

MINUTES

**McCall City Council
Regular Meeting
December 13, 2007**

Agenda

Call to Order and Roll Call
Executive Session
Reports
Public Comment
Consent Agenda
Business Agenda
Council Talk Time
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Robertson called the regular meeting of the McCall City Council to order at 3:34 p.m. Council Member Bailey, Council Member Bertram, Council Member Kraemer, Mayor Robertson, and Council Member Scott (via telephone) answered roll call. A quorum was present.

Also present were Lindley Kirkpatrick, City Manager; Fred Quiel, Deputy City Manager / Administrative Services, Walter Eisenstein, Deputy City Manager / Infrastructure & Community Development; and City Attorneys Bill Nichols, Kim Trout and David Krueck.

EXECUTIVE SESSION

Mayor Robertson moved to go into Executive Session for litigation pursuant to Idaho Code §67-2345(1)f to consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation. The motion was seconded by Council Member Bertram and in a roll call vote, all members voted aye, and the motion carried.

The Council discussed litigation pursuant to Idaho Code §67-2345(1)f.

Council Member Scott left the meeting at 5:45 p.m.

At 5:50 p.m. the meeting returned to regular session.

A brief recess was taken and the meeting resumed at 6:05 p.m.

City staff members present were Lindley Kirkpatrick, City Manager; Fred Quiel, Deputy City Manager/Administrative Services; Walter Eisenstein, Deputy City Manager/Infrastructure & Community Development; Michelle Groenevelt, Planning Manager; John Anderson, Airport Manager; and Brenna Chaloupka, Administrative Assistant, City Manager.

Mayor Robertson led the audience in the Pledge of Allegiance.

REPORTS

City Manager Report

Lindley Kirkpatrick, City Manager, stated the judgment regarding the Mountain Central Board of Realtors lawsuit is still pending. Mr. Kirkpatrick stated VARHA continues to work with the County to develop the land on Deinhard Lane.

Mr. Kirkpatrick stated the NPDES permit (the emergency wastewater discharge permit) application has been submitted to the EPA, adding it is a lengthy process that will involve public comment throughout.

Mr. Kirkpatrick stated the kick off meeting for the capital improvement planning effort and the development of impact fees is next week. Mr. Kirkpatrick stated that in addition to developing capital improvement plans for the 6 areas outlined in the contract, the City will be working with BBC to develop capital improvement plans for other city operations not tied to impact fees in order to develop a comprehensive capital improvement plan for the entire organization, which would provide a valuable planning and budgeting tool.

Mr. Kirkpatrick stated the request for qualifications for environmental assessments at the Airport were due today, and that 7 responses were received. There will be a selection process and ultimately Council will be asked to select a company to perform the environmental assessment. Mr. Kirkpatrick stated the errata sheet with addendums to the Airport Master Plan has not been completed yet, but that these discussions have prompted Mead & Hunt to volunteer to make the grammatical corrections as well as address some of the technical issues at no additional cost to the City.

Mr. Kirkpatrick introduced two new employees- Bradley Kraushaar, City Planner and Pete Wessel, GIS technician, and added that the Community Development Department is now fully staffed. In the Police Department, Jessica Bixby will graduate from POST on Saturday and will return to complete the FTO program. Mr. Kirkpatrick added there are still three patrol officer vacancies in the PD, including one for which a conditional offer of employment has been issued.

Mr. Kirkpatrick recognized Mayor Robertson and Council Member Bertram for their service as elected officials and presented each of them with a gift from the City as a reminder of their service.

Mayor Robertson asked if the two open positions in the PD were expansion positions. Mr. Kirkpatrick replied these positions were part of the 14 sworn positions that were originally funded last fiscal year, although staff had delayed funding for one of the positions. Mayor Robertson commended Police Chief Jerry Summers for building the Police Department back up and getting the department fully staffed.

Council Member Bailey asked if the landscaping issue with the dental office on Lake Street had been resolved because he saw in the Star News that the property had changed ownership. Michelle Groenevelt, Planning Manager, stated she was following up on that issue.

Council Member Bailey asked about the pathway in front of the Field & Hopkins office now that the turn lane construction has been completed. Michelle Groenevelt stated the applicant has several conditions that they have not met yet and a letter has been issued outlining those items that need to be followed up on.

PUBLIC COMMENT

Mayor Robertson called for public comment at 6:24 p.m.

Michelle Harris, 1258 Elo Rd., read a letter on behalf of Michael Miller and Sawtooth Power Company, a respondent to the Request for Proposals seeking watercraft rental concessionaires in Legacy Park. Mr. Miller's letter expressed concern regarding the process of soliciting and selecting concessionaires.

Brigid Wiking, 129 Sue Drive. Ms. Wiking stated she was speaking on behalf of Jenny Ruemmele, Kevin Briem, Shorty Clarke, and Carl Barrett, as members of the Parks & Recreation Advisory Committee. Ms. Wiking expressed concerns about the possibility of granting long-term concession agreements in Legacy Park.

Jim Hinson, Whitebark Rd., McCall, commented that from the Chamber of Commerce's' point of view, the improvements at the Marina were much needed. Mr. Hinson stated that long term leases make good sense for businesses and for the City, because the City needs a long term renter. In addition to the fees collected, Mr. Hinson stated the City would benefit economically if the Marina and Cheap Thrills were successful in their businesses. Mr. Hinson suggested lowering the lease fees and helping them as much as possible.

Marilyn Arp, 1704 Pine Circle, expressed her disappointment with the process, specifically with Legacy Park, and stated the rushed process does not reflect well on the Council and she hopes continuing Council members think deeply about this process.

Lynn Johnson, McCall, stated long term leases are a necessary thing and reminded everyone that there used to be a movie theatre here in McCall, but that due to a long term lease that was not renewed, the theatre closed.

John Humphries, 108 Pearson Lane, stated he would like the support the Parks & Recreation Advisory Committee and what they stated earlier.

Council Member Scott joined the meeting via telephone at 6:39 p.m.

Curt Mack, 230 Buck Camp Lane, stated he strongly urged the City Council not to enter into a concessionaire's agreement for watercraft usage, especially motorized watercraft, at Legacy Park or any other City park. Mr. Mack stated he is opposed to renewing the lease with Mile High Marina at rates so far below market value, adding that he feels it is fiscally irresponsible. Mr. Mack urged Council to look at a fair market analysis and then impose fair market lease rates upon the Marina, which he realizes would be impossible to do at this time, so he suggested renewing the lease for one year, to give the City time to reevaluate the lease rates.

Roberta Hinson, Whitebark, McCall, stated requiring concessionaires to reapply each year makes it very difficult for businesses. Ms. Hinson added that through her work at the Chamber of Commerce, she sees more calls for motorized recreation than non-motorized recreation.

Liz Warner, 156 Carefree Lane, read a letter on behalf of Joy Hamilton, which stated there should be no concessions involving motorized vehicles operating in Legacy Park.

Curt Mack, 230 Buck Camp Lane, read a letter on behalf of Howard Hamilton, urging Council not to grant the four year lease with Cheap Thrills, and at least delay action on this and take the time to consider the factors important to the citizens of McCall as well as those affected businesses. Mr. Hamilton is opposed to jet ski rentals, but more importantly opposed to the four year lease.

Jim Gerblich, PO Box 927, stated the land leased from the City for the Marina is only about 1200 sq. ft. and that about 99% of the Marina's property is under a State land lease. Mr. Gerblich stated the lease fees have increased dramatically over the last few years and it is important to have a long term lease so that the investments into the property can be recaptured.

Todd Hatfield, 14070 Deer Field Rd., stated Pearson Park is a four lot subdivision and it was developed as a commercial and industrial park and Mr. Hatfield is requesting that this park maintain its industrial designation on the future land use map rather than reverting to residential.

Forest Hayes, 14051 Burr Rd., owns Hayes Storage and stated changing the zoning of Pearson Park would put him in a bad situation and he is requesting the zoning designation remain the same.

Rick VanNoy, representing BMC West, stated he would like the zoning of Pearson Park to remain the same.

Hearing no further comments, Mayor Robertson closed the public comment at 6:56 p.m.

CONSENT AGENDA

Staff recommended approval of the following items:

- Minutes – November 8, 2007
- Warrant Register printed on December 7, 2007
- Payroll Reports for Periods Ending November 16 and 30, 2007
- AB 07-213 Alcohol Beverage Catering Permits
- AB 07-219 CUP-07-19: Conditional Use Permit for Bed & Breakfast
- AB 07-221 Northfork Ridge Final Plat
- AB 07-218 New Golf Course Maintenance Facility design and cost projection – Architect Fees
- AB 07-217 Park Street Road Closure during Winter Carnival 2008

Council Member Bailey moved to approve the Consent Agenda as amended. Council Member Bertram seconded the motion and in a roll call vote, all members voted aye and the motion passed.

BUSINESS AGENDA

The Business Agenda began at 7:07 p.m.

AB 07-223 Special Use Permit and Concession Agreement recommendations from City Staff and the Parks and Recreation Advisory Committee

Lindley Kirkpatrick, City Manager, explained that when the 2007 concession agreements were approved last April, Council members expressed interest in multi-year agreements and asked staff to bring this back to Council in the fall. Mr. Kirkpatrick explained that the RFP clearly stated that the concession agreements were for non-exclusive use of the park and that the City could award multiple agreements, and that non-motorized and motorized concessionaires would be considered.

Regarding the redevelopment of Legacy Park, Mr. Kirkpatrick stated staff has developed a way to accommodate public use, concessionaire use, and construction activities during the redevelopment process. Mr. Kirkpatrick added that long term improvements of Legacy Park would not interfere with the use of this portion of the beach for this type of concession.

Mr. Kirkpatrick stated that two proposals were received, one from Cheap Thrills and one from Sawtooth Power. The Parks & Recreation Advisory Committee provided recommendations for negotiating an agreement, and staff has also met with respondents to discuss the agreements, and the recommendations differ slightly. The advisory committee recommended reducing the hours of operation, limiting commercial trailer parking in the public parking lot, and proposed charging a fee of \$20 per foot for the amount of beach occupied and \$100 per watercraft rented. City staff opted not to change the hours of operation, and will not limit commercial trailer parking in the

public lot. Mr. Kirkpatrick stated there was a substantial difference in the range of fee proposals and that staff recommended a rate higher than the advisory committee's recommendation.

Mr. Kirkpatrick stated Brock Heasley was successful in negotiating an agreement for the 2008 season with Cheap Thrills and that Council had a copy of that agreement in front of them. Mr. Heasley was not successful in negotiating an agreement with Sawtooth Power, as they have asked for more time to respond to staff. Mr. Kirkpatrick stated it is staffs' recommendation that Council enter into an agreement with Cheap Thrills and authorize staff to continue negotiations with Sawtooth Power.

There was discussion regarding the location of the concessionaires after the Legacy Parks redevelopment and the lack of accidents or complaints involving motorized watercraft and non-motorized recreators. There was also discussion regarding the City's control over allowing motorized watercraft on Payette Lake in any capacity, and what process the public would have to undertake in order to get jet skis off the lake entirely.

Bill Nichols addressed the question of whether or not the City has the authority to approve these types of agreements. Mr. Nichols believes the City does have the authority because these are not leases and they are not exclusive and because public interest is still paramount. Mr. Nichols stated there was nothing in connection with the approval of the bond or the grant that was used that would restriction this type of use.

Council Member Kraemer stated he is still opposed to granting long term leases and recommended approving a one year lease at this time.

Mayor Robertson made a motion to authorize the City Clerk to issue a Special Use Permit as amended to Cheap Thrills and approve the concession agreement contingent upon submission of a hold harmless agreement and insurance in favor of the City, and authorize the Mayor to sign all necessary documents. Council Member Bertram seconded the motion.

Mr. Kirkpatrick suggested adding language that would reserve the right of the City to relocate the concessionaires within the terms of the agreement. Mayor Robertson clarified that his motion was taking into consideration staffs' recommendation to add such language.

Mayor Robertson modified his motion to incorporate a four year term to the agreement. Council Member Bertram seconded the motion. In a roll call vote, Mayor Robertson, Council Member Bertram, Council Member Bailey and Council Member Scott voted aye. Council Member Kraemer voted no. The motion passed with a majority vote.

AB 07-215 Renewal of Mile High Marina Lease

Brock Heasley, Parks & Recreation Director, stated staff is recommending three major changes from last year's agreement, the first being to extend the lease to a ten year agreement. Staff is also recommending that the annual gross rent be determined by multiplying the total gross receipts for boat slip rentals by 4%. Staff is also recommending that any further additions, expansions or improvements to the Marina must have prior Council approval.

Mayor Robertson moved to approve the Mile High Marina lease extension and Resolution and authorize the Mayor to sign all necessary documents. Council Member Bailey seconded the motion, and in a roll call vote, all members voted aye and the motion passed.

Mayor Robertson called for a break at 8:15 p.m. The session resumed at 8:29 p.m.

AB 07-214 Resolution 06-07 – Amending the McCall Area Comprehensive Plan (2000) to include revisions to the Goals and Objectives, text of Chapters 1-13, and the Future Land Use Plan map

Michelle Groenevelt, Planning Manager, stated the McCall Comprehensive Plan Update has been an 18 month process and can be broken down to three areas: Goals & Objectives, Chapters, and the Future Land Use Plan Map.

Ms. Groenevelt stated staff is recommending adoption of the goals and objectives with the modifications A-H, approval of the Future Land Use Plan Map with three modifications, and approval of Chapters 1-4 with modifications A-I.

Council Member Bailey provided a list of suggested corrections. Each item was discussed at length and approval of each item was voted on by Council members informally, without a motion.

Council Member Scott moved to adopt Resolution 07-19 as amended and authorize the Mayor to sign all necessary documents. Council Member Bailey moved to amend the motion and add the words “...authorize the Mayor to sign all necessary documents *after final editing is completed by staff*”. Council Member Scott accepted the amended motion and Council Member Kraemer seconded the motion. In a roll call vote, all members voted aye and the motion passed.

AB 07-216 Lease Amendments for D.E.W and Granite Holdings

John Anderson, Airport Manager, stated that about a year ago Council approved an agenda bill to have the D.E.W. and Granite properties surveyed in order to square up those lot lines with Highway 55. Mr. Anderson provided explanation regarding ownership of the land affected by these adjusted lot lines.

There was discussion regarding ingress and egress easements accessing different areas of the airport and the importance of maintaining those easements. Council Member Bailey suggested expanding those easements to 20 feet because McCall City Code requires a 20 foot right of way for commercial purposes.

Mr. Anderson stated the costs associated with generating the exhibit which would provide a legal description and a plat map should be the responsibility of the lessees, as the City does not have the resources to obtain those exhibits.

After much discussion, Council offered several suggestions for continued negotiations, but generally agreed that the proposed lease amendments were acceptable.

AB 07-224 Speed Limits on Highway 55

Council Members Bailey stated that the point of this study was not to justify the current speed limits, but to get them lowered. The results of the study indicated most of the traffic was traveling at or below the posted speed limits on Highway 55.

There was still some interest in trying to get the speed limits lowered, but no further action was taken.

Council Member Scott left the meeting at 9:56 p.m.

AB 07-222 Regional Transportation Authority & Local Option Sales Tax Proposed Legislation

Lindley Kirkpatrick explained that the proposed legislation would allow the creation of a Regional Transportation Authority, which could then propose a local option sales tax to fund highways and public transportation systems. Council Member Bailey asked that this item be placed on the agenda because it was brought to his attention by a City Council member from Boise.

Bill Nichols suggested contacting the AIC to see what some of the other perspectives are before Council makes a recommendation because there are competing perspectives that should be considered. Council Member Bailey stated he would call the AIC and get more information. No further action was taken.

Whitetail Settlement Agreement

Bill Nichols stated Whitetail was motivated to come up with a proposal to resolve an outstanding development agreement condition which also resolves four condemnation cases involving right-of-way acquisition along Boydston. Mr. Nichols stated the agreement carries a Consumer Price Index adjustment and would provide funds from the Whitetail development, regardless of who owns the property, and that those funds would help build the turn lane/acceleration lane.

Mayor Robertson moved to accept this agreement and authorize the Mayor to sign all necessary documents. Council Member Kraemer seconded the motion and in a roll call vote all members voted aye and the motion carried.

COUNCIL TALK TIME

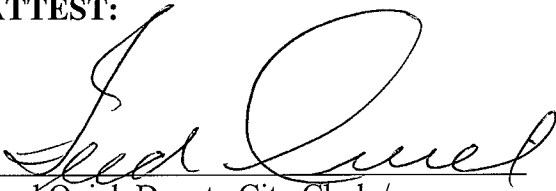
Council Talk Time commenced at 10:13 p.m.

ADJOURNMENT

Without further business, the meeting was adjourned at 10:17 p.m.


Donald C. Bailey, City Council President

ATTEST:


Fred Quiel, Deputy City Clerk /
Administrative Services