

MINUTES

**McCall City Council
Regular Meeting
June 28, 2007**

Agenda

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

CALL TO ORDER AND ROLL CALL

Mayor Robertson called the regular meeting of the McCall City Council to order at 4:00 p.m. Council Member Bertram, Mayor Robertson, Council Member Kraemer and Council Member Scott answered roll call. A quorum was present.

Also present were Fred Quiel, Deputy City Manager / Administrative Services, 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. 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.

A brief recess was taken, and the meeting resumed at 6: 01 p.m.

City staff members present were Fred Quiel, Deputy City Manager/Administrative Services; Steven Hasson, Planning Manager; and Brenna Chaloupka, Administrative Assistant, City Manager.

Mayor Robertson led the audience in the Pledge of Allegiance.

PUBLIC HEARING

Before hearing the first Public Hearing item, Mayor Robertson made the following changes to the Agenda:

1. AB 07-108, Reserve on Payette, SUB 07-2 and PUD 07-2 was pulled from the Agenda because Council did not have copies of the Planning and Zoning Findings & Conclusions and due to insufficient information for reviewing the application. If complete information is made available to Council, this application will be deferred to the July 12, 2007 meeting.
2. A discussion regarding fireworks at Whitetail was added to the end of the Business Agenda.

AB 07-107: Cathedral Pines SUB-07-1 and PUD-07-1

Steven Hasson introduced the agenda bill and distributed a reformatted copy of the McCall City Council Findings & Conclusions to Council. Mr. Hasson explained that the application was for the preliminary plat of a subdivision and a planned unit development for the construction of 38 condominium units on approximately 6 acres of land. Mr. Hasson added that the application had previously been turned down, but that it had been reconstructed and staff now believed it was a good project. Staff has come up with approximately 50 conditions of approval.

Council Member Bertram questioned the condition of approval in which the applicant "shall provide a marked bicycle lane" and stated more clarification was needed in setting the guidelines for the construction of that path to avoid confusion later. Mr. Hasson stated staff was working on setting more exact standards for sidewalks, driveways, paths, etc.

Andy Laidlaw, McCall Design and Planning, is representing Cathedral Pines and he explained that the primary concerns with this project are:

1. Maintaining a buffer along the bike path and conserving an existing aspen grove;
2. Severe grading adversely impacting Rustic Village, the condominium project to the south;
3. Conserving a substantial number of large Ponderosa pine trees on the site.

Mr. Laidlaw stated this new design strives to address all three of these concerns. They are planning on moving the project back from the bike path in order to keep the aspen grove intact and moving the project away from the steeper parts of the grade, which would also increase the buffer from Rustic Village to the south.

In regards to the park requirement, Mr. Laidlaw stated they are conserving a large, natural area and providing a gazebo/picnic area along the bike path, as well as constructing another path that would connect the project to Colorado St. The unit design is reminiscent of a San Francisco, hill-neighborhood style, enabling them to work with the existing topography and minimize the grading required in an effort to conserve as much of the existing vegetation as possible.

Mr. Laidlaw stated they are proposing to construct 38 units. Six of these units will be dedicated to community housing and they will also pay an in lieu of fee for the remaining .4 unit. Mr. Laidlaw stated the project will be constructed in approximately seven phases.

Mayor Robertson asked about the number of parking spaces provided for each unit. Mr. Laidlaw explained that the City is requiring a total of 95 parking spaces and the project will provide 151 spaces, adding that there will be plenty of "toy storage". Mr. Laidlaw explained that each phase will satisfy its requirement for community housing. Rita Slack added that a two bedroom community housing unit would sell for approximately \$185,000, and the market rate units would sell for approximately \$400,000 to \$750,000.

There was discussion about the maintenance of the loop road within the project, snow storage, airport noise / sound insulation, and the utility easement with Idaho Power.

Mayor Robertson opened the Public Hearing at 6:31 p.m.

There was no one signed up to make public comments so Mayor Robertson invited anyone who wished to speak to come forward. Ben Stats came forward and apologized for writing on the skate park door.

Hearing no further comments, Mayor Robertson closed the Public Hearing at 6:33 p.m.

Mayor Robertson asked for some clarification regarding punctuation, spelling, etc. in the McCall City Council Findings & Conclusions. Council Member Bertram asked for clarification regarding the street lighting requirements in the Findings. There was much discussion regarding outdoor lighting and Mr. Hasson stated guidelines were provided in the City code. Council Member Bertram stated she would like applicants to be provided with a list of acceptable lighting designs.

Council Member Bertram questioned the open-endedness of Condition #17 "the applicant may be responsible for certain traffic improvements..." and thought this condition needed to contain more clarification. Mr. Hasson explained that the applicant provided a traffic analysis and that the study has identified any improvements that needed to be made. Mr. Hasson suggested adding that the applicant will comply with the conclusions of the traffic plan/analysis. Mr. Hasson explained that is a preliminary plat application and many of these issues will be much more clearly defined when they make their final plat application.

Mayor Robertson moved to adopt the Staff Report and Findings & Conclusions as modified and authorize the Mayor to sign all necessary documents. Council Member Bertram seconded the motion. In a roll call vote, Council Member Scott, Mayor Robertson, Council Member Bertram, Council Member Kraemer all voted aye, and the motion carried.

AB 07-105: Industrial Zone Amendment – An Ordinance.

Steven Hasson explained this agenda bill concerns a text amendment to the new McCall City Code. Mr. Hasson stated there are several small industrial lots (approximately 3,000 sq. ft.)

within the City of McCall that are considered “non-conforming” under the new MCC, due to the new requirement that industrial lots be a minimum of 10,000 sq. ft. This zoning text amendment would reduce the minimum lot size for industrial property platted prior to March 16, 2006 to 3,000 sq. ft. Mr. Hasson added that most of these lots are off of Mission St.

Mayor Robertson opened the Public Hearing at 6:58 p.m.

There was no public comment.

Hearing no further comments, Mayor Robertson closed the Public Hearing at 7:00 p.m.

Council Member Bertram moved to suspend the rules and read the modified version of Ordinance #838 by title only and one time only.

City Attorney Bill Nichols stated he changed the title of Ordinance #838 to reflect that nothing was being deleted; only text was being added. Mr. Nichols also stated that some minor changes were made to enable the Ordinance in order to make it comply with the State Code. Mr. Nichols added that he prepared a summary so that the entire Ordinance did not have to be published.

Council Member Kraemer seconded the motion. In a roll call vote, Council Member Scott, Mayor Robertson, Council Member Bertram, and Council Member Kraemer voted aye, and the motion carried.

Mr. Nichols read Ordinance #838 by title only, one time only.

Council Member Bertram made the motion to adopt Ordinance #838 as read. Council Member Kraemer seconded the motion. In a roll call vote, Council Member Scott, Mayor Robertson, Council Member Bertram, and Council Member Kraemer voted aye, and the motion carried.

PUBLIC COMMENT

Mayor Robertson called for public comment at 7:05 p.m.

Steve Jones, PO Box 509, McCall, ID / 246 Cold Creek Court, Lake Fork, ID, representing the World Masters World Cup stated the LOT committee gave the World Masters World Cup organization \$44,000, although they requested \$65,000. Mr. Jones asked that when it was time for the Council to approve the LOT budget, he would like them to consider approving the \$65,000 originally asked for. Mr. Jones added that this is the last time the World Cup will ask for money; the event begins February 28, 2008.

Mayor Robertson asked Fred Quiel to make a note of Mr. Jones' request, to remind Council of this request when they meet on July 19, 2007.

Hearing no further comments, Mayor Robertson closed the public comment at 7:06 p.m.

COUNCIL TALK TIME

Council Member Kraemer stated he has been approached by people who are concerned about under age drinking in Legacy Park, adding that he has not seen any police patrol in the park. Mayor Robertson asked Fred Quiel to relate this concern to Lt. Pete Rittenger and Chief Jerry Summers. Council Member Bertram asked if they were planning on having officers on bicycles this year, to which Mayor Robertson stated he believed they were planning on having police on foot and on bicycles for the Fourth of July.

Council Member Bertram asked that next year the LOT Committee emphasize that their recommendations are just that: recommendations.

Council Member Scott mentioned that it was recently discussed to get together with the Neighborhood Housing Services to discuss the timing for getting the community housing units completed. Mayor Robertson stated he had asked Lindley Kirkpatrick to get Michael David with VARHA and a representative from NHS at this meeting, and he expressed disappointment at not having those representatives here to discuss this meeting. Mayor Robertson stated the Council must have a presentation from NHS at the next Council meeting to get up to date on the community housing progress.

Council Member Scott asked about the Airport rezone application and the public noticing procedures and whether or not there needed to be a formal repeal. Bill Nichols replied that because the ordinance was not published, the public noticing procedures needs to be started over as if it had not been started. Mayor Robertson requested that Steven Hasson provide Council with the changes in text in the airport rezone application before the July 12 meeting.

Council Talk Time concluded at 7:20 p.m.

CONSENT AGENDA

Staff recommended approval of the following items:

- Minutes – June 7, 2007
- Warrant Register printed on June 20, 2007
- Payroll Report for Period ending June 1, 2007
- AB 07-104 Lick Creek / Davis Intersection Improvements Line Item Transfer

Corrections were provided to the Minutes.

Regarding the Warrant Register, Council Member Bertram asked why the City refunded the LOT funds for Public Works in the amount of \$1,400.00. Fred Quiel explained that those funds were allocated but not used because the project did not require all of the funds allocated.

Council Member Bertram asked for clarification for the request by John Lewinski in the Water Department for an additional vehicle. It was unclear whether the request was for this year or next. Fred Quiel stated the request was for a vehicle this year and another next year.

Mayor Robertson stated the Lick Creek/Davis Intersection Improvement item was strictly a line item transfer.

Mayor Robertson moved to approve the Consent Agenda as amended on the Minutes. Council Member Scott seconded the motion. In a roll call vote, Council Member Scott, Mayor Robertson, Council Member Bertram, and Council Member Kraemer voted aye, and the motion carried.

BUSINESS AGENDA

The Business Agenda began at 7:28p.m.

AB 07-112 McCall Improvement Committee 2007 Annual Report

This item was pulled from the Agenda.

AB 07-110 Clutter Motorcycle CUP-07-2

Steven Hasson explained this application was for a Conditional Use Permit for a motorcycle shop on the Highway south of Deinhard Lane in the Community Commercial zone. Mr. Hasson explained that the applicant has been operating this business without a permit and now he was making it right by going through the application process. The applicant was not present.

Mayor Robertson pointed out that on page 2 of the Findings, item #16 the date of the staff report was incorrect, and added that the Council was not receiving public testimony at this meeting so that statement should be removed from the Findings. Mayor Robertson also pointed out the last sentence in item #7 on page 4 needed to be reworded.

Mayor Robertson mentioned item #10 on page 4, which states the applicant "shall not place snowmobiles, motorcycles, trucks with advertising signs, or other vehicles along 3rd Street". Mayor Robertson stated that the applicant currently has a truck parked in the front yard and it looks like a sign and stated it should be removed. Mr. Hasson stated the applicant was informed that he had to remove the truck from the front yard.

Mayor Robertson asked if the applicant intended to put up a sign, referencing item #11 on page 4. Mr. Hasson stated the applicant had no intention of putting up a sign at this time, but if they did, they would go through the design review application process.

Council Member Bertram addressed item #3 on page 3 regarding easements, curbs, gutters and sidewalks. Ms. Bertram commented that the applicant was simply applying for a conditional use permit and wasn't changing anything or doing anything different, and yet we are extracting the future bike path out of him. Council Member Bertram stated she felt we needed to do some more housekeeping on this item and felt we shouldn't burden the applicant with the costs associated with the bike path.

Mayor Robertson stated we cannot mandate that applicants put in sidewalks, etc. until we have a Master Plan and have known elevations to work with.

Mr. Hasson offered to strike sidewalks, curbs and gutters from item #3 because it is a smaller project that does not warrant those requirements. Mayor Robertson stated he would like to do remove those conditions of approval and Council Member Bertram stated we should still ask for the bike path easement.

Council Member Bertram asked if it would be legal to save funds collected from applicants to use later when it is more feasible to complete the project with more continuity. It was agreed to look into this solution more in depth.

Council Member Kraemer moved to adopt the staff report Findings and Conclusions for CUP-07-2 and authorize the Mayor to sign all necessary documents as modified. Council Member Bertram seconded the motion. In a roll call vote, Council Member Scott, Mayor Robertson, Council Member Bertram, and Council Member Kraemer all voted aye, and the motion was passed.

AB 07-108 Reserve on Payette SUB-07-2 and PUD-07-2

This item was pulled from the Agenda at the beginning of the meeting.

AB 07-106 Spring Mountain Boulevard Paving Project

Fred Quiel explained that this request was for the initial paving of Spring Mountain Boulevard. Mr. Quiel stated that the bid package for this project was sent out last month and the bid opening was June 7, 2007. Only one bid was received, from Knife River at \$167,419. The bid was \$50,295 over the budgeted amount of \$117,124 for the project. As a result, the bids were rejected and the project was re-bid.

Mr. Quiel reported that 3 bids were received today, and the apparent low bidder, Valley Paving, came in at \$128,546.40. This amount is \$11,000 over what was originally budgeted, but staff has determined that there are additional monies available from the Public Works department. Mr. Quiel recommended awarding this contract to Valley Paving.

Council Member Kraemer moved that we award the Spring Mountain Boulevard paving contract to Valley Paving and Asphalt, Inc. and authorize the Mayor to sign all necessary documents. Council Member Bertram seconded the motion. Bill Nichols stated that the amount of the bid needed to be included in the contract itself. In a roll call vote, Council Member Scott, Mayor Robertson, Council Member Bertram, and Council Member Kraemer all voted aye, and the motion was passed.

AB 07-113 Rio Vista Waterline Upgrade Project

Betsy Roberts, CH2M Hill, stated the bid package for the Rio Vista Waterline Upgrade project was sent out earlier this month and that the bid opening was June 14th. Four bids were received: Cascade Pipeline Corp for \$600,136.50, Bodiford Construction for \$637,732.00, Debco for \$820,065.50, and Knife River for \$887,658.08.

Ms. Roberts stated she sent a letter to Lindley Kirkpatrick with a recommendation of awarding the bid to Cascade Pipeline Corporation. They were the low bidder at \$585,407.00.

Council Member Scott moved to award the Rio Vista Waterline Upgrade construction contract to Cascade Pipeline Corporation for \$585,407 and authorize the Mayor to sign all necessary documents. Council Member Bertram seconded the motion. In a roll call vote, Council Member Scott, Council Member Bertram, Council Member Kraemer and Mayor Robertson all voted aye and the motion was passed.

Ms. Roberts handed out a document on the McCall Waterline Improvements based on the carry over budget from the Rio Vista Waterline project and explained the bidding process and how they came up with the numbers on this document. Ms. Roberts did not recommend trying to add Roosevelt, Whipkey and SH55. Her recommendation was to just bid Roosevelt and Whipkey, and look at doing the others next year.

Ms. Roberts suggested limiting the construction deadline to October 15, the ITD deadline for paving. There was discussion regarding paving deadlines, and bidding two of the three other streets needing improvements. Ms. Roberts stated they will move forward with bidding Roosevelt and Whipkey, upon Councils recommendation.

At 8:17 p.m. Mayor Robertson moved the discussion about fireworks at Whitetail to the next item on the Agenda, placing AB 07-114 last on the Agenda.

John Sabala provided some background regarding the arrangement he had with the Chamber of Commerce surrounding last years fireworks display. Mr. Sabala added that there was a gap in communication regarding this year's fireworks display and stated he assumed that Whitetail was still a part of the Chambers permit application and subsequent approval.

Mr. Sabala asked the Council to approve a second barge on the Chambers permit. Mr. Sabala stated that when he spoke with Chamber president Don Parker about adding a second barge to the Chambers permit, he was told as long as Whitetail had their own insurance, Mr. Parker no problem with adding a second barge. Mr. Sabala added that Andrew Lembres, McCall Fire Department, did not have a problem with the second barge. At this time, Mr. Sabala had not yet spoken with Jerry Summers, McCall Police Chief.

Mr. Sabala stated he has turned in a Fireworks Display application and provided a copy of their liability insurance policy. Mr. Sabala stated he still needed to get a signed copy of a contract with a pyrotechnic company turned in to complete his application.

Fred Quiel explained that MCC 5-3430 states that a Fireworks Display permit requires written approval from the fire department, the police department and approval from the McCall City Council and that it seemed possible to grant approval for the second barge.

Mayor Robertson moved to approve the Fireworks Display permit application and encouraged the police department to also give their approval. Council Member Scott seconded the motion. In a roll call vote, Mayor Robertson, Council Member Scott, Council Member Bertram, and Council Member Kraemer all voted aye and the motion was passed.

AB 07-114 Waste Water Facility Plan

Rick Bishop, CH2M Hill, presented this agenda bill for the Wastewater Facility Draft Plan, adding he would ultimately like to obtain Councils approval to submit this document to DEQ for their final review and approval. Mr. Bishop stated DEQ has provided preliminary comments which so far have been favorable and supportive.

There was discussion regarding the Sewer District and their continued involvement. Mr. Bishop stated the City is marching forward with the assumption that the Sewer District is on board. Council Member Bertram expressed her concern over the fact that there is no formal agreement with the Sewer District and stated she felt they should address this lack of agreement in the draft.

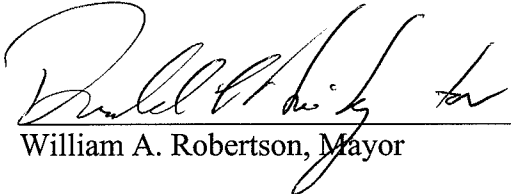
Council Member Kraemer moved to accept the Draft Facilities Plan and direct the City Engineer to submit the Plan to DEQ for approval. Council Member Scott seconded the motion. In a roll call vote, Council Member Kraemer, Council Member Scott, Mayor Robertson, and Council Member Bertram all voted aye and the motion passed.

COMMITTEE MINUTES

Airport Advisory Meeting – May 3, 2007

ADJOURNMENT

Without further business, the meeting was adjourned at 9:10 p.m.



William A. Robertson, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "Fred Quiel", written over a horizontal line.

Fred Quiel, Deputy City Clerk /
Administrative Services