

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
September 24, 2009**

Agenda

Call to Order and Roll Call
Work Session
Pledge of Allegiance
Public Comment
Consent Agenda
Business Agenda
Committee Minutes
Adjournment

CALL TO ORDER AND ROLL CALL

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

City staff present were Lindley Kirkpatrick, City Manager; Bill Nichols, City Attorney; Michelle Groenevelt, Community Development Director; Tim Swanson, Interim Public Works Director; Rick Scherette, Street Superintendent; Linda Stokes, City Treasurer; Anne Kantola, Library Director; Eric McCormick, Golf Superintendent; John Anderson, Airport Manager; and Shirley Overton, Deputy City Clerk.

Mayor Kulesza excused Mrs. Overton from the meeting.

COUNCIL WORKSESSION

Council Member Delaney joined the meeting at 5:35.

AB 09-197 Environmental Advisory Committee Work Plan

Cindy Miller, Environmental Advisory Committee, presented the committee's work plan to Council. She stated that the Committee needs a student member.

Mayor Kulesza stated that although he supported looking at alternatives for mosquito abatement, of the list of priorities for the Environmental Committee, the mosquito abatement issue should be lower on the list.

Council Member Delaney stated her approval of the mix of short term, visible projects with the longer term projects. She wanted to know how effective the solar pumps were that move water for mosquito abatement. Council Member Witte commented that the water conservation projects should be priority.

Council Member Scott also liked the water quality protection measures. Council Member Bailey commented that City Code already prohibits phosphorus in any laundry detergent.

Council Members Witte and Bailey approved of the air quality improvement projects.

Mayor Kulesza and Council Member Delaney expressed concern that the committee's project list may be too long and cautioned about having too many priorities.

Mayor Kulesza led the audience in the Pledge of Allegiance at 6:02 p.m.

PUBLIC COMMENT

Mayor Kulesza called for public comment at 6:03p.m.

Mayor Kulesza stated that the public comment time is intended for a brief comment from the public on any subject and is not intended to be an open invitation for presentations. He stated that if someone has a presentation they would like to share with the Council, to notify the Council ahead of time so that they can be put onto the agenda. He said that by giving enough time to be on the agenda it gives proper notice to the public that the presentation is being done and if someone should have an interest they can attend the meeting.

Ray Moore, representative of the Mountain Central Association of Realtors, requested that the Council table their discussion on formula retail ordinance for 60 days. This would give the Mountain Central Association of Realtors, the McCall Area Merchants Association and the Chamber of Commerce an opportunity to make a recommendation.

Ronda Sandmeyer, representative of the McCall Area Merchants Association, stated that she had a concern with the Mayor's clarification of the public comment time. She stated that she researched the guidelines and rules for the agenda, and was unable to find any restrictions on giving presentations during the public comment time.

Mayor Kulesza reiterated that the Council Agenda is finalized on the Friday prior to the meeting and presentations need to part of the packet so that the public can be properly noticed. He also stated that an agenda can be amended for items that need immediate action. He stated also that the Council would like to hear the presentation from the McCall Area Merchants Association and that they could be on the next agenda.

Ms. Sandmeyer stated that she would honor the Mayor's request. She asked that they be on the next agenda. She stated that the McCall Area Merchants Association would like to partner with the City. Ms. Sandmeyer then went into part of their presentation items. She wanted the opportunity to share what the McCall Area Merchants Association is all about. Ms. Sandmeyer asked if the Council would table their decision for the funds allocation for economic development until they have heard the full presentation from the McCall Area Merchants Association.

Hearing no further comments, Mayor Kulesza closed public comment at 6:20p.m.

CONSENT AGENDA

Staff recommended approval of the following items:

- Minutes June 25, 2009
- Special Minutes February 6, 2009
- Warrant Registers printed on 9/18/09
- Payroll Report for Period ending 9/04/09
- AB 09-191 Alcohol Catering Permits
- AB 09-193 Oktoberfest October 3, 2009 – MCPAWS fundraiser, sponsored by local businesses and Alpine Village
- AB 09-194 Line Item Transfers from Contingent Revenue and Contingent Expense – Insurance Reimbursement
- AB 09-195 Line Item Transfers from Contingent Revenue and Contingent Expense – Park Donations
- AB 09-196 McCall Hospital Auxiliary grant application for Automatic External Defibrillators for McCall Public Library and Recreation Department
- AB 09-198 Drainage Easement across Reserve on Payette
- AB 09-200 Terrorism Insurance Waiver

Some discussion took place to clarify the warrant register.

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

BUSINESS AGENDA

AB 09-190 Tree Committee Annual Report

John Lillehaug, Chairman of The Tree Committee, reviewed the report on the events of the past year, including current events and future goals.

AB 09-192 Direction on current formula retail and restaurant limitation codes

In the 2006 code rewrite of the McCall City Code Title 3, Planning and Zoning, a definition of formula restaurant and retail was added to the code. Chapter 8 includes a limitation on formula restaurants and retail to 10% of total number of restaurants and like businesses, respectively.

The McCall City Council held a work session to discuss the formula retail ordinance on June 25, 2009. The purpose of the work session was to discuss if the City should pursue a code amendment to change the current formula retail or formula restaurant ordinance. A public meeting was held on September 10, 2009 on the issue to give the Council a better sense of public opinion.

Council Member Delaney stated that the code does not need to be changed. Mayor Kulesza stated that there had not been a lot of public requests for a change of this code. He stated that the current code was working the way it was intended.

There was some discussion as to how UPS, FedEx and Kinko's fit into the formula retail equation. Michelle Groenevelt, Community Development Director, addressed the issue with the Planning and Zoning Commission and they responded that UPS was in McCall prior to 2006. Council Member Scott stated that the City needs to ensure that the code is being applied consistently.

Council Member Bailey suggested that the definitions may need to be changed or clarified.

Council Member Witte did not think that it was the time to look at the ordinance, that first the Council needs to consider a broader look at economic development. Council Member Scott agreed.

Council Member Bailey stated that there was a need for a committee to review a good cross section of the community to get a feel for what was needed within McCall. Council Member Witte stated that there needs to be more analysis to determine whether the percentage is accurate.

Council Member Delaney stated that it was not just a business issue, but it was about the character of the community. Mayor Kulesza agreed.

Robert Lyons, local realtor, stated that the ordinance should go before legal review.

Bill Nichols, City Attorney, responded that he looked at a case in Florida that was distinctly different. He stated that there were no cases in Idaho and that he had not been able to find any other cases that were parallel. He stated that there was not anyone who could say 100% yes or no because it had not been decided in the state of Idaho. He continued that in the state of Idaho there was wide discretion given to communities in regard to zoning decisions. On the legislative issues there is discretion given when the Council has shown that they had considered a variety of different issues.

Council Member Bailey was in favor of a cooperative economic strategy as proposed by Council Member Witte.

Ronda Sandmeyer, McCall Area Merchants Association, questioned that by allowing Starbucks in McCall was there favoritism shown to this retailer. Ms. Groenevelt stated that with the Shore Lodge selling Starbucks merchandise it does not meet the definition of formula retail because it does not have a store. There was discussion as to whether it was a Starbucks facility or if it was owned by the hotel. The answer was that it was owned by the hotel therefore it did not meet the definition of formula retail.

Tim Cochrane, CEO of the Chamber of Commerce, clarified that Starbucks sells their product and the cups used at the Shore Lodge state "we proudly serve Starbucks coffee". He also clarified that many franchises are converting from opening their own stores to selling their products to be sold under other names. He stated that the City and the businesses need to work together to determine what needs to come to McCall to compliment what is already here.

Darrell Cobb asked the Council to table the discussion until an economic plan has been developed to determine what is needed in McCall and a plan to get it to McCall.

Robert Lyons stated that, in his opinion, according to the ordinance the way it was currently, if one of the local franchises closed their business then there would be no way to prevent a

McDonald's from going in that place. It was clarified that they would be under the same rules for design review as any other business.

Council Member Delaney clarified that instead of waiting to make a decision, leave the ordinance as is. She continued stating that after working through economic development, if it is decided that the ordinance needs to be changed the change would take place at that time.

Council Member Delaney moved to keep the current ordinance on formula retail in place as written. Mayor Kulesza seconded the motion.

Discussion

Mr. Nichols stated that the motion does not change anything and does not prevent the Council from continuing the discussion.

There was some concern expressed from the members of the community that the issue would die and not be revisited. Mayor Kulesza stated that the issue would not die and would continue during the economic development discussions and reviewed at a later date. There was also discussion on whether or not the motion was necessary.

Council Member Scott stated that the vote should not be considered in isolation, and that a yes vote is not a blanket checkmark for the next four years.

In a voice vote Council Member Delaney, Mayor Kulesza, Council Member Bailey, and Council Member Witte voted aye and Council Member Scott voted nay and the motion carried.

Meeting recessed from 7:42 p.m. – 7:48 p.m.

AB 09-188 FY10 Economic Development Activities

Mr. Kirkpatrick gave a brief introduction to the history of the economic development issue. He stated that one of the recommendations from staff was to continue to support the Upper Payette River Economic Development Council (UPRED) to some degree. He also presented some ideas that the City could do to foster economic development.

Mayor Kulesza stated that the City supports economic development. He stated that the focus should be on how the City can get the most value for the money.

John Blaye, UPRED, reviewed his proposal for the Council and provided additional materials to the Council. Mr. Blaye indicated that his organization provides more than just a survey, and involves consulting with a Business Retention and Expansion Program. Mr. Blaye would like to have a workshop with City Council Members and the Department of Commerce on October 7, 2009.

Mayor Kulesza expressed concern that Mr. Blaye's plan did not include any mention of the City's Comprehensive plan. Mr. Blaye stated that he did have a comparison of the comprehensive plan and his economic strategy; however it was not with him at that time. Mayor Kulesza questioned the amount of John Blaye's time it would take to accomplish Business Retention and Expansion, and Business Recruitment. John Blaye indicated it would take the majority of his time. Mayor Kulesza stated with Mr. Blaye's other commitments it would be very difficult if not impossible for him to dedicate the amount of time needed.

Council Member Delaney suggested that some other proposals come to the Council with ideas as well. A discussion of planning efforts followed, with Council Member Scott commenting that all resources would need to be pulled together such as Sage. She would like to see a concrete plan.

It was decided that the Council should review the additional material from Mr. Blaye, and schedule a date for a Department of Commerce meeting to stage a mini-strategic plan. Council Member Scott indicated that Mr. Blaye should be compensated if he is doing work for the City of McCall.

Council Member Witte left the meeting at 8:50 p.m.

Darrell Cobb commented that McCall Area Merchants Association (MAMA) was not trying to take money from Mr. Blaye's efforts, but he feels that the money should be used for specific events or activities if it does not go to UPRED. Mr. Cochrane indicated that the Chamber of Commerce agreed.

AB 09-189 FY10 Community Housing Options

Mike David, Valley Adams Regional Housing Authority (VARHA), reviewed the proposal for Community Housing and indicated that the focus had switched to rentals. Mr. David indicated that VARHA presence in the community would be increased, no matter what funding was provided and the VARHA website would be brought back up. He also stated that a strategic plan was necessary to meet the needs of the community with the housing issues.

There was some discussion of the Deinhard project of 35 affordable rental units. There was \$6.5 million in funding provided by tax credits and stimulus money. There will be a pre-application meeting with Planning and Zoning for this project on October 13, 2009.

Council Member Witte rejoined the meeting via telephone at 9:05 PM.

Council Member Delaney expressed that she liked the idea of land acquisition as a viable option. She also questioned how meaningful a strategic plan would be at this time considering the status of the economy.

Council Member Scott stated that McCall, at some point, would be in need of more affordable housing. She also stated that there was value with incentive-based codes.

Mr. David indicated that VARHA would survive this year, regardless of what the City does. He believes, however, that the best use of the City's budgeted \$15,000 for community housing would be to keep VARHA strong and viable.

Council Member Delaney left the meeting at 9:15 p.m.

Council Member Bailey's opinion was that the City would be better off spending the funds on something other than land acquisition. There was some discussion about enhancing, expanding, or doing something better on the county site.

Mr. David indicated that the VARHA Board still needed a McCall member.

Council Member Bailey recommended continuing VARHA funding on a quarterly basis, (\$3,750) with specific, deliverable goals:

- Examples of Incentive Based Ordinances
- Outline/Summary of Possibilities
- Any changes in our code? Remove Incentives

Ms. Groenevelt stated that when considering incentive based ordinance, the City's current code needs to be carefully considered as there are already incentives built into the code.

Council Member Witte's concern was that the City had asked for examples of incentive based ordinances from VARHA previously and they had not provided any, so she was doubtful that they would be able to provide anything within the first quarter. Mr. David countered that since the conception of VARHA the real estate market had changed dramatically and incentive based ordinances were not a priority until now. He assured the Council that he could provide ideas for ordinances within the first quarter.

All Council Members concurred that VARHA would receive first quarter funding and produce a document on incentive based ordinances.

AB 09-169 Highway Banner Policy

Mr. Kirkpatrick gave a brief explanation for the Banner Policy being brought to Council. He stated that members of the Council had questioned the process for deciding who would get priority in a case where two events had requested the same date. He also stated that there is an option for a second location at the west end of town. When the original policy was put into place, the Chamber of Commerce, along with volunteers, was running the program. Currently there was not any kind of pulley system on the west side of town and the existing pole and tree make it difficult to safely hang a banner.

Mr. Kirkpatrick stated the Rich Hormaechea from Shore Lodge offered to assist the City with making the west side site available for Highway Banners. They may have a pole that could be used. There was no specific agreement made only that the offer was put forth to assist. The consensus from Council was that two locations would be preferable.

Council Member Scott left the meeting and rejoined via telephone at 9:40 p.m.

Mr. Kirkpatrick also stated the proposed policy would give staff level approval for banners as opposed to having the Council approve every application. All Members agreed there would be no fee. All Council Members were favorable to the banner on the west side of the City and agreed that staff level approval would be appropriate for banners.

Mayor Kulesza moved to direct staff to start the code amendment change and prepare a resolution and ordinance. Council Member Bailey seconded the motion. In a voice vote all members voted aye.

Council Member Witte suggested a change to the recommended code change to 3.9.04 - Temporary Signs - should be clarified to state "subject to administrative approval".

AB 09-199 Community Forum re: form of government issues – Discussion

Council Member Scott started the discussion by stating that she would like for the Council to have a Town Hall Style meeting to obtain specific data from citizens as to what they feel the local government relates to them. She stated that there should be a specific topic so it does not turn into a "bash" session.

There was some discussion as to how it would be advertised and who would draft a possible outline for the discussion. Mayor Kulesza and Council Member Witte indicated this should be dealt with after the election so there would not be any confusion between the candidate forum and the town hall meeting. Council Member Scott indicated that prior to the election could be more beneficial as it may be less directed at individuals.

Council Member Scott agreed to outline the format of the meeting. The staff is to propose dates, October 26-29, or after the election.

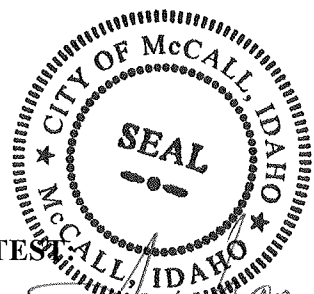
COMMITTEE MINUTES

The Council received copies of the following minutes:


- Tree Advisory Committee – July 8, 2009
- Urban Renewal Agency – July 21, 2009
- Urban Renewal Agency – July 29, 2009
- Urban Renewal Agency – August 18, 2009
- Environmental Advisory Committee – August 18, 2009
- McCall Improvement Committee – May 28, 2009
- McCall Improvement Committee – June 18, 2009
- McCall Improvement Committee – July 23, 2009
- McCall Improvement Committee – August 20, 2009
- Planning and Zoning Commission – August 4, 2009

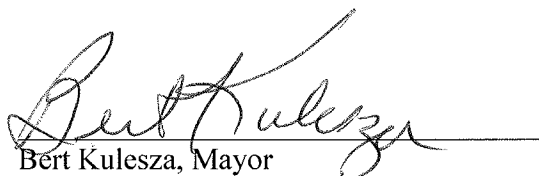
ADJOURNMENT

Without further business, Mayor Kulesza adjourned the meeting at 9:55 p.m.



ATTEST


BessieJo Wagner, City Clerk


Bert Kulesza, Mayor