

MINUTES

**McCall City Council
Regular Meeting
McCall City Hall -- Legion Hall
April 9, 2015**

Call to Order and Roll Call
Approve the Agenda
Department Reports
Committee Minutes
Pledge of Allegiance
Public Hearing
Public Comment
Proclamations
Business Agenda
Consent Agenda
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Aymon called the regular meeting of the McCall City Council to order at 5:31 p.m. Mayor Aymon, Councilor Giles, Councilor Scott, Councilor Swanson, and Councilor Witte all answered roll call.

City staff members present were Bill Nichols, City Attorney; Linda Stokes, City Treasurer; Dennis Coyle, Parks and Recreation Director; Peter Borner, Public Works Director; Eric McCormick, Golf Superintendent; Meg Lojek, Library Director; Michelle Groenevelt, Community Development Director; Delta James, City Planner; Nathan Stewart, City Engineer; Erin Roper, Communications Coordinator; and BessieJo Wagner, City Clerk.

APPROVE THE AGENDA

Councilor Swanson moved to approve the amended agenda as submitted. Councilor Giles seconded the motion. In a voice vote all members voted aye and the motion carried.

DEPARTMENT REPORTS

Department reports were presented to Council.

Golf: Eric McCormick, Golf Course Superintendent, hired three full-time employees. Most were locals that did not have to find a place to live. Mayor Aymon asked Mr. McCormick if he had thought about requesting LOT money for the chipper. Mr. McCormick added that a chipper is

not a top priority and he did not want to dilute the priorities. A used chipper would cost \$10,000 to \$12,000.

Library: Meg Lojek, Library Director stated that there were almost 30,000 visits in 2014 and the Library building gets crowded during program times, especially the children's programs and evening programs. Mayor Aymon asked about the two positions available and the different clerk positions. Ms. Lojek explained that one position is a part-time position and the other is a full-time position that involves more catalog type work.

Public Works: Peter Borner, Public Works Director, stated that the rate study is marching along; however the process is taking longer than planned. Mayor Aymon asked about new developments (sewer and water extension projects) on Rio Vista and Spruce Street. Mr. Borner explained that the developer is willing to supply fees upfront to help with costs. This project also involves running a sewer line across private property so there will be an agreement forthcoming.

Councilor Witte asked who was responsible for the street entrance to the Post Office parking lot stating that the potholes were terrible. Mr. Borner replied that it is the responsibility of the property owner and not the City.

COMMITTEE MINUTES

The following committee minutes were provided to Council:

1. Airport Advisory Committee – February 5, 2015
2. Environmental Advisory Committee – February 17, 2015
3. Golf Advisory Committee – January 14, 2015
4. Library Board of Directors – February 24, 2015
5. McCall Improvement Committee – February 19, 2015
6. McCall Redevelopment Agency – January 20, 2015
7. Planning and Zoning Commission – March 3, 2015
8. Tree Advisory Committee – January 8, 2015
9. Tree Advisory Committee – January 27, 2015

Mayor Aymon led the audience in the Pledge of Allegiance at 5:49 p.m.

Proclamations followed as the public hearing was ahead of its noticed time at 6:00 p.m.

PROCLAMATIONS

AB 15-54 2015 Arbor Day Proclamation

Dennis Coyle, Parks and Recreation Director, presented the proclamation for Arbor Day, which is celebrated nationally on the last Friday of April. The City of McCall recognizes Arbor Day at this time but designates a day in June as the official Arbor Day due to inclement weather typical of this region. This year Arbor Day will be celebrated on Saturday, June 13, 2015.

Councilor Scott moved to approve submission of the 2015 Arbor Day Proclamation and authorize the Mayor to sign the proclamation. Councilor Witte seconded the motion. In a roll call vote Councilor Scott, Councilor Witte, Mayor Aymon, Councilor Giles, and Councilor Swanson all voted aye and the motion carried.

AB 15-51 2015 Humanitarian Wood Cutting Day Proclamation

Peter Borner, Public Works Director, introduced Dave Holland from Heartland Hunger and Resource Center. Mr. Holland explained how the wood bank works stating that volunteers cut about 100 cords of wood each year and deliver them to needy families in the community. The event is held on a yearly basis on the second Saturday in July. This will be the sixth year that this event takes place.

Councilor Swanson moved to proclaim July 11, 2015 to be Humanitarian Wood Work Day in the City of McCall and authorize the Mayor to sign the proclamation. Councilor Witte seconded the motion. In a roll call vote Councilor Swanson, Councilor Witte, Mayor Aymon, Councilor Giles, and Councilor Scott all voted aye and the motion carried.

AB 15-52 2015 National Public Works Week Proclamation

Peter Borner, Public Works Director, presented the proclamation for National Public Works Week. The City of McCall has 22 public works employees who operate and maintain the City's water, wastewater, storm drainage, transportation systems, and City fleet.

Councilor Giles moved to proclaim May 17 through May 23, 2015 to be National Public Works Week in the City of McCall and authorize the Mayor to sign the proclamation. Councilor Scott seconded the motion. In a roll call vote Councilor Giles, Councilor Scott, Mayor Aymon, Councilor Swanson, and Councilor Witte all voted aye and the motion carried.

BUSINESS AGENDA

AB 15-49 Request Approval of Finalist Artist Agreements for Alpine Playhouse Plaza Public Art

Delta James, City Planner, who also manages the City's Public Art Program, presented this request. Ms. James explained that this is the first step towards the City's significant public artwork that will be installed next to the Alpine Playhouse. A grant was received from the Idaho Commission on the Arts to help support public art in McCall. In keeping with the policies for public art selection, a request for qualifications went out to artists in the Pacific Northwest, of which the City received 10 responses. A volunteer committee convened that represented the Playhouse and the Urban Renewal District. Mayor Aymon served on that committee, as did a couple of at-large local artists who reviewed those qualifications. Three finalist artists were selected. Agreements were presented tonight with those three finalist artists to pay them each \$500 for their time to create site-specific proposals for artwork for the Alpine Playhouse Plaza. Once those three proposals are received, they will be put out to the community for input, and then the selection committee will reconvene and make a recommendation to Council on the

finalist artist and artwork that will be commissioned for creation and installation into the Alpine Playhouse Plaza.

Councilor Witte moved to approve the Letters of Agreement for Heidel, Rench, and Babcock and authorize the Mayor to sign all necessary documents. Councilor Swanson seconded the motion. In a roll call vote Councilor Witte, Councilor Swanson, Mayor Aymon, Councilor Giles, and Councilor Scott all voted aye and the motion carried.

PUBLIC HEARING

Councilor Scott was recused from the next item.

ZON-14-01: 800 Lakeside Avenue Medium Density Residential (R8) to Community Commercial (CC) Zoning Map Amendment and Development Agreement

Delta James, City Planner, presented the request for the rezone of 800 Lakeside Avenue Medium Density Residential (R8) to Community Commercial (CC) Zoning Map Amendment and Development Agreement. The property is the former Forest Service Supervisor's office building located off of Lakeside Avenue, behind the Idaho Power facility and Lardo's. The property has access currently off of Lakeside Avenue. The property has had, for quite some time, professional office use there and was built to facilitate that for the Forest Service. Being that the underlying zoning is residential, that professional office use is existing nonconforming use. The Applicant proposed to rezone it to Community Commercial to recognize the existing office use but also to accommodate directly permitted use of dormitory-style employee housing in the building. A draft development agreement has been provided also to recognize the conditions of the rezone ordinance and a summary as well as Findings of Fact and Conclusions of Law was also provided.

At its March 3, 2015 meeting, the McCall Area Planning and Zoning Commission recommended the zoning map amendment ordinance, findings and conclusions, and development agreement to City Council for approval with three conditions that the Applicant has agreed to; one of which is to establish a vegetative buffer not less than 40 feet deep that would be maintained along the Boydston Street access.

The second condition of approval was that no fill or development shall be permitted which will impact wetlands on the property, and this specifically includes an area within 20 feet of the property line beginning from the northeast property corner and extending 90 feet to the west and 300 feet to the south. This area was officially designated when the condominium plat to the east went through as being a wetlands area at that time. Though it has not been officially designated as wetlands now, it is recognized that there may need to be a buffer there, and the Applicant has agreed to extend a setback distance in this area. The 20-foot setback that is being proposed is consistent with the underlying zoning, which requires a 20-foot setback from public rights of way. Upon rezone to Community Commercial the setback distance reduces to 5 feet, so this condition maintains it in those areas where there might be some wetland areas, and then further permitting of fill would be handled by the Army Corps of Engineers upon proposal for redevelopment there.

The third condition that the Applicant agreed to is to establish a 20-foot utility access easement for the sewer mainline that crosses a corner of the property.

An additional condition of approval was recommended by Staff but the Planning and Zoning Commission chose not to send it forward with a recommendation. At this time Staff would again like to consider reinstating the following condition of no motor vehicle access to and from the property allowed from Boydston Street. The idea is to keep Boydston Street as safe as possible as a major collective street that is being used more and more as an alternative traffic route. It also has a bike lane. So, to perpetuate safety, access should be limited along Boydston. Professional Staff feel that it is relevant to do this now, with the rebuild, as opposed to in the future when there might be a development plan proposed, and because the rezone is a discretionary action, Staff would like to see it in a development agreement and be recorded. Peter Borner, Public Works Director, submitted a memo and also spoke to Council in support of this proposal to restrict access to Boydston and Deinhard due to safety concerns.

Mayor Aymon opened the Public Hearing for ZON-15-01 : 800 Lakeside Avenue Medium Density Residential (R8) to Community Commercial (CC) Zoning Map Amendment and Development Agreement at 6:16 p.m.

Steve Millemann spoke as counsel for the Applicant stating that he had no objections to the Findings and Conclusions of Law provided by Planning and Zoning. Mr. Millemann was not in favor of the condition that no access be allowed onto Boydston and noted that Planning and Zoning rejected this condition. Mr. Millemann stated his concern with placing a permanent covenant on the land and he was concerned that Sabala had not asked for the access and would be precluded from putting in an application to do so in the future. Mr. Millemann noted that all other actions have been satisfied and are ready to be executed.

Councilor Swanson asked if the City were to entertain an ordinance to restrict access from Boydston, would there be a rushed application from his client to get access from Boydston. Mr. Millemann replied that there would not be.

Councilor Witte asked how many are planned to occupy the building. Mr. Millemann replied that there would be 26 dormitory-style beds and 40 office employees.

Delta James, City Planner, responded to Mr. Millemann's comments by stating that Staff felt that this is the time to clarify that there would be no access onto Boydston. Ms. James added that this gives guidance to a future plan and creates an opportunity to make this clarification so future plans can work around the other access points that may be able to be utilized for this property.

Mayor Aymon closed the public hearing at 6:33 p.m.

Councilor Giles was in favor of Staff's recommendation as currently prepared and felt that the issue of secondary access could be revisited at some time in the future if needed. Councilor Witte agreed with the Conditions of Approval as in the Staff report. Councilor Swanson stated he would support a future ordinance to restrict access to Boydston, but he agreed with Planning and Zoning's recommendation to not apply the restriction at this time.

Mayor Aymon agreed it would be better to restrict access to Boydston through a future resolution or ordinance because access was not requested by the Applicant. Councilor Witte stated that by restricting access it would prevent the possibility of access prior to an ordinance being passed. Councilor Swanson felt that the proper steps should be taken to prevent all adjacent properties, not just the applicant's property, from having access onto Boydston.

Mayor Aymon reopened the public hearing at 6:38 p.m.

Discussion continued surrounding condition #4.

Ms. James reiterated the process at Planning and Zoning. The topic of condition #4 was discussed, but at the time of the discussion there were only three members present. Mr. Millemann restated his position. Public Works was not present to give an opinion and the present members did not have a complete understanding of the driveway permit process. Planning and Zoning Commission's thoughts at the time were to let the property owner know, through this discretionary zoning action with the City Council, their concerns regarding condition #4. The understanding would be in place that if there are extraordinary circumstances, there is the possibility of a development agreement amendment to revisit this, which would require a process for revision.

Mayor Aymon closed the public hearing again at 6:44 p.m.

Councilor Giles stated that he had not changed his opinion and that the correct process is being followed. Councilor Witte also did not change her opinion. She felt the opportunity exists for the developer to come back if they have a good reason for access, but she felt that the professional recommendations all point to limiting access to Boydston. Councilor Swanson had not changed his opinion; he felt that limiting access for one property owner lacked fairness.

Council discussed the possibility of precluding access to Boydston for a period of one year to allow time to consider an ordinance or resolution to address the entire corridor. Council responded positively to the proposed compromise.

Councilor Witte moved to adopt Condition of Approval #4 with the amendment that no motor vehicle access to and from the property shall be allowed from Boydston Street for a period of one year of the signing of the development agreement pursuant to McCall City Code (MCC 9.3.03 and MCC 3.7.032.F) and, prior to execution, the Development Agreement shall be modified accordingly. Councilor Giles seconded the motion. In a roll call vote Councilor Witte, Councilor Giles, and Mayor Aymon voted aye. Councilor Swanson voted no. The motion carried.

Councilor Witte moved to approve ZON-15-01, subject to the amended Findings and Conclusions. Councilor Giles seconded the motion. In a roll call vote Councilor Witte, Councilor Giles, Mayor Aymon, and Councilor Swanson voted aye and the motion carried.

Councilor Witte moved to suspend the rules and read by title only, one time only, Ordinance No. 932. Councilor Giles seconded the motion. In a roll call vote Councilor Witte, Councilor Giles, Mayor Aymon, and Councilor Swanson all voted aye and the motion carried.

BessieJo Wagner, City Clerk, read by title only one time only Ordinance 932:

An Ordinance of the City Of McCall, Valley County, Idaho rezoning certain real property located at 800 Lakeside Avenue in the City from R8- Medium Density Residential to CC- Community Commercial; providing for related matters; and providing an effective date.

Councilor Witte moved to adopt Ordinance No. 932, approve the publication of the summary, and authorize the Mayor to sign all necessary documents. Councilor Giles seconded the motion. In a roll call vote Councilor Witte, Councilor Giles, Mayor Aymon, and Councilor Swanson all voted aye and the motion carried.

Councilor Witte moved to approve the Development Agreement, with amended Conditions of Approval, and authorize the Mayor to sign all necessary documents. Councilor Giles seconded the motion. In a roll call vote Councilor Witte, Councilor Giles, Mayor Aymon, and Councilor Swanson all voted aye and the motion carried.

BUSINESS AGENDA

Councilor Scott was recused from the next two items.

AB 15-53 Request Approval of Sabala Whitetail LLC, Fiber Optic Utility – License Agreement

Peter Borner, Public Works Director, presented a License Agreement for Sabala Whitetail LLC to place fiber optic on Lakeside Avenue.

Councilor Giles moved to approve the proposed License Agreement and authorize the Mayor to sign all applicable documentation. Councilor Swanson seconded the motion. In a roll call vote Councilor Giles, Councilor Swanson, Mayor Aymon, and Councilor Witte all voted aye and the motion carried.

AB 15-56 Request Approval of Sewer Utility Easement Agreement – 800 Lakeside Avenue

Peter Borner, Public Works Director, presented this Sewer Utility Easement Agreement related to the rezoning proposal discussed earlier in the Public Hearing. There currently exists a 16-foot easement, and as part of the rezone a 20-foot easement has been requested.

Councilor Witte moved to approve the easement agreement between the property owner and the City and authorize the Mayor to sign all necessary documents. Councilor Swanson seconded the motion. In a roll call vote Councilor Witte, Councilor Swanson, Mayor Aymon, and Councilor Giles all voted aye and the motion carried.

Councilor Scott returned to the Council.

AB 15-50 Request Approval of ITD Cooperative Agreement McCall Sewer Replacement

Peter Borner, Public Works Director, presented this Cooperative Agreement with ITD for the work associated with the sewer line repair and some additional work that was done as part of the bridge work itself.

Councilor Witte moved to approve the Cooperative Agreement for the Sewer Replacement and authorize the Mayor to sign all necessary documents. Councilor Giles seconded the motion. In a roll call vote Councilor Witte, Councilor Giles, Mayor Aymon, Councilor Scott, and Councilor Swanson all voted aye and the motion carried.

AB 15-47 Request Approval of Ordinance to Amend McCall City Code Title 8, Chapter 16, Paragraph 3(H)

BessieJo Wager, City Clerk, presented this ordinance on behalf of Nathan Coyle, Airport Manager, to amend City Code Title 8, Chapter 16, Paragraph 3(H). This was presented at the previous Council meeting. The intent of this code amendment is to remove language which allows use of seasonal aircraft tie-down spaces for vehicle parking during the summer months due to safety concerns as identified by the FAA.

Councilor Witte offered a slight correction for clarification, striking a reference to "legal parking in a tie-down area."

Councilor Scott was recused.

Councilor Swanson moved to Suspend the rules and read by title only, one time only, Ordinance No. 933 as amended. Councilor Witte seconded the motion. In a roll call vote Councilor Swanson, Councilor Witte, Mayor Aymon, and Councilor Giles voted aye and the motion carried.

BessieJo Wagner, City Clerk, read by title only one time only Ordinance 933:

An ordinance of the City of McCall, Valley County, Idaho, amending Subsection (H) of Section 8-16-3, *Ground Rules*, of Chapter 16, *Airport Rules and Regulations*, Title 8, *Public Ways and Property*, of the McCall City Code, to allow the Airport Manager to align parking in a manner which is safe for aircraft operations without having an obligation to provide a parking space for seasonal tie-down users.

Councilor Witte moved to adopt Ordinance No. 933 amending Title 8, Chapter 16, Paragraph 3(H) of McCall City Code and authorize the Mayor to sign all necessary documents. Councilor Swanson seconded the motion. In a roll call vote Councilor Witte, Councilor Swanson, Mayor Aymon, and Councilor Giles voted aye and the motion carried.

Councilor Scott returned to the Council.

AB 15-55 Set the Date and Location of the FY16 Budget Public Hearing

Linda Stokes, City Treasurer, presented a request to set the FY16 Budget Public Hearing date for the August 13, 2015 Council meeting.

Councilor Swanson moved to set the FY16 Budget Public Hearing on August 13, 2015 at 6:00 p.m. in Legion Hall and direct the Treasurer to notify the County Clerk of the date and location of the FY16 Budget Public Hearing. Councilor Witte seconded the motion. In a roll call vote Councilor Swanson, Councilor Witte, Mayor Aymon, Councilor Giles, and Councilor Scott all voted aye and the motion carried.

Upcoming Meetings Schedule Discussion

Council reviewed the Upcoming Meetings Schedule.

Discussion regarding the Cee Way Loop annexation will be deferred until the Comprehensive Plan is addressed.

Mayor Aymon believes the summer of 2015 is going to be a big fire year and would like to have a work session on fire mitigation and evacuation plan in case of an emergency. Councilor Swanson added that it would be an excellent opportunity for the Police Chief to get involved and the Fire Department as well. Additionally, May 2 is Firewise Day. Mayor Aymon will be at the Fire Department that day for a presentation. Mike Elliott, Ketchum Fire Chief, will be at the Alpine Playhouse the evening of May 1, and he is going to give a presentation about the Beaver Creek Fire in the Hailey and Ketchum area and the impact on the cities and the budget. There will be a proclamation for Firewise Day on May 2.

A special work session for the budget was supposed to take place on May 29, but with not many present it will be canceled.

CONSENT AGENDA

Staff recommended approval of the following items:

1. City Council Special Minutes – September 30, 2014
2. City Council Regular Minutes – October 9, 2014
3. Payroll Report for Period ending March 28, 2014
4. Warrant Registers

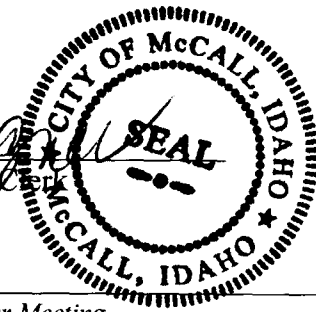
Councilor Scott moved to approve the consent agenda with minutes as amended. Councilor Giles seconded the motion. In a voice vote all members voted aye and the motion carried.

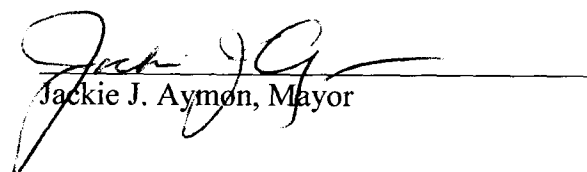
ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 7:24 p.m.

ATTEST:


BessieJo Wagner, City Clerk




Jackie J. Aymon, Mayor