

# MINUTES

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## McCall City Council Regular Meeting August 28, 2008

### Agenda

Call to Order and Roll Call  
General Work Session  
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 5:32 p.m. Mayor Kulesza, Council Member Delaney, Council Member Bailey and Council Member Witte answered roll call. A quorum was present. Council Member Scott was absent. Council Member Scott joined the meeting at 5:48.**

In addition to the Council Members, present were Lindley Kirkpatrick, City Manager; City Attorney Bill Nichols; Walter Eisenstein, Public Works Director; Michelle Groenevelt, Community Development Director; Brock Heasley, Parks and Recreation Director; Jerry Summers, Chief of Police; Linda Stokes, Acting Treasurer; Carol Coyle, Grant Coordinator; and BessieJo Wagner, Deputy City Clerk /Administrative Assistant.

## COUNCIL WORK SESSION

### **AB 08-169 Local Historic Landmark Recognition Program**

Carol Coyle, Grant Coordinator and City Staff member to the Historic Preservation Commission presented to the Council the ideas and plans for a Historical Landmark Program for the City of McCall. She outlined the process and basic criteria for the program. Ms. Coyle explained the historical impact the program would have on McCall and the visitors to McCall. Initially the Commission would like to see 10 – 15 properties identified and then they would develop a brochure or a “walking tour” of the properties for citizens and visitors.

Council Member Witte asked if once a property has been identified and named a Historic Landmark, does it put any restrictions on the landowners. It does not put any restriction on the owners; however, prior to giving the property this status the Historic Preservation Commission would speak with the owners to find out what the plans for the property would be in hopes that they would want it preserved.

Some discussion of the benefits of having such a program in McCall took place.

Mr. Kirkpatrick asked the Council if they would be interested in moving forward with this program. Council expressed that they would like to see the program implemented. The cost was discussed and Ms. Coyle stated that it would be about \$1,000 initially. The Council agreed to go forward.

Mr. Kirkpatrick gave recognition to Carol Coyle for her accomplishment of passing her test to renew her block grant administrator's certification.

### **Other Discussion**

Mr. Kirkpatrick brought up some Special meetings that are coming up and ones that need to be scheduled:

- Impact Fees – two possible dates September 18 or September 26; Council expressed they would like it to be a public hearing, probably an evening meeting.
- Historical Museum Site – change the lease or develop an MOU to reflect what the relationship is now or what the Council wants it to be – Schedule a visit as part of a meeting in September
- Marina discussion
- Park City group CityTour happening on September 3 & 4, 2008.

Mayor Kulesza requested that one of the Council Members attend the dedication of the new Barbara Morgan Elementary school on September 2, 2008. Council Member Scott will attend the dedication.

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

## **PUBLIC COMMENT**

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

**Hearing no additional comments, Mayor Kulesza closed the public comment at 6:11 p.m.**

## **CONSENT AGENDA**

Staff recommended approval of the following items:

- Minutes from July 24, 2008
- Warrant Register printed on August 21, 2008
- Payroll Report for Period ending August 8, 2008
- AB 08-165 Alcohol Beverage Catering Permits as of 8-28-08
- AB 08-166 Line Item Transfers from Contingent Revenue and Contingent Expense
- AB 08-167 Cooperative Agreement with ITD for Traffic Control Signal at Intersection of SH-55 and Mission Street

Council Member Delaney questioned the aesthetics of the traffic signal at the intersection of SH 55 and Mission Street. She wanted to know if anyone had asked the question of what it would look like and if there was a choice. Mr. Eisenstein stated that he would get a drawing of the signal and find out if there are any options. Council Member Delaney felt that there was no discussion or interest of what the signal would look like.

**Council Member Scott moved to approve the Consent Agenda minus the Minutes and the ITD stoplight agreement. Council Member Delaney seconded the motion and in a voice vote, all members voted aye and the motion passed.**

**Council Member Bailey moved to approve the Minutes as corrected for July 24, 2008. Council Member Witte seconded the motion and in a voice vote, four members voted aye and the motion passed. Council Member Scott Abstained.**

**Council Member Bailey moved to adopt Resolution 08-18 to approve the Cooperative Agreement with ITD for a Traffic Control Signal and authorize the Mayor to sign all necessary documents. Council Member Witte seconded the motion and in a roll call vote, Mayor Kulesza, Council Member Bailey, Council Member Scott and Council Member Witte voted aye, Council Member Delaney voted no and the motion passed.**

## **BUSINESS AGENDA**

### **AB 08-174 Adoption of Budget - Fiscal Year 2008 – 2009 Budget**

Mr. Kirkpatrick stated the three points that the Council needs to resolve:

1. Level of Support for McPaws \$82,500
2. Level of Support for UPRED \$30,000
3. Level of Support for VARHA \$30,000

He clarified that the adoption of Ordinance 860 (the budget adoption) as it is written, would not affect any changes that might occur with these three items. Mr. Kirkpatrick put together a memo addressing some questions Council Member Bailey had about the budget. The questions are tied to the page number in the budget. Ordinance 860 adopts the fiscal year 2009 budget only, not fiscal year 2010.

Council Member Bailey – questioned a \$50,000 purchase plan that appears on page 17 of the 2010 budget. It appears that it has been budgeted for twice. Mr. Kirkpatrick clarified that the \$50,000 on page 13 is for Information Systems equipment such as switches and the \$50,000 on page 17, is for a power generator. Mayor Kulesza asked if the amount budgeted for McPaws and VARHA was the staff recommended amount. Mr. Kirkpatrick confirmed that it was as well as the amount to UPRED.

Council Member Scott wanted the amount to UPRED clarified as she thought the amount that had been discussed earlier was \$10,000 - \$15,000. Mr. Kirkpatrick explained that in the current year it is \$30,000 and in previous years it was less.

Mayor Kulesza wanted clarification about the noxious weed program and how much is budgeted for it. Mr. Heasley stated that the state would provide the chemicals for spring; the amount that is reflected in the budget is for equipment and salaries. Mayor Kulesza wanted to know what amount was budgeted for the noxious weed program. He wanted some amount budgeted for an educational process to educate the general public on the importance of noxious weed control.

UPRED funding – Council Member Delaney stated that she is not supporting the proposed \$30,000. Mayor Kulesza stated that he had not received any comments from citizens to lower the funding, but had received comments to reallocate how the funds are spent and give more direction as to where the City would like to see the time and energy spent. He had a conversation with one of the County Commissioners who stated that if the City of McCall made significant cuts, it would have a significant impact on the overall UPRED proposal within the Valley. Mayor Kulesza does not feel comfortable cutting funding to this program, however significant input and direction needs to be supplied to the board as to where the City would like to see Mr. Blaye's time spent.

Council Member Delaney does not see the service they provide and does not think it is the right place for the money to go. The money should go to bringing jobs to McCall. The service has not gone to economic development of creating more jobs; it has gone to building more hotels. The money to UPRED should go to zero and then, as a City, figure out how to get economic development that matches what the community needs.

Mayor Kulesza clarified that in the past the board has not directed Mr. Blaye in this direction. Council Member Delaney stated that if the City wanted to go in a different direction than what the county may want it could cause conflict. If the City is paying for economic development, she would expect more two-way communication from UPRED; if the City is pushing in the wrong direction then UPRED should step in and say, "you are going the wrong direction" and give input as to the right direction. Council Member Bailey stated that the Airport business park would fit into this new direction the City wants to go. This is the year that UPRED needs to show what they can do, and then, next year, if they have not met the City's expectations, pull the funding.

Council Member Scott received feedback that hotels here do make sense because McCall is a resort community; the function is critical. If funded, the City needs to be very clear as to what the expectations are and there needs to be accountability. She is for \$15,000-\$20,000.

Council Member Witte would not cut it off to zero this year as there has not been clear direction to UPRED as to what the City's expectations are. She suggested the City pay in six month increments and there should be quarterly or 6 month reports made to show their progress. Then, if they are not able to show the progress the City would like them to, pull the funding at that time.

Mayor Kulesza expressed concerned that it would affect the rest of the organizations that pay into UPRED and that McCall is just a part of the big picture. Mr. Kirkpatrick suggested that a total amount be decided on, then have UPRED bill at either 3 or 6 months and then after receiving a report decide whether or not they will receive any more payments.

John Blaye stated he has some concerns. He gave a report to Council on what UPRED has been doing in the past. He is willing to do what it is that the community would like him to do. Reports can be submitted and have always been given to the board members that serve, and it is their responsibility to go back to their councils and give them the information. He is willing to tailor the efforts to the community needs.

The Council discussed various amounts to budget for UPRED. There was a general consensus to do incremental funding. The question of a total amount was discussed and if they went with a sum less than \$30,000 where would the other funds go. It was also discussed that other communities should put up more. Mr. Nichols suggested that whatever amount the Council decides to allocate for UPRED, the remainder be put into the Council contingency account. Therefore, once it is determined if further funding will go to UPRED or somewhere else it does not need a budget amendment.

The Council decided that they would allot \$15,000 upfront to UPRED and then the other \$15,000 into the contingency and re-evaluate in six months and then allocate those funds at that time.

Council Member Witte asked about the LOT funds and that when they approve the budget are they approving LOT distributions for the following year. Mr. Kirkpatrick confirmed that they would. There were some questions about the notes on the budget. When the motion to pass the budget is made, make it clear that the figures are being approved based on the matrix and not the notes. There was a concern about approving the LOT funds for next year when this year, those funds will not be met.

There was a question about the \$65,000 funded for Art Roberts Restroom project, it showed both in this year's budget and in next year's budget. The \$65,000 is a carry forward from this year into next year. It comes out of this year's budget, but it gets funded in next year's budget. There was concern about the LOT funds and projects that keep getting put off to the next year, when do we catch up?

It was suggested that if the LOT funds got way off from the projections then the Council could reconvene the commission to reallocate the funds in November. There was concern that LOT recipients may be counting on those funds but if the funds fall short they are left out. It was clarified that the LOT applicants are aware of the risk and if they are on the bottom they may not get funded. Mr. Nichols clarified that when adopting budgets the projected and actual is seldom the same. The Council is building a budget based on projected figures, and adjustments have to be made.

**Council Member Delaney moved to Suspend the rules, read by title only, one time only Ordinance No. 860. Council Member Scott seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

Ordinance 860 was read one time only, by title only by Mrs. Wagner.

**Council Member Delaney moved to Adopt Ordinance No. 860 setting the FY09 City of McCall budget appropriation at \$16,147,177. Council Member Scott seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

### **AB 08-175 Idaho Power Presentation**

Layne Dodson, Community Relations Representative for Idaho Power gave a presentation of Idaho Power's projects. Idaho Power has been in business for 92 years. They have had some of the lowest rates in the nation for years. Going forward there are some very critical issues of how they can provide electrical energy for their customers. Idaho Power needs to look at ways to generate more power, some options are: coal, nuclear, wind, and geothermal. Their plan for going forward is a portfolio approach, with a combined cycle of Natural gas, combustion and turbo. Idaho Power is partnering with Rocky Mt. Power for a transmission grid. Idaho Power wants to emphasize energy efficiency and wise use of energy. Going forward Idaho Power will be asking for support in the future. There is an increase in demand of 30-50 mega watts per year, and there have been companies that want to come to Idaho that have made inquiries with loads of 50-500 mega watts capacity. Idaho Power offers free energy audits.

There was discussion about design and building recommendation for energy efficiency. There was a question about direct solar power; Mr. Dodson stated that solar power technology is still very expensive. As the cost comes down it is a resource to consider.

### **AB 08-168 Recycle Center Update to Council**

Esther Mulnick and Mary Hart updated the Council on their recycle center project. The County is matching the LOT funds for Recycle Partners to build a permanent recycle facility. They have been working with Western Recycling out of Boise. They will be providing input as they build the recycle center.

Council Member Delaney asked Ms. Mulnick to talk about item separation and single stream. Currently there are three drop-off sites in the Valley – Cascade, Donnelly and McCall. Items are currently separated at these sites. Through guidance from Western Recycling and a transportation company, it has been advised that until the City has a recycle center, the drop off sites need to do single stream, with the separation of glass.

Council Member Bailey asked about the location and wanted to know if there were any conflicts with the water treatment plant. Mr. Kirkpatrick stated that it has been looked the city engineers and the location is out of the way of any likely plant expansion. Ms Mulnick stated that the Recycle Partners have volunteers to help with landscaping.

Council Member Bailey asked about the design of the building. Ms. Mulnick stated that it will be a steel building and they are waiting on the design until they have more input from Western Recycling. The process they are looking at is to get the survey done right away, then they have a volunteer excavator and road builder lined up.

Some discussion took place on the benefits and differences of single stream versus separating. The center will most likely offer both and educate the community on the benefits of separating.

Future Council action is to have a lease with the County and the one time LOT funding, and then it will be a county operation.

**AB 08-173 The Reserve on Payette River Subdivision: Approval of Final Plat Subdivision (SUB-08-01) and final plan of the Planned Unit Development (PUD-08-01)**

Council Member Delaney recused herself at 8:29 pm.

Bradley Kraushaar addressed the Council with an overview of the project. In summary, the agreement is that the City would get a dedicated parcel, two pathways, the lifting of the restrictions on the by-pass, and through the diversion of existing flow of water into their wetlands, the City would gain filtration of water from the underdrain of the J-Ditch. The applicant is requesting that the 75 foot setback from the river be reduced to 50 feet with an additional 15 feet reduction for in-ground patios. The applicant and Public Works would work together to find a reasonable solution to pedestrian safety on the bike path on the by-pass. The City is also committing staff and equipment to the effort to reconstitute the wetlands. The applicant would have access easements across a small portion of the J-Ditch property.

The reason for the continuation is that the lifting of the by-pass restrictions involves multiple parties. The City feels that there needs to be a better assessment of what an addendum to the by-pass restrictions agreement means. The City wants to ensure that all parties have been contacted and signed off prior to the final plat and Development Agreement approval.

Council Member Witte asked if the applicant had any kind of relationship with that one party they have not been able to contact. It was stated that the applicant would like to present his case. The parcel is currently vacant.

Council Member Bailey asked if it was originally the City that wanted the restrictions and what was the original intent of restricting the right away. Mr. Kirkpatrick stated that the state funding came after the original agreement and that the purpose was to create a right of way, to build a bridge and a road. Council Member Bailey wanted clarified what the issue is today, as the City has the right of way, the bridge and the road.

Mr. Kirkpatrick stated that it comes down to the original Right of Way Agreement, on item one in the last sentence of that agreement, which states that the plan is not meant for a truck route and the parties understand that it cannot be marked as a truck route or a by-pass. Council Member Bailey stated that the City is currently in compliance with that statement so what is the issue? Mr. Kirkpatrick stated that the second issue is that this plan was adopted to the creation of a city street classified by the City as an arterial, thought to be as the same character in use as, for example, Davis Avenue. There has been some interpretation of that sentence to mean that the speed limit needs to be 25mph. Council Member Bailey asked if there is a code that states that streets not so designated must be a speed limit of 25mph. Mr. Kirkpatrick stated no there is not. There was some disagreement on the interpretation of that sentence and there was some interest in designating Deinhard as a truck route.

There was some discussion between Council Member Bailey and Mr. Kirkpatrick as to what the issue is if Deinhard is already being used as a truck route without any signs designating it as such. If there is not any reason to sign it as a truck route then there is no reason to amend the agreement. If an easement is granted to lot 8 then some other form of compensation should be negotiated. If there is some desire to sign it as a truck route and if there is some

acknowledgement of the dispute over the intent of Deinhard, then there is some merit to resolving the dispute in return for the easement. On the other side if there is no dispute then there is no need for an amendment.

As a separate issue the speed limit started out as 25mph and has been changed to 35mph. Council Member Bailey had requested that there be a speed study done on this street, and has not received any feedback as to whether that has been done or not.

Council Member Bailey is trying to have an understanding, with an agreement that is 15 years old, why it needs to be amended. Phil Feinberg, the applicant, stated that the previous City Council requested the amendment. There was some disagreement to that statement and Council Member Bailey stated that it was not documented in that way.

Mr. Kirkpatrick interjected that the discussion was that if they want the easement then the City should get something in return. The one thing to get in return would be to remove the uncertainty about the speed limit and to obtain the ability to sign it a truck route. Ms. Groenevelt stated that in multiple planning exercises over the past three years the issue of getting the big trucks out of downtown continues to come up regularly. It is an objective and a goal of the City's Comprehensive Plan. Council Member Bailey feels that there might be some other ways to accomplish that goal than putting up signs.

Mr. Nichols clarified for the Council Members that the reason for the amendment was to remove any doubt and remove the risk that someone who is a signatory of the agreement could claim a breach on the part of the City and then be fodder for some kind of lawsuit. That is the reason for asking all the signatories of the original agreement to sign off on the amendment. The applicant was unable to do that. If the Council is comfortable with the risk, then the City does not have to worry about the amendment or just have Mr. Eckhart sign the amendment and accept the risk and see if any of the other parties that are signatories to the agreement come forward claim a breach and claim damage.

Council Member Bailey wanted it clarified that the original agreement was initiated by the City for the reasons given. Mr. Kirkpatrick confirmed. The applicant initiated the proposal of the amendment to the agreement. Council Member Bailey does not see the value in the amendment. The preliminary plat approval did not include this amendment. Mr. Kirkpatrick stated that it is about managing risk of some claim from one of the signatories of the original agreement stating that the City is in breach of the contract.

Council Member Witte asked for clarification of how that could happen. The claim could be that by making the speed limit 35mph the City has breached the requirement that the street is an arterial thought to be of the same character in use as Davis Avenue. Another possibility would be if the City would want to put up a sign or in any other way designate it as a truck route or bypass.

Council Member Bailey clarified why the speed limit was changed, a former Council Member wanted the limit changed from 25mph to 35mph. The Police Department increased the limit.

There was some discussion as to what would happen if the final signatory refused to sign and it was suggested that it would be recommended that the easement be denied. It was then brought up that the easement was approved in the preliminary plat so that would not be an option. Also the final plat has some small minor changes that need to be made. It was discussed that the minor changes to the plat could be made quickly; the surveyor needs to sign off on the changes.

Mr. Feinberg addressed the Council with the terms of the preliminary plat. He also spoke about the concerns of the quality of projects being brought into the City. He has done everything that has been asked of him to get this project approved. He did not feel that it was fair to take away the easement if the last party refused to sign the agreement. He requested that the Council approve the final plat and he will help get the owners of the last property to sign the agreement. He has been willing to do what he needs to do to get the project approved and feels that two years to get approval is just too long.

Mayor Kulesza asked that by putting the project off two more weeks, if the two weeks would make a difference. Mr. Feinberg would like to start to market his property immediately and has already lost the summer market.

The question of risk was reiterated, and it is the decision of the Council to make that determination. Council Member Bailey does not see it as a risk and Mayor Kulesza and Council Member Witte agreed.

Council Member Bailey had a question on the Findings and Conclusions on page one, item #10 does the development agreement approve of the language used. The applicant has agreed to sign the agreement for the right away. On page four, item #14, why does any future construction on this site require design review? The answer was because they are in the shoreline zone. The last two sentences are duplicates of #5. In the Development Agreement itself, paragraph two, article two he would like to add a sentence, 2.9 the City agrees to remove and or mitigate noxious weeds on the adjacent City property including the ingress egress easement for a period of at least three years.

Mr. Kirkpatrick wanted to know why the City would want to put the burden on itself for this agreement as opposed to just doing it through the normal process. Council Member Bailey stated that he wanted to be sure it gets done. Mr. Kirkpatrick pointed out that there could be a downside to putting that statement in the agreement; it gives them the opportunity to say it is not being done to their standard.

Council Member Bailey had a question with an item on page six of the agreement, paragraphs 13.1 and 14.1 that seem to say the same thing called amendments. Mr. Kraushaar stated that it is part of the stock language used. Mr. Nichols clarified that 13.1 is about process and 14.1 means it has to be in writing.

**Council Member Bailey moved to approve the proposed final plat and development agreement subject to the finalization of the minor changes to the plat.**

Council Member Witte asked if staff was comfortable with the agreement other than the small changes to the plat. Mr. Kraushaar stated that they were comfortable with the agreement.

**Mayor Kulesza seconded the motion.**

Council Member Witte asked if there were any environmental adjustments with changing the 75 foot set back to 50 foot set back. Mr. Kraushaar stated no. Mr. Kirkpatrick stated that it used to be 50 feet. Ms. Groenevelt stated that the 75 foot setbacks are for the river environment to the preservation of vegetation and water quality.

**In a roll call vote, Council Member Bailey, Mayor Kulesza, Council Member Scott, and Council Member Witte voted aye; and the motion passed.**

Council Member Delaney returned to the Council at 9:26 pm.

**AB 08-176 McCall Avenue Homes appreciation cap**

Mr. Nichols stated that this agenda bill is to determine at what rate the Council would like to set the appreciation cap for the McCall Avenue Homes. There was some discussion clarifying that the cap to be set at 8% for the first sale and then after that it would drop down to 4%. This was to help make the homes more marketable.

Council Member Scott brought up an issue with homeowners using the residence to promote a business or parking excess vehicles in the street and yard. It was discussed that this is a code issue. Council Member Scott would like to preserve value. Mr. Kirkpatrick stated that it is a grey area. If the code covers the issue then Council Member Scott is ok with it.

**Council Member Bailey moved to approve the McCall Avenue Homes appreciation cap to 8%, and approve the Mayor to sign all necessary documents. Council Member Scott seconded the motion.**

Council Member Delaney asked if the motion should include the cap reverting back to 4% for subsequent sales. There was a general consensus that is what the Council wanted.

**Council Member Delaney amended the motion to say that the McCall Avenue Homes appreciation cap to be set at 8% for the first sale and then back to the 4% for subsequent sales. Council Member Bailey accepted the amendment. In a roll call vote, all members voted aye and the motion passed.**

**AB 08-170 Airport Advisory Committee Appointment**

Mayor Kulesza stated there were four letters of interest for the Airport Advisory Committee. Two applications stood out, Steve Binninger and Rick Fereday. Mayor Kulesza recommended Rick Fereday stating that he is a pilot, he has a hangar and he has served on the Airport Advisory Committee before. He is a long standing member of the community and familiar with its issues.

**Council Member Witte moved to approve the appointment of Rick Fereday to the Airport Advisory Committee. Council Member Delaney seconded the motion and in a voice vote, all members voted aye and the motion passed.**

**AB 08-172 SUB-07-09: Fairway's Condominiums Phase 3 Final Plat and related development agreement**

Council Member Delaney recused herself at 9:40 pm.

Ms. Groenevelt gave an overview of the development agreement; the plat came before the Council in 2005, which fell under the 1994 code that required the plat to be recorded three months after approval. It failed to be recorded so it had to go back through the process. Therefore the preliminary and final were done at the same time. There was some disagreement through the engineering review about an upgradeable waterline, currently there is a four inch waterline and the City engineer had recommended an eight inch. Through talks with the attorney it was determined that it could be resolved with an agreement drafted by Mr. Nichols.

Mr. Nichols stated that there were all kinds of conflicting type issues on the size of the waterline; it was not easy to resolve. On one hand there is the water master plan that calls for the replacement of all four inch water mains throughout the city with eight inch mains. The four inch mains to be replaced were prioritized, and this particular four inch main was not prioritized. The applicant obtained a letter from the Fire District saying that there was enough pressure in the line. The applicant is installing sprinklers in the units.

If the City had required the applicant to put in the eight inch line for this four unit condominium, there were concerns that it would constitute a taking. Whether there wasn't a close relationship between just these four units and the need to replace the line, and the applicant agreed to participate in a future LID and to agree, for itself and any future property owners, to pay a proportionate share in an LID to replace the line. One of the reasons to replace all four inch lines with eight inch lines is so that there are uniform eight inch lines throughout the city for more uniform pressure. It enhances the water flow through the grid. It was beneficial for eight inch lines but difficult to tie it into this development.

Mr. Nichols developed a subdivision agreement with regard to non-remonstrance over any LID's in the future. Council Member Bailey asked if it is an isolated four inch line or does that four inch line service other properties in the area. Ms. Groenevelt stated that it does serve other properties. Mr. Nichols stated that they identified eight properties. Is the third building already built? The foundation and footings are in but the pilings have not yet been started.

Ms. Groenevelt stated that in the findings and conclusions there are two conditions. One is that to pay some outstanding bills for engineering reviews, and he has agreed to pay those before the City signs the plat. The other condition is that the applicant sign the agreement related to the LID. There is also a development agreement that brings up some issues that will have to be talked about in the future. It is staff's recommendation that the applicant should not be subjected to any sort of contributions or mitigations, or obligates them to any kind of commitment or plans for community housing.

**Council Member Scott moved to Adopt the Findings and Conclusions for Fairway's Condominiums Phase 3 final plat, SUB-07-09 and related Development Agreement, with the amendment to strike 21.3 on page three of the Findings and Conclusions and 5.1.3 on page three of the Development Agreement, and authorize the Mayor to sign all necessary documents, upon receipt of all review costs. Council Member Bailey seconded the motion and in a roll call vote, Council Member Scott, Council Member Bailey, Mayor Kulesza, and Council Member Witte voted aye; and the motion passed.**

Council Member Delaney returned to the Council at 9:57 pm.

**AB 08-159 Code Amendment (CA-08-02): An update to the Scenic Route application procedure**

Ms. Groenevelt explained that this is the same code amendment that was brought to last Council Meeting and the Council asked that the language of the code amendment be revised to retain language indicating that Planning and Zoning action, on a Scenic Route application, could be appealed to City Council. That language was added back into the code amendment.

**Council Member Bailey moved to suspend the rules and read Ordinance 861 by title only, one time only. Council Member Delaney seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

Ordinance 861 was read one time only, by title only by Mrs. Wagner.

**Council Member Delaney moved to adopt Ordinance 861 to amend Code (CA-08-02) updating the Scenic Route application procedure. Council Member Witte seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

**AB 08-171 Request to Reconsider Code Amendments-Civic Zone development standards and refining the Zoning Ordinance Amendments process**

Ms. Groenevelt explained that Council Member Bailey had proposed two code amendments to be considered by the McCall Area Planning and Zoning Commission and the City Council. One code amendment is related to the development standards of the Civic zone. The amendment changes the setbacks to the same standards applied in the Central Business District. When the Central Business District is adjacent to residential zones the more restrictive standard is used. Council Member Bailey commented that where it states that “no action is required” on the Agenda Bill, it should act in accordance with section 3.13.04 B, which is by a motion of adoption by the Council.

**Council Member Bailey moved that the Council agrees to submit to the two Title 3 code amendments for public hearings and adoption in accordance to Title 3, section 3.13.04. Council Member Delaney seconded the motion.**

There was some discussion about the setbacks and the second code amendment suggested by Council Member Bailey. Ms. Groenevelt explained that the amendment is related to the procedure for zoning ordinance amendments. The amendment deletes, “Final approval of amendments will require the concurrence of both the Commission and the Council” at the recommendation of the City Attorney. Council Member Bailey clarified that this was discussed earlier in the year, and when the code amendment was approved for the Airport it was realized that the language needed to be changed.

Ms. Groenevelt explained that staff plans to bring forward all the current minor code amendments to the P&Z during the October 7, 2008 meeting. These code changes are related to the “clean-up” of adopting the 2006 Zoning and Subdivision code to eliminate inconsistencies and clarify certain sections. Major code amendments (i.e. revising AP zone standards, creating BP standards) will go through a more extensive public process.

**In a voice vote, all members voted aye and the motion passed.**

## **COMMITTEE MINUTES**

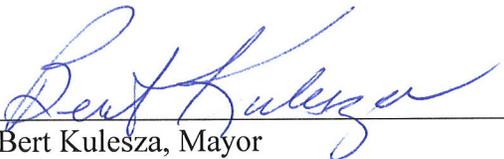
The Council received copies of the following minutes:

- McCall Public Library Board of Trustees Meeting – June 24, 2008
- McCall Improvement Committee – June 19, & July 10, 2008
- Airport Advisory Committee – July 10, 2008

## **ADJOURNMENT**

**Council Member Scott moved to adjourn the meeting. Council Member Delaney seconded the motion and in a voice vote, all members voted aye and the motion passed.**

**Without further business, the meeting was adjourned at 10:09 p.m.**

  
Bert Kulesza, Mayor

**ATTEST:**

  
Brenna Chaloupka, Acting City Clerk