

# **MINUTES**

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**McCall City Council  
Regular Meeting  
November 8, 2007**

## Agenda

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

## **CALL TO ORDER AND ROLL CALL**

**Mayor Robertson called the regular meeting of the McCall City Council to order at 4:01 p.m. Council Member Bailey, Council Member Bertram, Council Member Kraemer, Mayor Robertson, and Council Member Scott 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. 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.

**Attorneys Kim Trout and David Krueck left the meeting at 5:00 p.m., and Council Member Scott left the meeting at 5:15 p.m.**

**The meeting returned to regular session at 5:35p.m. 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; Brock Heasley, Parks & Recreation Director; Linda Stokes, Finance Manager; Carol Coyle, Grant Coordinator; Michelle Groenevelt, Planning Manager; John Anderson, Airport Manager; Jerry Summers, Chief of Police; Eric McCormick, Golf Course Superintendent; and Brenna Chaloupka, Administrative Assistant, City Manager.

**Mayor Robertson led the audience in the Pledge of Allegiance.**

## **REPORTS**

### **City Manager Report**

Lindley Kirkpatrick stated staff has met with Tom Pippin of BBC regarding impact fees, and they are negotiating a contract at this time for Streets, Police, Water, Sewer, Parks and Storm water for a cost of \$33,000. The County has been informed of the City's direction and they are still on 8 week time line.

The public hearings for the Comprehensive Plan at the Planning & Zoning level are completed. There is a joint public hearing scheduled for December 6 with the City Council, Planning & Zoning Commissioners and County Commissioners. Assuming all the public comment can be heard at the December 6 meeting, action is scheduled for December 13 and the Comprehensive Plan could be ready for adoption on the December 13.

Mr. Kirkpatrick stated the golf course is now closed. There are still four seasonal employees on staff and they are limbing trees and have removed a few trees in order to manage problem areas on the turf.

There is a VARHA Community Housing open house this Saturday noon to 4 p.m. There are units available now and two units are occupied. There has been renewed interest now that the landscaping is done. Regarding the development of the County owned land on Deinhard, the Committee is done reviewing the proposals, and the Committee is recommending to VARHA to use NHS to develop that property. Mayor Robertson asked about recycling, and if there was still a plan to put the recycling on the property. Mr. Kirkpatrick stated that they were not planning to put the recycling there but that they were looking at another location, adding that the County is still offering to manage/own the recycling facility. Mr. Kirkpatrick stated staff is looking for a site now, but that there is no City owned land available at this time.

Mr. Kirkpatrick stated the area north of Mile High Marina is being cleaned up now and that the old fish pen docks are coming out. Inland Marine and Brock Goul are removing docks and clean up should be completed within 10-14 days. Council Member Bertram asked if there was a way to

enforce the cleanup of this area, and Mr. Kirkpatrick stated the Department of Lands is responsible for enforcing that the project is completed.

AIC City Officials Academy and Luncheon is Tuesday, November 27<sup>th</sup>. Mr. Kirkpatrick encouraged the new Council members to attend, as well as existing Council members.

Mr. Kirkpatrick announced Linda Stokes as the October employee of the month.

McCall was rated #6 in the Snow West magazine for the top snowmobiling trails in the West.

Council Member Bailey asked about manager's report from November 3<sup>rd</sup> regarding tree removal and he asked if we should extend this requirement to all private property. Bill Nichols replied it could be done under the context of fire/safety hazard. It was suggested to work on this issue next spring with the new Council members.

Council Member Bertram asked how many water meters have been replaced. Mr. Kirkpatrick stated 400 meters were replaced this spring, adding that the excess funds from the Rio Vista waterline project went into replacing more water meters.

Council Member Bailey asked about the left turn lane at Crystal Beach and if that project got approved. Michelle Groenevelt stated that project received a permit for demolition and will come back before Council soon for approval of the project.

## **PUBLIC HEARING**

### **AB 07-207 Take Public Comment on whether or not to seek Judicial Confirmation to pay the outstanding balance of the Wausau judgment per the three part plan adopted by Council Resolution 07-09**

Mayor Robertson provided details surrounding the three parts of the payment plan.

**Hearing no public comment, the public hearing closed at 6:38pm.**

## **PUBLIC COMMENT**

**Mayor Robertson called for public comment at 6:39 p.m.**

Curt Mack, 230 Buck Camp Lane, stated that regarding the adoption of the Airport Master Plan, Community Voice has been extremely concerned that the public was not adequately involved in the development of the Plan and that the Plan does not embody what public wants. Mr. Mack provided a list of approximately 150 signatures requesting that the airport maintain its current status. Mr. Mack also asked Council not to approve multi year concession contracts at Legacy Park, stating there could be a lot of changes in the next four years.

Shorty Clarke, representative of the Parks & Recreation Advisory Group, provided information regarding the evolution of Legacy Park concession contracts. Mr. Clarke stated City Ordinance dedicates approximately 160 feet of beachfront in Legacy Park to concessionaire usage. Mr. Clarke added that the Parks Advisory Committee began receiving public comment last spring, and it continued for about a month. He added that the Committee also held public hearings that lasted approximately five hours and it was revealed that the public was 2-1 in favor of continuing with the watercraft concessionaire usage. Mr. Clarke explained that there were four major complaints against concessionaires using the beach. The first complaint was that the original grant establishing concessionaire usage did not call for motorized watercraft. Mr. Clarke stated that after reviewing the grant, it was discovered that it did not designate between motorized or non-motorized craft. The second complaint was that the City was not charging enough for that prime real estate, to which the Advisory Group agreed. Mr. Clarke stated that last spring, the Advisory Group asked Council to change the way they charged concessionaire agreements and asked that they adopt the method used by the State, whose policy is to charge a percentage of growth. The third complaint was that jet skis were too close to the swimming area. Mr. Clarke stated the area was monitored very closely this summer and that the entire area is a "No Wake Zone" and that there was never any question about jet skis or boats coming too close to the swimming area and that they could co-exist quite nicely. Mr. Clarke stated that the fourth issue was the question of how the City could put long term concessionaires on the beach without knowing what Legacy beach was going to look like after it was reconfigured. Mr. Clarke stated the renderings he last saw of the Legacy Park redevelopment indicate a volleyball court where the concessions are now located. Mr. Clarke stated the public that was in favor of continuing concessionaire usage had several reasons to grant multiyear contracts. Mr. Clarke summarized his public comment by stating the Parks & Recreation Advisory Committee strongly advises Council not to grant long term contracts until the Urban Renewal redevelopment project has been settled.

Rick Fereday, 315 Burns Rd., asked Council not to adopt any long term concessionaire agreements or even consider an RFP for the same. Mr. Fereday added that he would urge Council to rescind any former agreements with City parks and not allow any concessions in City parks. Mr. Fereday added that the failure of LOT tax is not an indicator of the residents' lack of caring for animals or their unwillingness to tax themselves for reasonable purposes, but that it is a failure of this Council to properly consider, plan for and initiate a referendum of this importance.

Kevin Briem stated he had a question regarding the origination of the sponsorship of the Agenda Bill 07-206. Mr. Briem stated that the Parks Advisory Committee does not support long term lease agreements at Legacy Park because of the pending redevelopment. Mr. Briem asked if the intent was to encompass the broad scope of concessionaires, or if it was to focus on a small segment, or one business. Mr. Briem stated he feels the language of the Agenda Bill takes the Advisory Committee and the public comment out of the process. Mr. Briem stated this issue is about long term lease agreements on public property, not about jet skis or individual concessionaires. Mr. Briem stated he feels this Agenda Bill was poorly written and hastily presented, and he asked that Council abandon this bill and revisit it at a later date.

Bert Kulesza, 118 E. Forest Street, reiterated several of the objectives outlined in the 2000 Comprehensive Plan, and alluded to inconsistencies in the Airport Master Plan. Mr. Kulesza stated he does not feel the option of relocating the airport to the south of town was ever seriously looked at and that it was not mentioned in the Airport Master Plan, adding that he feels it is the responsibility of Council to evaluate relocation as an alternative. Mr. Kulesza stated Council needs to address three questions: Is this in the best interests of the community? Does this maintain and enhance the quality of life, and meet the needs and desires of the citizens of McCall? Who stands to gain the most?

Afra Lacky, 502 Timm, stated she is opposed to having motorized concessions in Legacy Park, but if concessions are granted, she is opposed to long term leases because of pollution. She added she would like to see non-motorized craft available for tourists.

Ray Dupree, 45 Silver Fox Trail, stated that if the City extended the runway, it could displace the landing threshold and aircraft could pass over the city at higher elevations. Regarding concessionaires, Mr. Dupree stated it is ridiculous to ask a business to operate from year to year without a long term lease. Mr. Dupree stated that if the redevelopment of Legacy Park does not accommodate concessionaires, it must be agenda driven to eliminate one business. Mr. Dupree stated he highly recommends granting multi year concessionaire contracts.

Ed Elliot, 1840 Warren Wagon Rd., stated the Airport Master Plan should not be adopted until the Comprehensive Plan has been adopted. Mr. Elliot stated he supports maintaining the airport as it is presently classified and he opposes any expansion or alteration of the airport that would change its classification. Regarding Legacy Park, Mr. Elliot stated it was never conceived of as a rental property for commercial activity and he is opposed to renting any portion of the park for commercial concessions. Mr. Elliot commented that for the \$3200 per year collected for the leasing the park, it is not worth it.

Cutler Umbach, 2380 Sharlie Lane, stated that he was not going to speak in favor or against the request for proposal for Legacy Park, but wanted to comment that timing is critical when it comes to controversy. Mr. Umbach stated that if the request for proposal process starts now, in this time of great controversy, it won't have the perceived legitimacy and he recommends tabling this issue until January in order to let the new Council address the issue.

Nikki Humphries, 108 Pearson Lane, stated she does not think the City should adopt the Airport Master Plan until the Comprehensive Plan has been adopted. Ms. Humphries stated it was crazy to grant long term leases for concessionaires in Legacy Park with the pending redevelopment.

Esther Mulnick, 303 Brook Drive, stated there is a limited amount of public beaches, adding that they need to be kept for the public. Ms. Mulnick stated she does not believe there should be a Jet Ski concession at Legacy Park.

Curt Mack, 230 Buck Camp Lane, stated he questioned the statement that public comment was 2-1 in favor of concessions, because he attended all of the oral public comment meetings and that was not his impression.

Shorty Clarke stated 95% of the written comments were in favor of concessions and that the public comment was about 50-50.

**Hearing no further comments, Mayor Robertson closed the public comment at 7:15 p.m.**

## **CONSENT AGENDA**

Staff recommended approval of the following items:

- Minutes –August 9 and October 25, 2007
- Warrant Register printed on November 2, 2007
- Payroll Report for Period ending October 19, 2007
- AB 07-199 Appointment of Tim Swanson to the Golf Advisory Committee
- AB 07-200 Easement for telecommunication utilities on McCall Avenue property to Cable One
- AB 07-201 Grant Application for Local Rural Highway Investment Program (LRHIP) for Sign Upgrades to meet Retro-reflectivity Requirements
- AB 07-202 Application for Recertification of Tree City USA
- AB 07-204 Alcohol Beverage Catering Permits
- AB 07-209 Agreement with White Peterson for City Attorney services

Corrections were provided to the minutes.

**Council Member Kraemer made a motion to approve the Consent Agenda as amended and authorize the Mayor to sign all necessary documents. Council Member Bailey seconded the motion and in a roll call vote, all voted aye and the motion passed.**

## **BUSINESS AGENDA**

**The Business Agenda began at 7:37 p.m.**

### **AB 07-203 Canvassing November 6, 2007 Election**

Fred Quiel, Deputy City Manager/Administrative Services, stated that by Idaho Code requires that the Mayor and Council, within 6 days following the election, must meet for the purpose of canvassing the results of the election and that staff recommends that Council proclaim the election results final and adopt Resolution 07-14.

**Mayor Robertson moved to proclaim the election results final and adopt Resolution No. 07-14. Council Member Scott seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

### **AB 07-198 City Prosecutor Proposal**

Jerry Summers, Chief of Police, stated only one proposal was received in response to the request for proposal for City Prosecutor and that Council had before them the proposal along with the contract. Mr. Summers stated that the staffs' recommendation was to approve this proposal.

**Mayor Robertson moved to accept the proposal from the Williams Law Office to provide Prosecuting Attorney Services, effective December 1, 2007 and authorize the Mayor to sign all necessary documents. Council Member Bertram seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

Council Member Bertram asked that staff send a thank you letter to the offices of Larry Dunn for his services as the previous City Prosecutor.

**AB 07-205 Urban Renewal Agency Annual Report**

Rick Fereday, Chairman of Urban Renewal District, stated he included a recent history of what has transpired in the Urban Renewal District, as well as the latest financial statement in the Council packet and stated he would stand for any questions Council may have.

Mayor Robertson asked about the progress of the redevelopment of Legacy Park. Mr. Fereday stated the URA hopes to go to bid in January. Mr. Fereday went through the timeline of events of the redevelopment that occurred this summer and fall, stating the URA decided to have the project re--bid. Mr. Fereday stated the engineers recommended refashioning the project with the recommendations from the potential bidder. Mr. Fereday stated the scope of the project has been slightly reduced, and that some money has been saved by re-bidding the project.

Mr. Fereday asked Council to direct staff to do some of the busy work, such as excavation, moving dirt, taking fences down, filling in ditches, now, in order to get caught up.

**AB 07-192 Airport Master Plan Adoption**

John Anderson, Airport Manager, stated that any revisions that have been done to this point were something the City has done without the consent of the Master Plan company. Council Member Bailey stated he had provided several editorial corrections to the master plan, as well as several questions he felt needed to be answered. Council Member Bailey added that the document was extremely complex and he felt that it was well written.

Mayor Robertson stated there have been many misunderstandings surrounding the Airport Master Plan and he clarified that it was a planning document to address safety issues as well as to update the statistics surrounding the airport. Mayor Robertson added that Council is being asked to evaluate whether or not this planning document represents what Mead & Hunt has discovered, and added that the findings of this study have been approved by the FAA. Mayor Robertson stated that accepting this document would put the City in line to get the funding necessary to do the environmental assessments that need to be done.

John Anderson stated the Airport Master Plan document is fact driven and that it identifies what the current situation is, what is expected in the future, and what is needed to prepare for the future. Mr. Anderson stated that extending the runway and moving the taxiway both require an environmental assessment. Mr. Anderson stated the City hopes to identify an environmental

consultant for City Council to consider in January and then be able to negotiate the scope of the project soon thereafter, including a comprehensive review of all of the mandated environmental concerns. Mr. Anderson stated that this assessment could be done within a year, but would probably take 18 months and would entail a large degree of public involvement.

Mr. Anderson stated that there are some planning concepts surrounding the terminal area plan that do not deal solely with facts, but that nothing is approved to move forward until Council has a chance to review it and that nothing will be decided at staff level.

Mr. Anderson stated the Airport Master Plan document needs to be adopted in order to move forward, and that the status of the Comprehensive Plan is interesting but not necessarily relevant to the Airport Master Plan. Mr. Anderson added that the City has no control over what type of private airplanes may land or take off at the City airport under the current designation.

Council Member Bailey asked Mr. Anderson what his opinion was regarding relocating the airport or creating a regional airport to which Mr. Anderson replied it would take a consensus of the county and the city to relocate the airport and that it would be extremely difficult. Mr. Anderson stated that aside from the leases being very expensive to buy out, the FAA has stated they would not support a second airport in the valley.

Council Member Bailey suggested adding a paragraph to the document stating that approval of this document does not guarantee approval of pending projects and that it does not approve any specific actions in the plan.

**Mayor Robertson called for a short break at 8:19p.m. The meeting resumed at 8:30 p.m.**

**Mayor Robertson moved to adopt the Airport Master Plan Update, September 2007, and authorize the Mayor to sign the Airport Layout Plan with the commitment that Council Members Bailey, Council Member Scott, Mayor Robertson and Mr. Anderson create an addendum with the grammatical changes suggested by Council Member Bailey. Council Member Scott seconded the motion.**

**Bill Nichols suggested bringing the document back to Council to vote on it December 13 so that there is no question that the addendum has Council approval.**

**In a roll call vote, all members voted aye.**

**AB 07-208 Tax Revenue Anticipation Note (TRAN): Second Part of Three Part Plan to Satisfy Wausau Judgment**

Fred Quiel, Deputy City Manager/Administrative Services, presented the Tax Revenue Anticipation Note, stating this is the second part of the three part plan to satisfy the Wausau judgment. Mr. Quiel stated that closing the Note would occur on or about November 14<sup>th</sup>, 2007.

**Mayor Robertson moved to adopt Resolution 07-15, and authorize the Mayor to sign all necessary documents and authorize the City to issue a check to the court. Council Member**



**Kraemer seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

**AB 07-195 Code Amendment: Change Note #3 of Table 3.3.03 to include an additional requirement to calculating the side yard setbacks**

Michelle Groenevelt, Planning Manager, stated this code amendment was presented at the last council meeting and has since been modified. This amendment would change the way the side yard setback is calculated.

There was discussion regarding side yard setbacks and how this amendment is different from the current code.

Ms. Groenevelt stated that it was suggested to have an effective date of March 1, 2008 to allow designers time to transition projects that are currently in the planning process, and allow them to proceed without having to go back and redesign.

**Council Member Bailey moved to suspend the rules and read Ordinance No. 847 by title only, one time only. Council Member Bertram seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

**Ordinance No. 847 was read by title only, one time only.**

**Council Member Bailey moved to adopt Ordinance No. 847 as amended. Council Member Bertram seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

**AB 07-206 Request for Proposals for long-term watercraft rental concession agreements in Legacy Park**

Mayor Robertson stated City Council is addressing multiyear concession agreements in Legacy Park at this time because this Council wants to approve multiyear agreements before some of their terms are up.

Council Member Bailey commented that historically, the private sector has used public lands for running a business and making a profit and therefore this should not be considered an issue for whether or not concession agreements should be granted.

Council Member Kraemer stated it would be premature to get into a long term concession agreement until the redevelopment of Legacy Park is completed, because it is unclear what will ultimately be located in the area in question.

There was discussion regarding single year and multiyear agreements.

Mayor Robertson stated he did not think the City should be soliciting requests for proposals, adding that he thought Council was being presented with a concession agreement up for renewal and he thinks Council should be acting on granting a renewal, not requests for proposals.

Lindley Kirkpatrick, City Manager, stated the concept of this agenda bill and the request for proposal is consistent with what has been done in years past, adding that is it an open, competitive public process to determine who the City would enter into an agreement with. Mr. Kirkpatrick stated he did not know who the City would enter into an agreement with without going through this process.

Council Member Scott stated she supports granting multi-year agreements for concessionaires, because these businesses are capital intensive and cannot operate effectively without a multiple year plan.

**Mayor Robertson moved to direct staff to solicit proposals for watercraft rental concession agreements in Legacy Park. Council Member Bailey suggested changing the wording to say “the Parks & Recreation Committee may review.” Council Member Scott seconded the motion and in a voice vote, all members voted aye and the motion passed.**

## **COUNCIL TALK TIME**

**Council Talk Time commenced at 9:44 p.m.**

Mayor Robertson suggested getting a real estate agent involved in selling the community housing units. Lindley Kirkpatrick stated he would check into that possibility with the Neighborhood Housing Services.

Mr. Kirkpatrick stated a thank you letter needed to be sent to John Milliner, thanking him for his participation on the McCall Improvement Committee.

Mayor Robertson stated he hopes the City gets an opportunity to reclaim the land that the Fire Station sits on, because it is valued at \$200,000 and the City has to pay the FAA someday for it.

Council Member Bailey asked if an architect had been contacted so that the City may begin to have some idea of what the costs will be to build a new golf maintenance warehouse. Mr. Kirkpatrick stated Eric McCormick has contacted several architects and there will be a proposal before Council at the December 13 meeting to use approximately \$2,500 – 3,000 of Council contingency funds to have some of the preliminary design work done.

In regards to a November 6th letter addressed to Shane Jeffries, Council Member Bailey stated that a particular group of homeowners near the Forest Service complex needs to be made aware that the Comprehensive Plan cannot rezone any land. Mr. Kirkpatrick stated that based on public testimony at a recent Comprehensive Plan meeting, it appears that they do understand the Plan cannot change the zoning, but it appears they are still concerned about the density designation. There was discussion about the Comprehensive Plan and what occurred at the two public hearings held this week.

Council Member Bailey asked if the Thru the Fence agreement was still moving along. Mr. Kirkpatrick stated it is still moving forward and that the real estate sale has closed. Mr. Kirkpatrick added that at the staff level, there are meetings schedules with Mr. DeBoer, Mr. McQueen and Tamarack representatives in order to further those discussions and continue to negotiate the Through the Fence agreement.

Council Member Scott stated she has heard some comments in the community regarding naming the elementary school after Barbara Morgan. Ms. Scott suggested having the City make a statement supporting renaming the school. Mayor Robertson suggested inviting Barbara Morgan to some kind of City event and presenting her with a "key" to the City.

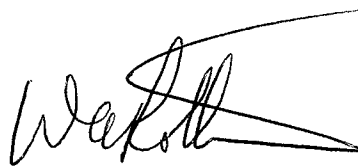
Council Member Bertram stated this Saturday from 1-5pm , Ed Bird is going to have an open house of Park Place Plaza and she suggested that the City should get in the habit of supporting businesses and thanking them for investing in the community.

## COMMITTEE MINUTES

### McCall Improvement Committee Meeting Minutes

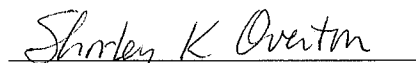
## ADJOURNMENT

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



William A. Robertson, Mayor

ATTEST:

  
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~~Fred Quiel~~, Deputy City Clerk /  
Administrative Services  
Shirley K. Overton