

MINUTES

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

Agenda

Call to Order and Roll Call
Reports
Public Comment
Consent Agenda
Business Agenda
Committee Minutes
Other Business
Executive Session
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Robertson called the regular meeting of the McCall City Council to order at 6:02 p.m. Council Member Bailey, Council Member Bertram, Mayor Robertson, Council Member Kraemer, and Council Member Scott answered roll call. A quorum was present.

Bill Nichols, City Attorney, was present. City staff members present were Lindley Kirkpatrick, City Manager; David Simmonds, Information Systems Manager; Brenda Loftis, Human Resource Officer; Fred Quiel, Deputy City Manager/Administrative Services; Linda Stokes, Assistant/Finance; John Anderson, Airport Manager; Carol Coyle, Grant Coordinator; Michelle Groenevelt, Community Development Planner; Steven Hasson, Planning Manager; Eric McCormick, Golf Course Superintendent; Brock Heasley, Parks & Recreation Director; Jerry Summers, Chief of Police; and Joanne York, City Clerk.

Mayor Robertson led the audience in the Pledge of Allegiance.

REPORTS

Lindley Kirkpatrick, City Manager, presented his monthly report to Council.

He reported that the first three units for Community Housing were in town and should be in place next week. He said that Valley Adams Regional Housing Authority (VARHA) would be handling public relations and advertising.

Mr. Kirkpatrick gave an update on wastewater capacity issues. He said that CH2M Hill had completed last year's analysis and that staff was working on revisions to the wastewater policy to present to Council at their meeting on March 22.

Mr. Kirkpatrick informed Council that Gregory (Nick) Nicholas, City of McCall Building Inspector, had been appointed to the Donnelly Planning and Zoning Commission.

John Anderson, Airport Manager, gave an update on the status of holding tanks at the airport and said he was still seeking a solution.

Council Member Bertram asked if the restroom facilities at the City's building shared by Parks and Recreation and the Airport Manager could be available to the public. Council Member Scott mentioned that the restroom facilities at the McCall Aviation office were available to the public during working hours.

Mr. Anderson said he was still interested in applying for Local Option Tax (LOT) monies to help pay for the sewer at the airport.

Mayor Robertson asked if the airport rezone would be taken up again at the next Planning and Zoning Commission (P&Z) meeting, and Mr. Kirkpatrick replied that it would be considered again. Mr. Hasson explained that P&Z members had conflicting opinions as to whether or not the airport rezone had been provided for in the Comprehensive Plan, and that since there were only four members of the commission present, the vote had ended in a tie. He said the agenda item was continued until next month's P&Z meeting.

Council Member Bailey asked Mr. Hasson for an update on the situation with Dr. Newton concerning the landscaping at his office. Mr. Hasson said as Dr. Newton had not responded to the City's request, the case would soon be on the docket in court.

Council Member Bailey questioned why there was not enough fire flow on Roosevelt Avenue and who would be responsible for the cost of the improvement. Following a discussion, Mr. Kirkpatrick suggested that Urban Renewal might play a role in solving this problem since the street was in the Urban Renewal District.

There was some discussion concerning other items in the Department Head Consolidated Monthly Report, which had been distributed in the Council packets for review.

Council Member Scott asked if the merchants who would be affected by the one-way street change by Legacy Park had been involved in the planning process with Urban Renewal. Council Member Bailey said they had been involved since the process first began. Council Member Bertram noted that signage would be placed at Railroad Avenue and Third Street, directing traffic to the lake front shopping area.

Council Member Kraemer reported that he had spoken with teachers about involving some students on the P&Z Commission, but had not heard back from them yet.

Council Member Bertram asked that a letter be sent to the Chamber of Commerce and to *The Star-News* reporting how much money and time the City had spent on Winter Carnival activities.

PUBLIC COMMENT

Mayor Robertson called for public comment at 6:30 p.m.

Randy St. Clair requested that the City pay the Wausau/St. Clair judgment since it had been upheld by the 9th District Court of Appeals in late January.

John Lund, representing the Timbercrest Downtown project, asked for a clarification of the Code requirements concerning commercial frontage on a downtown street. He explained that the first floor of his building was partly below ground level and questioned whether Code requirements concerning real estate offices on the ground floor should apply to his situation.

Hearing no further comments, Mayor Robertson closed the public comment at 6:37 p.m.

Mayor Robertson moved AB 07-42 to the first item on the Business Agenda so that it could be heard immediately following AB 07-41, which was a related item.

CONSENT AGENDA

Staff recommended approval of the following items:

- ❖ Minutes – February 22 and March 1, 2007
- ❖ Warrant Register printed on March 1, 2007
- ❖ Payroll Report for Period ending February 23, 2007
- ❖ AB 07-40 Alcohol Beverage Catering Permits
- ❖ AB 07-38 Liability Insurance Requirement - Airport East Hangar Project (EHP)
- ❖ AB 07-43 Change in Terms of Land Lease for McCall Avenue Lots
- ❖ AB 07-41 Certified Local Government Grant Award - Update of Development Plan for Central Idaho Historic Museum

Mayor Robertson reminded Council that the Economic Development Plan was on the agenda for the March 22 Council meeting and to be prepared for that discussion.

Mr. Kirkpatrick noted that Council had received a hand-out Warrant Register at the beginning of the meeting. There was discussion about a few items on the Warrant Register.

Concerning AB 07-43, Mayor Robertson questioned the need to change the lease terms to 99 years. Carol Coyle, Grant Coordinator, explained that during the process of trying to qualify people for loans, VARHA found that many of them would not qualify for most loans. She said

that there was one particular type of financing that some of the recipients might qualify for, and for that type of loan only, HUD required the lease to be 99 years. She said the current lease was for 50 years, with renewals in ten year increments.

Council pulled AB 07-41 from Consent and moved it into the Business Agenda to allow more time for discussion.

Council Member Bertram moved to approve the Consent Agenda, not including AB 07-41, and authorize the Mayor to sign all necessary documents. Council Member Kraemer seconded the motion. In a roll call vote, Council Member Bertram, Council Member Kraemer, Mayor Robertson, Council Member Bailey, and Council Member Scott voted aye and the motion carried.

BUSINESS AGENDA

AB 07-41 Certified Local Government Grant Award - Update of Development Plan for Central Idaho Historic Museum

Ms. Coyle explained the background for the grant award from the State Historic Preservation Office, noting that McCall would be receiving the full amount of \$2,000.

Mayor Robertson moved to accept the grant award and authorize the Mayor to sign all necessary documents. Council Member Bertram seconded the motion. In a roll call vote, Mayor Robertson, Council Member Bertram, Council Member Kraemer, Council Member Bailey, and Council Member Scott all voted aye and the motion carried.

AB 07-42 Contract with ZGA for Consultant Services – The Central Idaho Historical Museum (CIHM)

Ms. Coyle introduced Pat Eames of the Historic Preservation Commission (HPC) and Mary Allen from the CIHM Board. Ms. Coyle said the HPC and the members of the CIHM Board had met with Tom Zabala of ZGA concerning updating the 1993 development plan for the CIHM, and one of the questions discussed was whether or not it was feasible to pursue building a new museum building. She said that the 1993 development action plan was almost completed, thanks to the volunteer labor of the museum board and that the main thing left to accomplish was a new building. She said that Mr. Zabala had presented his proposal for the consultant work and cost of updating the 1993 development plan. The HPC approved the proposal and recommended that they proceed with the update. Ms. Coyle explained that resources for funding included \$2,000 from the grant, \$1,000 from HPC funds, and a portion of the \$10,700 residual ITD grant funds that remained after completion of the old jail project. She said that HPC supported hiring ZGA for the project.

Ms. Coyle referred to information about the property that had been included in the Council packet, and said that the City was responsible for maintaining that property for interpretive and education purposes, as outlined in the original deed. She said if the City did not do so, the deed required that the property would revert back to the State of Idaho. She also said that McCall was

very fortunate to have the CIHM volunteer board take on the burden of maintaining that property for the City.

Council Member Bertram asked about the timeline for the ZGA report. Ms. Coyle said the tentative schedule would be to deliver the updated plan by August. She said that Mr. Zabala was ready to start work next week.

Mayor Robertson asked if the Council would receive updates. Ms. Coyle said the review of the first draft was due the end of May or the first of June and could be presented to Council at that time. She also noted that the review of the final draft was due the end of July and could then be presented to Council. Council Member Bertram said she would like to have a public meeting when Mr. Zabala made his presentation to the Council. Ms. Coyle said she would discuss it with him.

Mayor Robertson said he would like to have invoices submitted as work was completed, rather than as written in the proposal. Mr. Nichols explained that the monthly invoices from ZGA would be only for the work completed each month and added that ZGA was a very reputable and dependable firm to work with.

Council Member Bailey pointed out that the wording in the last paragraph of the deed concerning use of property was confusing. Mr. Nichols explained that this was called a condition of reversion, which provided the ability to revert back to the original owner. He further explained that the land was deeded to the City because at one point, the State did not want it or need it anymore, they recognized the historical significance, and the City was willing to take it. He said this particular provision was to preserve its original use and that in his opinion, if a storage facility was constructed for artifacts and then a museum for display, those would be clearly within the provisions of the lease.

Council Member Bailey raised questions about the museum, including whether or not the use of the museum could be extended to other displays besides McCall memorabilia, if a new museum could possibly be combined with a new library building, and about the role and composition of the museum board. Ms. Allen suggested having a work session with the CIHM Board and City Council to discuss these issues and others, such as how the museum board operates, their mission statement, etc.

Council Member Kraemer moved to approve the contract with ZGA for the update of the 1993 development plan for the Central Idaho Historic Museum and authorize the Mayor to sign all necessary documents. Council Member Scott seconded the motion. In a roll call vote, Council Member Kraemer, Council Member Scott, Council Member Bailey, Mayor Robertson, and Council Member Bertram all voted aye and the motion carried.

**AB 07-37 CUP-06-19 Conditional Use Permit (CUP) for an Accessory Structure –
2000 University Lane**

Michelle Groenevelt introduced the Conditional Use Permit explaining it was for the purpose of constructing a 1,676 square foot accessory structure with living quarters above on a site also occupied by a non-conforming residential structure.

Council Member Bailey asked about the kitchen arrangement, as discussed on page two of the staff report. Ms. Groenevelt explained there would be no hookups to appliances.

Mayor Robertson provided a few corrections to the Findings and Conclusions.

Council Member Bailey moved to adopt the Findings and Conclusions for the Conditional Use Permit (CUP-06-19), with corrections, and authorize the Mayor to sign all necessary documents. Council Member Kraemer seconded the motion. In a roll call vote, Council Member Bailey, Council Member Kraemer, Council Member Scott, Mayor Robertson, and Council Member Bertram all voted aye and the motion carried.

AB 07-39 CUP-06-24 Conditional Use Permit (CUP) for an Accessory Dwelling Unit – 956 Flynn Lane

Ms. Groenevelt introduced the land use application for Flynn Lane. She said the 1500 square foot home had been built by a previous owner who put everything in place for a kitchen but did not apply for a conditional use permit, and the home was subsequently sold. She explained that the new owner now wanted to add the kitchen, and although the equipment was already in place, nothing was connected. She said the new owner planned to use the home as a rental.

There was discussion about the history of the property.

Mayor Robertson provided some corrections to the Findings and Conclusions.

Council Member Bailey moved to adopt the Findings and Conclusions, as corrected, for the Conditional Use Permit (CUP-06-24) and authorize the Mayor to sign all necessary documents. Council Member Scott seconded the motion. In a roll call vote, Council Member Bailey, Council Member Scott, Mayor Robertson, Council Member Bertram, and Council Member Kraemer all voted aye and the motion carried.

AB 07-44 Valley/Adams County Regional Economic Development Strategic Plan

Mr. Kirkpatrick introduced this item, noting that Council action on the plan was scheduled for the March 22nd. He introduced ZaDean Auyer, primary consultant on the strategic plan, who was present to answer any questions that Council might have.

Ms. Auyer gave some background information on the development of the plan and said the final product had been accepted by the County Commissioners in January. She noted the plan was only a starting point and was meant to grow and change. She said she hoped that the implementation would continue even though her involvement as a consultant in the project was concluded.

Council Member Bailey noted the report on several bridges and that some projects had been dropped, including the Lardo Bridge. He said it was important to have the Lardo Bridge project included.

The Council thanked Ms. Auyer for her presentation.

AB 07-45 RFP for Concessionaires at Legacy Park

Mr. Heasley discussed the following three proposed changes for the latest draft of the Concessionaire Request for Proposal (RFP), explaining that the changes were the result of input from likely respondents to the RFP.

1. Times to use the beach;
2. All major repair work to be completed off City property; and
3. Change of insurance required to \$500,000, rather than \$1,000,000.

Mr. Heasley said he wanted to verify with Council whether the RFP was to be considered guidelines or whether it was policy “set in stone”.

Council Member Bertram asked why the starting time was changed to 7:30 a.m., explaining that the purpose of the 6:00 a.m. start time was to allow business owners to have time to haul equipment to the beach before construction work at Legacy Park resumed each day. Jim “Shorty” Clarke, member of the Parks and Recreation Advisory Committee, said the business owners decided that the 7:30 a.m. start time was sufficient and would be more acceptable to the public.

There was a discussion about the availability of temporary parking.

There was also a discussion of how much beach area would be set aside for concessionaire use. Mr. Clarke said that 156’ could be available for motorized vehicles, allowing for more maneuvering space if necessary due to construction, and that 40’ on the end near the swimming area would be allowed for non-motorized vehicles. Council Member Scott said she supported that because it would put the non-motorized vehicles closer to the swimming area, instead of the motorized vehicles, which had been a concern last year.

Mayor Robertson asked why the applicant’s proposed business plan needed to be in the RFP. Mr. Heasley said it was important for the City to know how many employees would be at the beach area. Mr. Kirkpatrick added that the City also needed to be able to evaluate whether or not the business could fulfill the RFP, and that the information would give the City the ability to successfully negotiate a fee structure. Mayor Robertson agreed that it would seem reasonable to know the economic viability of the business.

Mayor Robertson said the negotiations for RFP’s should be done by the City, with recommendations from the Advisory Committee. Mayor Robertson said he would like to see ranking criteria, indicating top recommendations, as well as rating criteria for all the submittals.

On page four of the RFP, entitled "Proposal Submission", Mayor Robertson said to change the second sentence in the third paragraph to read, "Proposals which do not include the required information and/or do not follow the required format will be deemed unresponsive and will consequently be rated lower."

Council Member Bailey asked for a better definition of "noise pollution". Mr. Heasley said it would be a subjective decision. Council Member Bailey said there was a State Code which specifically defined noise pollution and that definition should be adhered to. Mr. Clarke said the problem was that the law was difficult to enforce.

Mayor Robertson emphasized that the purpose of the RFP would be to help the businesses as much as possible this year because of the construction at Legacy Park and that it might be necessary for the City to hire someone to assist in optimizing parking operations. Mr. Kirkpatrick said there had already been discussions about how to handle busy traffic times when more parking would be required.

Mayor Robertson moved to approve as modified the Request for Proposal for Watercraft Rental Concessionaire Use at Legacy Park for 2007 and authorize the staff to distribute it. Council Member Scott seconded the motion. In a roll call vote, Mayor Robertson, Council Member Scott, Council Member Bailey, Council Member Bertram, and Council Member Kraemer voted aye. The motion carried.

COMMITTEE MINUTES

Committee Minutes included in the Council packets for review:

Airport Advisory Committee – February 1, 2007

McCall Improvement Committee – January 11, 2007

OTHER BUSINESS

Council Member Bailey recommended that council members attend the Association of Idaho Cities (AIC) conference in Coeur d'Alene

Mayor Robertson asked Mr. Kirkpatrick if he had had any discussions with Greg Lovell, President of Idaho First Bank, concerning using the meeting room facilities at the new bank. Mr. Kirkpatrick said he had some conversation with Mr. Lovell a while back and would contact him again.

Mayor Robertson reminded Council members to email their City Manager evaluations to Brenda Loftis, Human Resource Director.

Mayor Robertson also discussed the review of the Urban Renewal Agency's parking lot bid.

EXECUTIVE SESSION

At 8:55 p.m., 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. Council Member Kraemer seconded the motion. 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.

The Council returned to regular session at 9:15 p.m.

Mr. Kirkpatrick informed Council that he would direct Kim Trout to not file an appeal of the 9th Circuit's recent ruling. After some discussion, Council agreed and thanked him for the status report.

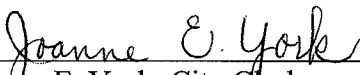
ADJOURNMENT

Without further business, the meeting was adjourned at 9:18 p.m.



William A. Robertson, Mayor

ATTEST:


Joanne E. York, City Clerk