refund. The City's prior consent to the refund shall be required, but shall not be unreasonably withheld.

4. **Trustee's Limited Liability:** The Trustee, by holding such sums in trust as are set forth hereunder, assumes no responsibility or liability under this Escrow Agreement other than the responsibility to hold the sums paid to it in trust, and to apply such sums as set out above. Trustee's liability hereunder is limited to its obligations specifically set forth herein.

5. **Controversies:** If a controversy arises between Whitetail and the City with regard to the distribution of funds in the Account, Trustee shall have the right to stop all proceedings in the furtherance and performance of this Agreement until satisfactory written evidence of settlement or final resolution of the controversy is provided to Trustee, whether or not such controversy results in litigation brought by the parties, by a third person, or in an interpleader action brought by Trustee. Without waiving any rights, claims, defenses, or counter claims relative to each other, Whitetail and the City promise to pay on demand and indemnify Trustee from and against all litigation and interpleader costs, damages, judgments, attorneys' fees, and expenses arising out of such controversy.

6. **Miscellaneous:**

a. The covenants contained in this Escrow Agreement shall run with and burden the property included in the PUD, as platted or as subsequently replatted, amended or modified.

b. The terms of this Agreement shall inure to the benefit of and bind the successors and assigns of the undersigned parties.

c. In the event either party shall bring an action to enforce its rights under this Agreement, or to obtain a judicial declaration thereof, the prevailing party in such action such shall be entitled to recover from the losing party its costs of suit and reasonable attorneys fees (including costs and attorneys fees incurred on appeal).

d. This Agreement may be executed in original counterparts.

e. This Agreement cannot be modified except by a subsequent written agreement, executed by all parties hereto.

f. This Agreement shall be governed by the laws of the State of Idaho. Venue for any judicial action stemming from this Agreement shall be in the District Court of the Fourth Judicial District of the State of Idaho, in and for Valley County.

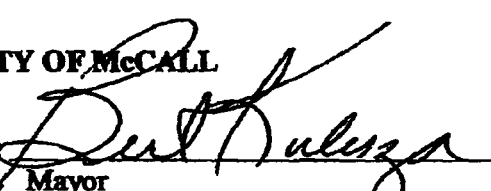
IN THE WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed effective the day and year of the last signature hereto.

**WHITETAIL, A CLUB FOR ALL SEASONS LLC,
WHITETAIL MANAGEMENT INC., AS MANAGER**

By: 
JOHN SABALA, Director,
Whitetail Management, Inc.

DATED: 5-06-08

CITY OF McCALL

By: 
Mayor

DATED: 5/8/08

ATTEST:

By: 
Acting City Clerk

DATED: 5/9/08

TRUSTEE

By: 

DATED: 5-12-08



Valley County Road Department

P.O. Box 672 • Cascade, Idaho 83611

Gordon Cruikshank
Superintendent

Office • (208) 382-7195
FAX • (208) 382-7198

February 17, 2005

Lindley Kirkpatrick
City Manager
City of McCall
P.O. Box 986
McCall, Idaho 83638

*35 TO West
of BBR*
*45 MPH
RF at
any limits*

Re: Whitetail P.U.D.

Dear Lindley:

I am writing to follow up on my prior comments regarding the Whitetail P.U.D., specifically Gun Hill Road and Club Hill Blvd. Since sending my prior comments, I have met with Whitetail representatives to review the current development plan and to discuss a process for Valley County's review of Whitetail's specific plans regarding these two County roads. In addition, the County's Engineering firm, Parametrix, has been on site to examine both roads, and has reviewed with Whitetail's engineer Whitetail's concept plan for the construction of a road connecting with Club Hill Blvd.

I would suggest that the following conditions of approval be placed on the P.U.D. and Preliminary Plat approval:

- Prior to recordation of the Final Plat for Phase One of the P.U.D., Whitetail shall provide written confirmation from Valley County and the Idaho Transportation Department (ITD) to the City of McCall stating that Valley County and ITD have reviewed and approved Whitetail's plans for the use and improvement of Gun Hill Road and its connection to SH-55.
- Prior to recordation of the Final Plat for Phase Two of the P.U.D. and commencement of construction by Whitetail of a road connecting with Club Hill Blvd., Whitetail shall provide written confirmation from Valley County and ITD to the City of McCall stating that Valley County and ITD have reviewed and approved Whitetail's plans for the use of and connection to Club Hill Blvd and its connection to SH-55.
- Prior to recordation of the Final Plats for each phase of the P.U.D., Whitetail shall provide written confirmation from Valley County to the

COUNCIL MINUTES
JAUARY 5, 2011

ATTACHMENT A

City of McCall stating that Whitetail has completed a Capital Contribution Agreement with Valley County for transportation infrastructure.

I believe that these conditions provide clearly identifiable checkpoints in the platting process, while allowing for the design and review process between Whitetail, ITD and the County to proceed in an orderly manner. Please do not hesitate to contact me if you have any questions regarding these suggested conditions.

Sincerely,



**Gordon L. Cruickshank
Valley County Road Superintendent**

Cc:

**Jim Frank/Secesh Engineering
Lee Heinrich/Valley County Clerk
Steve Millemann
Chris Canfield/IDOT
Charles Griffin/President Kings Pine Homeowners Ass.
McCall Planning & Zoning Commission
Parametrix/Valley County Engineer**

MCCALL CITY COUNCIL
FINDINGS AND CONCLUSIONS REGARDING
FINAL PLAT APPROVAL

SUB-05-1
Phase II
Whitetail, A Club For All Seasons

The Council finds that:

1. An application for final plat approval, pursuant to McCall City Code Title 3 and Title 9, was submitted by Steven J. Millemann, representing Whitetail, A Club For All Seasons, Ltd. and Summit Resources, Ltd., the owners of the property described below:

Part of Sections 12 and 13, Township 18 North, Range 2 East, B.M., Valley County, Idaho described as:

Commencing at the North 1/4 corner of said Section 12, and running thence N89°38'59"E 1869.54 feet along the North line of said Section 12 to the Westerly boundary of "Whitetail Planned Unit Development Phase 1"; thence along said Westerly boundary the following forty two (42) courses:

- (1) S0°21'01"E 45.54 feet to a point on a non-tangent curve;
- (2) thence along said curve to the left 144.61 feet; (Curve Data: Delta = 138°05'33", R = 60.00 feet) chord bears S25°00'24"W 112.06 feet;
- (3) thence along a curve to the right 21.90 feet; (Curve Data: Delta = 35°51'03", R = 35.00 feet) chord bears S28°06'51"E 21.54 feet;
- (4) thence along a curve to the left 40.10 feet; (Curve Data: Delta = 13°55'29", R = 165.00 feet) chord bears S15°09'04"E 40.00 feet;
- (5) thence tangent from said curve, S22°06'48"E 187.55 feet to the beginning of a tangent curve;
- (6) thence along said curve to the right 220.11 feet; (Curve Data: Delta = 64°40'25", R = 195.00 feet) chord bears S10°13'30"W 208.61 feet;
- (7) thence tangent from said curve, S42°33'43"W 43.26 feet to the beginning of a tangent curve;
- (8) thence along said curve to the left 110.83 feet; (Curve Data: Delta = 27°36'33", R = 230.00 feet) chord bears S28°45'26"W 109.76 feet;
- (9) thence along a curve to the right 243.80 feet; (Curve Data: Delta = 45°03'37", R = 310.00 feet) chord bears S37°28'58"W 237.57 feet;
- (10) thence along a curve to the left 265.37 feet; (Curve Data: Delta = 54°18'07", R = 280.00 feet) chord bears S32°51'43"W 255.55 feet;
- (11) thence tangent from said curve, S5°42'39"W 139.32 feet to the beginning of a tangent curve;
- (12) thence along said curve to the right 56.74 feet; (Curve Data: Delta = 27°05'29", R = 120.00 feet) chord bears S19°15'16"W 56.21 feet;
- (13) thence tangent from said curve, S32°48'00"W 150.15 feet to the beginning of a tangent curve;
- (14) thence along said curve to the left 249.68 feet; (Curve Data: Delta = 26°59'30", R = 530.00 feet) chord bears S19°18'15"W 247.38 feet;
- (15) thence along a curve to the left 139.91 feet; (Curve Data: Delta = 18°38'33", R = 430.00 feet) chord bears S3°30'47"E 139.29 feet;

- G. An erosion control plan must be submitted for review and approval prior to the construction of any public infrastructure. The applicant has submitted an erosion control plan for review by the City Engineer.
 - H. Prior to the earlier to occur of the final approval of the Final Plat for Phase Two of the PUD or the commencement of construction by the Applicant of a road connecting the PUD with Club Hill Blvd., the Applicant shall provide written confirmation from Valley County to the City of McCall that Valley County and the Idaho Transportation Department have reviewed and approved the Applicant's plans for its connection to and use of Club Hill Blvd including their review of a Traffic Impact Analysis. Idaho Department of Transportation has provided its requirements to the City regarding Club Hill Boulevard and Gun Hill Road intersections with Highway 55. The applicant has agreed to complete the improvements by November 1, 2007. Valley County has granted preliminary approval to the extension of the road from Club Hill Boulevard onto Whitetail property.
 - I. The Applicant shall provide to the City the Articles of Incorporation and Bylaws for the Whitetail Resort Association; and, the General Declaration of Covenants, Conditions and Restrictions and Design Guidelines for the PUD. The applicant has provided the documents mentioned above.
 - J. All site development work, infrastructure construction, logging or other associated work involving heaving equipment or power tools shall be limited to the hours of 7:30 am to 10:00 pm, in accordance with McCall City Code 5-5-030(G)2, except as may be directed as a result of the findings of the Traffic Study.
 - K. Prior to final approval of the Final Plat for Phase Two of the P.U.D., the Applicant shall provide written confirmation to the City of McCall that the Applicant has performed in accordance with the commitments recited in the letter dated February 1, 2005 from John Sabala to McCall Planning and Zoning Commission Chairman Don Bailey, regarding the proposed Green Belt. In addition, within twelve months of approval of the first final plat, the Applicant shall improve the surface of the proposed Green Belt as it crosses the Applicant's property. The applicant has submitted plans for the Green Belt. Whitetail proposes to initially dedicate the Greenbelt to the Whitetail Property Owners Association, pursuant to a dedication which is acceptable in form and substance to the City, which would be approved prior to City Council approval.
9. On February 23, 2006, the McCall City Council adopted an Amended Wastewater Policy (Resolution-06-8).
10. The Wastewater Policy restricts the issuance of building permits.
11. The Planning and Zoning Commission concluded that the final plat conforms substantially to the preliminary plat conditions for Phase II as approved.
12. The final plat for SUB-05-1, Whitetail, was recommended for approval, subject to the following conditions:
- 1. The applicant shall submit design guidelines for building envelopes and driveway access plans for all lots to the Community Development Director for an administrative approval before the City staff places the application on the City Council agenda for consideration. The applicant submitted design guidelines and a building envelope plan.
 - 2. The applicant shall obtain a letter from CH2M Hill recommending engineering approval of construction drawings and final plat for Phase II before the City staff

places the application on the City Council agenda for consideration. CH2MHill issued the letter of approval.

3. The applicant shall submit a geotechnical report for approval from CH2MHill according to the specifications outlined in conditions D & E and noted according on the final plat before the City staff places the application on the City Council agenda for consideration. CH2MHill has reviewed the report and issued the letter of approval.
4. The applicant shall obtain the final design approval from Valley County for the extension of the road from Club Hill Boulevard onto Whitetail property before the City staff places the application on the City Council agenda for consideration. A letter with the County's approval has been submitted.
5. The applicant shall obtain the final design approval from Idaho Department of Transportation before the City staff places the application on the City Council agenda for consideration. The designs for Club Hill Boulevard/Highway 55 and Gun Hill Road/Highway 55 improvements have been submitted to Valley County. Valley County, in turn, will submit the design to ITD.
6. The applicant shall complete the extension of the road from Club Hill Boulevard onto Whitetail property improvements and improvements to the intersections of Gun Hill Road and Club Hill Boulevard with Highway 55 by November 1, 2007. The City of McCall will not grant certificates of occupancy until the improvement is completed. The applicant has agreed to this condition.
7. All site development work, infrastructure construction, logging or other associated work involving heaving equipment or power tools shall be limited to the hours of 7:30 am to 10:00 pm, in accordance with McCall City Code 5-5-030(G)2, and construction traffic shall not drive through Kings Pine Estates. The applicant has agreed to this condition with a modification.
8. The applicant shall negotiate a dedication of the Greenbelt that is acceptable in form and substance to the City of McCall before the City staff places the application on the City Council agenda for consideration. The City has accepted the Greenbelt dedication in form and substance.
9. The applicant shall modify the development agreement to account for any changes for Phase II, if deemed necessary before the City staff places the application on the City Council agenda for consideration. The applicant submitted a first amendment to the development agreement.
10. The applicant shall submit electronic files of the final plat in a form specified by the City after approval by the City Council and before the plat is recorded. The applicant has agreed to this condition.

The Council concludes that:

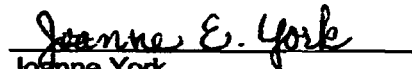
1. The proposed final plat meets the requirements of MCC 3-21.
2. The final plat for SUB-05-1, Whitetail, Phase 2, is hereby approved with the following conditions:
 1. The applicant shall submit electronic files of the final plat in a form specified by the City before recording the final plat.
 2. The applicant shall complete the extension of the road from Club Hill Boulevard onto Whitetail property improvements and improvements to the intersections of Gun Hill Road and Club Hill Boulevard with Highway 55 by November 1, 2007. The City of McCall will not grant certificates of occupancy for Phase 2 until the improvement is completed.
 3. All site development work, infrastructure construction, logging or other associated work involving heaving equipment or power tools shall be limited to the hours of 7:30 am to 10:00 pm, in accordance with McCall City Code 5-5-030(G)2, except as otherwise allowed by the City of McCall or its engineer, and infrastructure construction traffic shall not drive through Kings Pine Estates.
 4. The proposed first amendment to the development agreement has been submitted. The Mayor will sign the plat once the development agreement has been finalized with the City.
3. The City of McCall Wastewater Policy (Resolution 06-08) provides a mechanism whereby adequate wastewater capacity can be provided to support the subdivision while protecting the public health, safety and welfare. Building permits for lots in the subdivision will be issued in conformance with the Wastewater Policy, as now enacted, and as may be modified by Council in the future.

Dated: June 8, 2006



William A. Robertson
Mayor

Attest:


Joanne York
City Clerk



IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028
Boise, ID 83714-8028

(208) 334-8300
itd.idaho.gov

November 25, 2005

TRANSPORTATION BOARD
Charles Winder
Chairman

John X. Combo
Vice Chairman
District 6

John McHugh
District 1

Bruce Sweeney
District 2

Monte McClure
District 3

Gary Blick
District 4

Neil Miller
District 5

David Ekern, P.E.
Director

Sue Higgins
Board Secretary

Mr. Roger Millar
City of McCall Planning & Zoning
216 E. Park Street
McCall, ID 89638

Re: SH 55; Whitetail Residential Development

Dear Mr. Millar:

As requested, we have reviewed the Transportation Impact Study (TIS) prepared by Kittleson & Associates for the Whitetail Phase 2 development. As discussed during our November 7th meeting, we feel this development will have impacts to Highway 55 which require some mitigating contributions from the developer at the Club Hill Rd. and Gun Hill Rd. intersections with the highway. We ask that the city require the following improvements on Highway 55 as conditions of plat approval:

- At the SH 55 & Club Hill Rd. intersection; construction of a westbound left-turn lane and an eastbound right-turn acceleration lane. An eastbound right-turn deceleration lane is also desired; however at this time due to terrain uncertainties at the location we are not requesting the addition of the lane be a condition of plat approval. We will pursue this addition through the ITD permit application process for construction of the left-turn and right-turn acceleration lanes.
- At the SH 55 & Gun Hill Rd. intersection; construction of a westbound left-turn lane. An eastbound right-turn deceleration lane is also desired; however as at the Club Hill Rd. intersection, we are not requesting the addition of the lane be a condition of plat approval. We will pursue this addition through the ITD permit application process for construction of the left-turn lane.

Any and all work to be done within the right of way requires an approved permit from the Idaho Transportation Department. The permit application must originate from the agency with jurisdiction over the local roads or from an authorized representative. Please have the developer contact one of our permit agents, Matt Ward (208-334-8341) or Larry Bronson (208-334-8328) for additional information on this matter.

If you have any questions please feel free to contact me at (208) (334-8340).

Sincerely,


Kevin Sablan, P.E.
District Traffic Engineer

cc: John Ringert, Kittleson & Associates, Inc.
James Pline, Pline Engineering, Inc.

10. Prior to the earlier to occur of the final approval of the Final Plat for Phase Two of the P.U.D. or the commencement of construction by the Applicant of a road connecting the PUD with Club Hill Blvd., the Applicant shall provide written confirmation from Valley County to the City of McCall that Valley County and the Idaho Transportation Department have reviewed and approved the Applicant's plans for its connection to and use of Club Hill Blvd.
11. Prior to final approval of the Final Plat for Phase One of the P.U.D., the Applicant shall provide written confirmation from the McCall Rural Fire District to the City of McCall that agreement has been reached regarding the manner in which fire and emergency service personnel and equipment will be provided access to the PUD.
12. Prior to final approval of the Final Plat for Phase One of the P.U.D., the Applicant shall provide to the City the Articles of Incorporation and Bylaws for the Whitetail Resort Association; and, the General Declaration of Covenants, Conditions and Restrictions and Design Guidelines for the P.U.D.
13. The Applicant shall obtain and comply with the terms of all federal, state and/or County Permits or approvals which are necessary to implement the Preliminary Plat, including all necessary wetland approvals from the Army Corps of Engineers
14. All site development work, infrastructure construction, logging or other associated work involving heaving equipment or power tools shall be limited to the hours of 7:30 am to 10:00 pm, in accordance with McCall City Code 5-5-030(G)2.
15. Prior to final approval of the Final Plat for Phase Two of the P.U.D., the Applicant shall provide written confirmation to the City of McCall that the Applicant has performed in accordance with the commitments recited in the letter dated February 1, 2005 from John Sabala to McCall Planning and Zoning Commission Chairman Don Bailey, regarding the proposed Green Belt. In addition, within twelve months of approval of the first final plat, the Applicant shall improve the surface of the proposed Green Belt as it crosses the Applicant's property.

Other Approvals Required

The City Council must approve the annexation and recommended zoning designation.

The City Council must approve the Final Plat.

A Notice of Intent must be submitted to the EPA regarding the discharge of stormwater from a construction site larger than one acre.

Proposed additional paragraphs to Section 1.6.1:

- F. In the event that a petition filed with a city clerk does not contain the required number of certified signatures, the city clerk shall inform the person or organization under whose authority the petition was circulated that the petition is defective for lack of certified signatures.**
- G. In the event that a petition filed with a city clerk is found by the city clerk to contain the required number of certified signatures, the city clerk shall promptly, by certified mail, inform the petitioners, and shall also notify the city council at its next meeting that the initiative or referendum petition is in proper form.**
- 1. If the petition is for a referendum, the city council shall have sixty (60) days from the date of certification of the petition to repeal the ordinance being referred to the voters. In the event the council repeals the ordinance, the referendum petition shall be declared null and void.**
 - 2. If the petition is an initiative petition, the city council shall have sixty (60) days to pass an ordinance substantially as proposed by the petition. In the event the council passes such an ordinance, the initiative petition shall be null and void.**
 - 3. In the event the city council neither repeals the ordinance which is the subject of a referendum petition nor enacts an ordinance which is the subject of an initiative petition, an election shall be ordered by the city clerk to be conducted citywide. Initiative and referendum elections shall be held on the nearest date authorized in Idaho Code section 34-106 which falls more than forty five (45) days after the City Clerk orders that such initiative or referendum election shall be held.**