

MINUTES

**McCall City Council
Regular Meeting
August 23, 2007**

Agenda

Call to Order and Roll Call
Public Hearings
Public Comment
Council Talk Time
Consent Agenda
Business Agenda
Committee Minutes
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Robertson called the regular meeting of the McCall City Council to order at 6:09 p.m. Council Member Bailey, Council Member Bertram, Mayor Robertson, and Council Member Scott answered roll call. Council Member Kraemer was absent. A quorum was present.

City staff members present were Lindley Kirkpatrick, City Manager; Fred Quiel, Deputy City Manager/Administrative Services; Michelle Groenevelt, Planning Manager; John Anderson, Airport Manager; Anne Kantola, Library Director; Brenna Chaloupka, Administrative Assistant, City Manager and Bill Nichols, City Attorney.

Mayor Robertson led the audience in the Pledge of Allegiance.

PUBLIC HEARING

AB 07-146 Proposal for Fee Increases: Police, Library, Parks & Rec., Airport

Fred Quiel, Deputy City Manager / Administrative Services, introduced the proposal and stated the Parks & Recreation, Library, Police and Airport Departments were requesting fee increases to recover the costs associated with delivering the services provided.

Mr. Quiel stated the Parks & Recreation Department was requesting to increase the Adult Softball team registration fee from \$225 to \$250. This request is being made to cover the increased costs associated with an increased number of teams, which creates the need for an increased number of games, umpires, equipment, and field use.

Anne Kantola, Library Director, stated the Library Department was requesting to increase the cost of copies from .20 to .25 cents in order to cover the increasing cost of paper, ink, printers, etc., adding it would also be easier to make change.

Mr. Quiel stated the Police Department was requesting fee increases to cover the costs associated with finger printing and ticketing.

John Anderson, Airport Manager, stated the standards set by the FAA to maintain an airport at a break even or better status justifies the fee increase requests. Mr. Anderson explained each item on the list of items he was requesting a fee increase for.

Mayor Robertson opened the public hearing at 6:29 p.m.

Michael Anderson stated he was speaking on behalf of the existing and perhaps future tenants of the airport. Mr. Anderson stated the concept of charging a lease transfer fee for existing leases is unsupportable because it is inconsistent with the contract existing tenants have signed, and to charge a lease transfer fee on new leases would imply the City is attempting to profit on someone else's investment.

Mr. Anderson added that the City has the mechanism in place through increased land lease rates to match the increased land values, and in his opinion, it would be wrong for the City to charge a fee or take a piece of the sale price of any of the improvements.

Mr. Anderson concluded his public comment by stating he is opposed to charging a non-tenant commercial fee if it was done so to create a protectionist situation where existing tenants were protected from outside competition.

Public Hearing closed at 6:32pm.

Mayor Robertson asked Mr. John Anderson, Airport Manager, what other airports did, regarding commercial fees. Mr. Anderson replied that most airports rules and regulations stated that anyone doing business on the airport must have an agreement, and pay a fee, with the airport. There was much discussion surrounding the commercial fee increase. Mr. Anderson stated it would be prudent to start looking at the FAA standards for certificated airports, and to start planning for a Safety Management System, which would provide for well defined, international standards.

Regarding land lease agreements, Council Member Bailey asked what work or what cost was involved with these transfers of ownership. Mr. Anderson explained the process for generating a lease agreement could be relatively simple or quite complex.

Council Member Bertram stated the Lease Assignment Fee sounded like a real estate transaction fee.

Council Member Bailey stated he did not feel the 1% fee was fair, because it doesn't necessarily reflect the cost of the work, but that a fixed flat fee may be more appropriate, and suggested tracking these costs for a period of time and report back at a later date. Council Member Bailey suggested a flat fee of \$1000.

Council Member Bailey moved to direct staff to proceed with the resolution to reflect the fee increases with the exception that the 1% fee associated with lease assignments be deleted and moved that the fee increases take place the beginning of the new fiscal year. Mayor Robertson modified the motion, directing staff to create an ordinance to address the last two items of the airports request and have it completed by October 1, 2007. Mayor Robertson seconded the motion. Council Member Scott abstained. In a roll call vote, Council Member Bailey, Mayor Robertson, and Council Member Bertram said aye and the motion passed with 3 votes.

AB 07-116 ZON-07-1: Zoning Map Amendment

Bill Nichols, City Attorney, presented this agenda bill and stated some of the issues associated with the airport rezone could be addressed with the conditions of a development agreement in the absence of an ordinance change. Mr. Nichols stated he was in the process of drafting a development agreement and needed to know from Council what conditions to put into the agreement before he could finish it.

Council Member Bailey prefaced the public comment by reading a statement he drafted for the development agreement in which the airport will follow the City's design guidelines for all new structures and other site features per MCC Title 3 Chapter 16. Council Member Bailey suggested another addition which states Section 3, 3-7-03-1 C will not apply to any development of the airport zone, which basically says that once the Airport Master Plan is adopted the Scenic Route goes away. Council Member Bailey also suggested adding a clause to address setbacks.

Mayor Robertson opened the hearing at 7:24p.m.

Mike Anderson, airport tenant and resident of the City of McCall, stated the projects at the airport are constrained because on the non-highway side, all those lease holds are bordering the taxi ways and there are minimum standards for separation from the taxi ways and that would place an unrealistic burden on those tenants. Mr. Anderson asked that Council consider this situation before adopting a setback requirement.

Kim Apperson, 415 S. Samson Trail, stated she would like Council to reward the public for their participation in the public input process for the Comprehensive Plan. Ms. Apperson stated she feels Council is being premature by moving forward with the Airport Plan and that it is being piecemealed together. Ms. Apperson stated the Airport Plan needs to be more comprehensive, and that the Comprehensive Plan and the Airport Master Plan need to be completed before moving forward. Ms. Apperson stated there needs to be a hierarchy established between the two Plans, and she feels the Comprehensive Plan needs to have precedence over the Airport Master Plan.

Diane Evans-Mack, 235 Buckcamp, stated she feels she is trying to respond to a moving target, adding that the public has not seen the proposed development agreement in writing. Ms. Evans-Mack asked when the debate happens, and who will it be with? Ms. Evans-Mack added that there has been much public input and she does not see that reflected in the comments. She also asked that the comments made at the Planning & Zoning meeting recently be part of the public record.

Kurt Mack, 235 Buckcamp, stated it is very difficult to comment on a Development Agreement that cannot be viewed in black and white. Mr. Mack suggested another public meeting after the development agreement is put together so the public has a chance to look at it.

Mayor Robertson closed the public hearing at 7:40 p.m.

Mayor Robertson recommended leaving the public hearing open in order to receive more public comment.

There was discussion surrounding setbacks and building height.

Michelle Groenevelt, Planning Manager, commented that the Planning & Zoning Commission feels that since the Comprehensive Plan is so close to being completed, Council should wait to decide on the Airport Master Plan until the Comprehensive Plan is completed.

Mike Anderson proposed that Council adopt the airport zone as it is currently written without any of the restrictions, and impose only the restriction that any development fronting Highway 55 or Deinhard be subject to design review. Mr. Anderson suggested letting the Comprehensive Plan process be completed to define those design review perimeters. Mr. Anderson stated that would provide the correct zone now as well as putting a restriction on any future development.

Mayor Robertson made the motion to accept the rewording of Council Member Bailey's email in the development agreement on item "C", and that "D" remains as it is, and that "E" is added, which says we don't eliminate or have any changes upon the acceptance of a new Airport Master Plan as it related to Scenic Route, and that staff comes up with a Development Agreement and that the public hearing be continued until September 13th. Council Member Bailey seconded the motion. Council Member Scott recused herself. In a roll call vote, Mayor Robertson, Council Member Bailey, and Council Member Bertram voted aye and the motion passed.

AB 07-138 Cattail Ridge Subdivision

AB 07-137 Louisa Avenue Condominiums

Michelle Groenevelt, Planning Manager, stated she would address both applications at the same time because they are connected through the community housing plan. Ms. Groenevelt stated that staff is recommending that both applications be continued to the September 13th meeting due

to some minor revisions that were made to the plat. These revisions have been made but staff has not had adequate time to review and distribute this information to Council.

Steve Millemann stated the applicant did not have any objections to continuing the applications.

Council Member Bailey moved to continue the applications to September 13th. Council Member Bertram seconded the motion. In a roll call vote, all voted aye and the motion passed.

PUBLIC COMMENT

Mayor Robertson called for public comment at 8:21 p.m.

Steve Millemann requested that as the public hearing phase for the Comprehensive Plan approaches, there be multiple public hearings, not just one. Mr. Millemann stated that because this is such a significant document it justifies having a couple of full public hearings at the Planning and Zoning Commission level to assure that all input is heard before the Commission makes its recommendation to the Council.

Hearing no further comments, Mayor Robertson closed the public comment at 8:22 p.m.

BUSINESS AGENDA

The Business Agenda began at 8:23 p.m.

AB 07-145 Winter Snow Removal Equipment Rental

Lindley Kirkpatrick, City Manager, stated they have two bids for snow removal equipment for the next fiscal years expenditure; no funds would be expended until the equipment is received.

Mayor Robertson moved to approve the rental of winter snow removal equipment from CESCO, and authorize the Mayor to sign all necessary documents. Council Member Bertram seconded the motion. In a roll call vote, all voted aye, and the motion passed.

AB 07-148 Davis Beach Docks; Signs to be placed on North and South Docks

Shorty Clark stated after extensive meetings between dock owners and the City, they have reached an agreement regarding the verbiage of the signs to go on both the North and South docks at Davis Beach, and have agreed upon gates with self closing child proof locks. The gates would not be locked to the public.

Mayor Robertson would like to change wording on the Agenda Bill to “direct” staff, not “order” staff.

There was discussion regarding the type of gate they could require to make the dock owners provide.

Council Member Scott suggested changing the wording of the signs to say, " watercraft mooring" so as not to exclude personal watercraft.

Council Member Scott made the motion to approve the dock signage and direct staff to make and place signage at the North and South Docks immediately, and to formalize Council Member Bailey's recommendation to leave the gates unlocked at all times, and put "child proof" door openers on each gate. Council Member Bertram seconded the motion and in a voice vote, all said aye and the motion passed.

AB 07-147 Sales Tax Resolution and Ordinance: MCPAWS and other LOT funding: November 6 election

Fred Quiel, Deputy City Manager, presented this agenda bill to establish a resolution and ordinance to place an initiative on the November 6th ballot to increase sales tax by ½% in order to provide ongoing, stable and sure funding for the MCPAWS operation for the next ten years.

Mr. Quiel stated the resulting net tax would be approximately \$330,000 per year and as described in the resolution and the ordinance, the first \$200,000 would go directly to the MCPAWS organization and any remainder would go to the LOT Commission to be dealt with in the same manner as described in Ordinance 796.

Mr. Quiel stated that in the event that Council decides to pass the resolution and ordinance, he would like to read into the record the suggestions made by the Idaho State Tax Commission for amendments to the ordinance.

Mr. Quiel stated that it was suggested to him by the Tax Commission to allow a 3-4 month lead time to give registered vendors time to create returns and a tracking system for the new tax, and to collect these taxes quarterly.

Council Member Bertram suggested starting collecting 1/1/08 so that the funds could be accessible to MCPAWS as quickly as possible.

Regarding collecting these taxes, Mr. Quiel stated it could be as simple as monitoring the sales levels and then periodically doing an audit of the vendors.

Mr. Quiel wanted to read into the record the following State Tax Commissioner's comments:

1. It would be best for the ordinance to include definition of sales by reference to the State Sales Tax Act rather than by inserted text
2. Adopt the State's bracket card rule, where they require rounding up a penny at each ¼ of a cent.

Council Member Scott recommended following the States requirements for collecting sales tax to simplify the collection of the ½ % tax for retailers.

Council Member Bertram asked for clarification about the City's intent for MCPAW's ability to ask for additional funds.

Bill Nichols stated the ordinance must not specify MCPAWs as the recipient, stating that the funds must be allocated to "animal control/animal services".

Mayor Robertson asked for clarification as to whether or not the funds collected from property taxes that are allocated during the budget process would be due to MCPAWS in addition to the proposed sales tax funds. There was much discussion surrounding this question.

Mayor Robertson stated he thought January 1, 2008 would be the best date for the tax to start accruing. Lindley Kirkpatrick stated he would like the Resolution and Ordinance to clarify that the funds are delegated each *fiscal year*.

Council Member Scott moved to adopt Resolution 07-11 as amended. Council Member Bailey seconded the motion. In a roll call vote, the motion passed with four ayes. Council Member Scott moved to suspend the rules and read by title only, one time only Ordinance No. 840. Council Member Bertram seconded the motion and in a roll call vote, the motion passed with four ayes. Council Member Scott moved to adopt Ordinance No. 840 as amended, which only becomes effective if the Sales Tax measure passes. Council Member Bailey seconded the motion and in a roll call vote, the motion passed with four ayes. Council Member Scott moved to direct staff to develop a formal contract with MCPAWS, Inc. Council Member Bailey seconded the motion and in a voice vote, the motion passed with four ayes.

Mayor Robertson called for a break at 9:40 p.m. The meeting was called back to order at 9:53 p.m.

AB 07-151 PUD-07-5 and CUP-07-14: McBride Street Mixed Use Building

Michelle Groenevelt, Planning Manager, presented the application; stating they were applying for preliminary and final plat approval at the same time because it is a mixed use building and is not an intensely involved subdivision.

Council Member Bailey stated that all PUD's must have a public hearing at the City Council level, and this application has not had a hearing at the City Council level. There was much discussion regarding whether or not a public hearing at the City Council level was needed.

Ms. Groenevelt stated the applicant presented several design options to the Planning & Zoning Commission during the pre-application process. The Commission agreed on the project before Council today, but that it required a PUD to accommodate some setback and parking issues.

Council Member Bailey moved to adopt the Findings & Conclusions for the Conditional Use Permit (CUP-07-14) and Planned Unit Development (PUD 07-5) for the McBride Mixed Use Expansion. Council Member Bertram seconded the motion, and in a roll call vote the motion passed with four ayes.

AB 07-152 CUP-07-13: McCall Church of Nazarene Day Care

Michelle Groenevelt, Planning Manager, presented this application, stating there was previously a daycare and preschool operating out of this location that did not have a Conditional Use Permit, and that the applicant was eager to begin operating again.

Council Member Bertram suggested adding a clause to the Findings in regards to the applicant using the parking lot to the west of their building because the parking lot could be sold and the new owner may not continue to grant permission to use the parking lot. Bill Nichols suggested including a condition where the applicant provides staff with proof that they have permission to use parking lot.

Mayor Robertson moved to adopt the Findings and Conclusions for the Conditional Use Permit (CUP-07-13) for the McCall Church of the Nazarene daycare and pre-school. Council Member Scott seconded the motion and in a roll call vote the motion passed with four ayes.

AB 07-153 SUB-06-7: Alpine Village Final Plat

Council Member Scott recused herself.

Michelle Groenevelt, Planning Manager, presented this project, stating this was an application for the final plat and final plan for Alpine Village, Phase 1.

Council Member Bailey asked what provisions were in the Findings for under grounding the utilities. There was discussion surrounding utilities, sidewalks, curbs and gutters. There was discussion regarding storm water and grants related to storm drains.

Council Member Bailey moved to adopt the Findings & Conclusions for SUB-06-7 and PUD-06-3 Final Plat and Plan, Alpine Village, Phase I. Council Member Bertram seconded the motion, and in a roll call vote the motion passed with three ayes.

Council Member Bailey moved to approve the related Development Agreement and authorize the Mayor to sign all necessary documents. Council Member Bertram seconded the motion, and in a roll call vote the motion passed with three ayes.

AB 07-154 Amendments to Fiscal Year 2007 – 2008 Budget (replacing AB 07-135 FY '08: Budget Adoption)

Fred Quiel, Deputy City Manager/Administrative Services, presented this agenda bill, stating that the County originally gave the City incorrect property tax figures, and this amendment was generated to address these new, corrected numbers from the County.

Council Member Scott moved to adopt the Amended Tentative Budget for Fiscal Year 2007 – 2008. Council Member Bailey seconded the motion and in a roll call vote, the motion passed with four ayes.

CONSENT AGENDA

Staff recommended approval of the following items:

- Minutes – July 26, 2007, August 3, and August 9, 2007
- Warrant Register printed on August 16, 2007
- Payroll Report for Period ending 08/10/07
- AB 07-143 Alcohol Beverage Catering Permits
- AB 07-144 2007 Alcohol Beverage License (Renewals)

Corrections were provided to the July 26, 2007 Minutes. There were no Minutes for August 9, 2007.

Mayor Robertson made the motion to approve the Consent Agenda as modified. Council Member Bailey seconded the motion and in a voice vote, the motion passed with four ayes.

COUNCIL TALK TIME

Council Talk Time commenced at 11:00 p.m.

Council Member Scott announced she was pregnant and that her due date is December 18.

Council Member Bertram suggested creating a letter or certificate from the City of McCall to thank those involved the community or to welcome new businesses in order to reconnect with the business community. Regarding the comprehensive plan, Council Member Bertram suggested being careful with the wording because it can be very divisive. She added that the steering committee meeting was charged by a select few people with extreme ideas.

Lindley Kirkpatrick stated the final wording of the comprehensive plan is up to the Council and that they can direct the language of the plan or choose not to adopt it as written.

While there were no City Council Candidates present at today's Council meeting, Mayor Robertson suggested inviting the Council Member Candidates to come to as many meetings as possible while the current members are still meeting together.

Lindley Kirkpatrick commented that the meeting calendar for November and December needs to be set and suggested having a regular meeting on November 8th, and then a special meeting on

November 29th to address the comprehensive plan, and then one regular meeting in December, on the 13th.

Council Member Bailey suggested having comprehensive plan meetings with the Planning & Zoning Commission by themselves and then having a meeting with the county. Lindley Kirkpatrick suggested the opposite, having joint meetings initially.

Council Member Bailey asked about the LOT check for \$25,000 that was returned to the City. Fred Quiel stated they did get that check back, plus there is \$1400 left over from the Public Works department. There was discussion about what to do with the returned LOT funds.

There was discussion about the amount of the sales tax for MCPAWS.

Mayor Robertson stated they have been invited to visit the North Lake Sewer operation and then participate in a meeting with Steve Millemann and Scott Turlington to further discussions regarding financing options for our future Wastewater Treatment facility. No date has been set. Council Member Bailey suggested inviting CH2M Hill to attend this tour also.

Mayor Robertson asked about the golf contract. The City Manager said he was working on the Agreement.

COMMITTEE MINUTES

Tree Advisory Meeting – July 11, 2007
Library Advisory Meeting – May 24, 2007

ADJOURNMENT

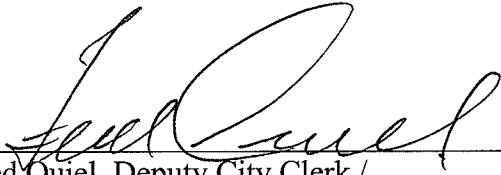
Bill Nichols advised Council to pass a motion to correct the Ordinance number approved tonight to the next available Ordinance number.

Mayor Robertson made motion to change Ordinance number. Council Member Bertram seconded the motion, and in a voice vote the motion passed with four ayes.

Without further business, the meeting was adjourned at 11:54 p.m.


William A. Robertson, Mayor

ATTEST:



Fred Quiel, Deputy City Clerk /
Administrative Services