

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
March 11, 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, Council Member Scott and Council Member Witte answered roll call. A quorum was present.

City staff present was Lindley Kirkpatrick, City Manager; Bill Nichols, City Attorney; Michelle Groenevelt, Community Development Director; Jerry Summers, Chief of Police; Dennis Coyle, Parks and Recreation Director; John Anderson, Airport Manager; Eric McCormick, Golf Course Superintendent; Carol Coyle, Grant Coordinator; Linda Stokes, City Treasurer; Laurie Radcliffe, Administrative Assistant; and BessieJo Wagner, City Clerk.

REPORTS

Lindley Kirkpatrick, City Manager, gave a brief overview of upcoming meeting dates to include the budget calendar. He updated the Council on the progress of the snow gates and the plan to phase into the budget process. He stated that Eric McCormick was working on an Audubon Certification.

Council Member Kulesza asked for some clarification on the Audubon Certification that Eric McCormick, Golf Superintendent, was working toward. Mr. McCormick stated that the certification would encourage more animals to be on the golf course and to be more environmentally friendly.

Council Member Scott asked about the importance of the DEQ leak test for the large pond. Lindley Kirkpatrick explained that it has the potential to be highly important as it looks for phosphorus migrating possibly to the river. There had been some discussion as to some kind of pump back system if there was a problem.

Council Member Delaney questioned the reason that DEQ wanted the leak test at this time. Mr. Kirkpatrick stated that some samples have come back positive for phosphorus historically and currently it is difficult to tell what the level of issue it is or could be.

Council Member Kulesza asked if WH Pacific would complete the EA this summer and would there be two reports - an administrative draft and a draft for public comment. Mr. Anderson was not sure on the timing but would check with WH Pacific and then report back to the Council.

Council Member Witte asked about the criteria for the RFP for concessions at the parks. She stated that she wanted to ensure that the concessionaire did not take away from the enjoyment of the park, particularly the noise. She also expressed a concern with the process used to set the fee structure. Dennis Coyle, Parks and Recreation Director, addressed her concerns stating that when a contract is drafted those items would be detailed in the contract as to the expectations. He also stated that the fee would be 4-7% of their proceeds.

Mayor Bailey commented on the Snowmobile Groomers meeting in May at Shore Lodge. He wanted to know how it was advertised that the event was happening in McCall. He felt that there should be some kind of recognition of large groups that come to McCall. He was concerned that the City did not have something to give the organizations that are coming to McCall such as a brochure or map of the City. Mr. McCormick stated that the Chamber was working on gift bags to give to participants.

Council Member Scott asked if the City charged for records request, it was confirmed that there was a charge.

Council Member Scott expressed concern with the amount of dog droppings on the paths at the Golf Course; she would like some clean up bags and disposal sites along the paths if possible.

Dennis Coyle stated that they had received some donations toward the dog cleanup stations and that there would be an additional ad in the next paper so he anticipates that he will receive some additional funding to purchase the dog cleanup stations.

The Council received copies of the following committee minutes:

- McCall Improvement Committee – January 14, 2010
- McCall Improvement Committee – January 28, 2010
- Airport Advisory Committee – February 4, 2010
- Airport Advisory Committee Special Meeting – February 18, 2010

Mayor Bailey led the audience in the Pledge of Allegiance at 5:58 p.m.

Mayor Bailey gave a brief explanation of the change in the agenda format.

Council Member Scott requested that the AB 10-69 Sawtooth Flying Service, Inc - New Lease Agreement be removed from the consent agenda and added to the business agenda.

Mayor Bailey approved the agenda as amended.

PUBLIC HEARING

AB 10-66 CA-09-01: Code Amendment – Lake Frontage Minimum for Residential Zones Continued from February 11, 2010

Michelle Groenevelt, Community Development Director, gave a brief overview of the proposed code amendment.

Council Member Delaney and Mayor Bailey expressed their appreciation of the material supplied to Council.

Council Member Kulesza asked how many of the leased lots there were around the lake. Staff did not know.

Mayor Bailey continued the Public Hearing on Code Amendment – Lake Frontage Minimum for Residential Zones at 6:10 p.m.

Bill Weida, 1311 Forest Cove Rd, stated that he was neither for nor against the code amendment. The water quality issues with the current code and proposed code does nothing to improve the water quality. He posed the question of why not use 50 foot instead of 60 foot standard. It was his opinion that by limiting the number of smaller lots created a situation for more wealthy people to have homes on the lake. He suggested that the City issue something in writing for the owners of non-conforming lots which would state that they could build.

William Wardwell, 2167 Eastside Drive, expressed concerned with non-conforming lot construction. He was concerned that his lot would have to go through design review before any construction took place. Mayor Bailey gave clarification that all construction on lakefront properties, within 150 feet of the lakeshore, needs design review with or without the proposed code amendment. Mr. Wardwell also expressed concerns with the set back requirements and the potential limitations with the proposed amendment. He was also concerned that the proposed amendment would make his structure nonconforming.

Hearing no further comments, Mayor Bailey closed the Public Hearing on Code Amendment – Lake Frontage Minimum for Residential Zones at 6:20 p.m.

Michelle Groenevelt, Community Development Director, clarified that there was no connection between nonconforming lot size and nonconforming construction. She stated that a nonconforming lot is determined by street frontages, minimum square footages and in this case lake frontage. She stated that nonconforming structures are determined by height limits and setbacks which are based on the width of lots or the height of the structure.

Council discussed the impact of the proposed code amendment. The discussion included the reasoning for the 60 foot lot minimum as opposed to a 50 foot minimum. Ms. Groenevelt explained that for density issues around the lake it was better to have a 60 foot minimum.

After much discussion, there was still debate as to whether 60 foot or 50 foot minimum would be best and there was some discussion as to whether property owners understood the nonconforming lot versus the nonconforming structure, the Council decided to entertain a motion to table the code amendment.

Council would like to have a work session on structure size and water quality on the lake front at a future date.

Council Member Witte moved to table CA-09-01: Code Amendment – Lake Frontage Minimum for Residential Zones and reopen the public hearing to April 8, 2010 at 6:00 p.m. Council Member Scott seconded the motion. In a roll call vote Council Member Witte, Council Member Scott, Mayor Bailey, Council Member Delaney, and Council Member Kulesza, all vote aye and the motion passed.

AB 10-71 Zoning Map Amendment (ZON-09-01) 401 Jacob Street – The Housing Company (new project name “The Springs”) - Ordinance Adoption Continued from February 25, 2010

Mayor Bailey continued the Public Hearing on Zoning Map Amendment, 401 Jacob Street – The Housing Company at 6:54 p.m.

Hearing no further comments, Mayor Bailey closed the Public Hearing on Zoning Map Amendment - 401 Jacob Street – The Housing Company at 6:54 p.m.

Council Member Delaney moved to approve the presented Findings and Conclusions. Council Member Scott seconded the motion. In a roll call vote Council Member Delaney, Council Member Scott, Mayor Bailey, Council Member Kulesza, and Council Member Witte all vote aye and the motion passed.

Council Member Kulesza moved to approve the Development Agreement as amended, to correct the reference on page two, paragraphs 2.2, 2.3, 2.4 and 2.5 PUD 09-01 to PUD 09-04 and to paragraph 3.6, add PO Box 6943. Council Member Delaney seconded the motion. In a roll call vote Council Member Kulesza, Council Member Delaney, Mayor Bailey, Council Member Scott, and Council Member Witte all vote aye and the motion passed.

Council Member Delaney moved to suspend the rules and read by title only, one time only Ordinance No. 873 approving zoning map amendment (ZON-09-01). Council Member Kulesza seconded the motion. In a roll call vote Council Member Delaney, Council Member Kulesza, Mayor Bailey, Council Member Scott, and Council Member Witte all vote aye and the motion passed.

Ordinance No. 873 was read by title only one time only by Mrs. Wagner.

Council Member Delaney moved to adopt Ordinance No. 873 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, Council Member Kulesza, and Council Member Scott all vote aye and the motion passed.

PUBLIC COMMENT

Mayor Bailey called for public comment at 6:58 p.m.

Hearing no comments, Mayor Bailey closed the public comment.

BUSINESS AGENDA

AB 10-74 Golf Advisory Annual Report

Bob Giles, Committee Chairman, presented Council with the Golf Advisory Committee's annual report. At the conclusion of the report, Mr. Giles thanked the Council for their support of the Golf Course. Allan Morrison, City's Contracted Golf Pro, covered some of the statistics of the Golf Course including number of tournaments.

Council Member Delaney complemented the Club House Restaurant. She also complemented Eric McCormick and park staff for working together to relocate trees as opposed to destroying trees and purchasing new.

AB 10-68 Historic Preservation Commission Appointment

Carol Coyle, Staff Liaison Member, recommended Marlene Bailey for reappointment.

Council Member Kulesza moved to reappoint Marlene Bailey to the Historic Preservation Commission for a three year term with term ending March, 2013. Council Member Scott seconded the motion. In a voice vote all vote aye and the motion passed.

AB 10-73 Library Board of Trustees Appointment

Council Member Delaney moved to reappoint Lynn Lewinski to serve on the Library Board of Trustees to a term to expire in October of 2014. Council Member Witte seconded the motion. In a voice vote all vote aye and the motion passed.

Council Member Scott recused at 7:24 p.m.

AB 10-69 Sawtooth Flying Service, Inc New Lease Agreement

Council Member Witte moved to approve the lease agreement with Sawtooth Flying Service, Inc. with the following corrections:

- **Paragraph 9, seven lines down remove the words "by a written appeal"**
- **Paragraph 9, seven lines down add the words "shall be filed" after "claim (s)"**

- **Paragraph 24. a, add the words “or current state liability requirements, whichever is greater,” after “\$500,000.00”**
- **Paragraph 24. b, add the words “or current state liability requirements, whichever is greater,” after “1,000,000”**

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

Council Member Scott returned to the Council at 7:32 p.m.

AB 10-72 Urban Renewal Agency – Streetscape Upgrades – Summer 2010

Nathan Cleaver, Keller and Associates, presented the McCall Urban Renewal Agency’s concept area plan for streetscape upgrades.

Council Member Scott moved to approve the McCall Urban Renewal Agency concept area plan. Council Member Delaney seconded the motion. In a voice vote all vote aye and the motion passed.

CONSENT AGENDA

Staff recommended approval of the following items:

- Minutes February 25, 2010
- Warrant Registers printed on 3/5/2010
- Payroll Report for Period ending 2/19/10
- AB 10-67 Energy Efficiency and Conservation Block Grant (EECBG) Award
- AB 10-70 Hangar 563 Lease Assignment

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

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

EXCUTIVE SESSION

At 8:02 p.m. Council Member Kulesza moved to go into Executive Session for:

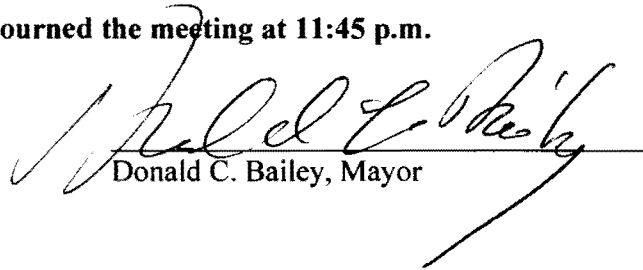
- **Litigation – Pursuant to Idaho Code §67-2345(1) (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated;**
- **Land Acquisition pursuant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

- Personnel – Pursuant to Idaho Code §67-2345(1) (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

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

ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 11:45 p.m.


Donald C. Bailey, Mayor

ATTEST:


BessieJo Wagner, City Clerk



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The Executive Session portion of the March 11, 2010 minutes were amended on April 22, 2010 to ensure compliance with the requirements of IC §67-2344 (2).

EXECUTIVE SESSION

At 8:02 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;
- 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; and
- Personnel – Pursuant to Idaho Code §67-2345(1) (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

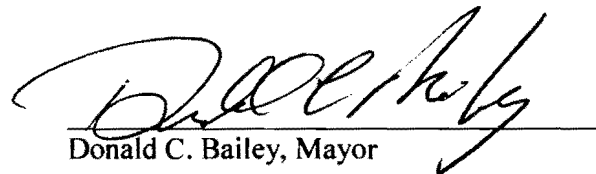
Council Member Scott seconded the motion. In a roll call vote Council Member Kulesza, Council Member Scott, Mayor Bailey, Council Member Delaney, and Council Member Delaney all voted aye and the motion passed.

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

ATTEST:


BessieJo Wagner, City Clerk




Donald C. Bailey, Mayor