

# MINUTES

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## McCall City Council Regular Meeting July 27, 2006

### AGENDA

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

### CALL TO ORDER AND ROLL CALL

Mayor Robertson called the regular meeting of the McCall City Council to order at 6:05 p.m. Council Member Bailey, Council Member Bertram, Council Member Kraemer, Mayor Robertson, and Council Member Scott answered roll call. A quorum was present.

Bill Nichols, City Attorney, was present.

City staff members present were Roger Millar, Deputy City Manager, Carol Coyle, Grant Coordinator; Michelle Groenevelt, Community Development Planner; Anne Kantola, Library Director; Jerry Summers, Chief of Police; Monika Trapp, City Arborist; and Joanne York, City Clerk.

Mayor Robertson led the audience in the Pledge of Allegiance.

### PUBLIC HEARING

#### **AB 06-134 Request to raise Non-Resident Library Fees to \$50 per family per year, Resolution 06-15.**

Mr. Millar introduced the agenda bill explaining that the new fee would take effect October 1, 2006. Anne Kantola, Library Director, was available for questions.

**Mayor Robertson opened the Public Hearing at 6:12 p.m.. Hearing no comments, he closed the public hearing.**

There was a discussion of the definitions of “resident” and “non-resident”. Mr. Nichols said essentially there was one class of people who paid a fee to the library; the issue in this agenda bill was what the fee should be for those who have to pay.

Council Member Bertram said she would like to strike the third “WHEREAS” paragraph.

Mr. Nichols recommended Council leave the resolution unchanged and then determine later the definitions of “resident” and “non-resident”. He also said that there was time before the fee became effective to make any necessary changes.

Mr. Millar stated that the resolution achieves its intended purpose without the third “WHEREAS” paragraph.

**Council Member Bertram moved to approve Resolution 06-15 as amended; Council Member Scott seconded. In a roll call vote, all members voted aye and the motion carried.**

**AB 06-89. New Fee for Tree Permits**

Monika Trapp, City Arborist, introduced this item, explaining the fee was necessary to cover administrative costs associated with regulating the removal of public trees by contractors and home owners.

Mayor Robertson noted that the first paragraph of Resolution 06-12 should read “adopting fees to be charged for the issuance of a public tree removal permit.”

Council Member Scott asked Ms. Trapp if a person must go through this process if they already owned property and wanted to remove a tree in the right-of-way and Ms. Trapp replied that they did.

Mr. Millar explained that the arborist was responsible for deciding whether or not a tree needed to come down. If the Tree Committee determined it was for the public interest then a fee would be charged. Council Member Bertram asked for clarification on that point. Ms. Trapp said public trees are those which the City was responsible for; she explained that she always assessed the situation with the contractors before trees were removed.

Mayor Robertson asked if a developer or home owner would be required to get a permit to take down an infested tree. Ms. Trapp explained that the purpose of this permit fee was to prohibit cutting trees from land before the building permit was issued.

Ms. Trapp stated that when she gave an assessment to a property owner, she recommended they wait until they lived on the property for two years before making any decision concerning tree removal.

Mayor Robertson explained to Council that there were two actions facing them. One was to allow establishing a fee, and the other was to approve a Resolution to establish what that fee would be.

**Mayor Robertson opened the public hearing at 6:29 p.m. Hearing no comments, he closed the public hearing.**

Mr. Nichols advised the Council that if they adopted the ordinance, then they would have to defer the resolution to their next meeting; technically the ordinance had to be effective before the resolution could be dealt with.

**Council Member Bailey moved to suspend the rules and read by title only, one time only, Ordinance No. 824. Council Member Scott seconded the motion. In a roll call vote all members voted aye and the motion carried.**

**Council Member Bailey moved to adopt Ordinance No. 824 and authorize the Mayor to sign. Council Member Bertram seconded the motion. In a roll call vote, all members voted aye, and the motion.**

**Council directed staff to bring the resolution back to the next meeting.**

## **PUBLIC COMMENT**

**Mayor Robertson called for public comment at 6:34 p.m.**

Council Member Bertram expressed sympathy upon hearing about the death of Charlie Taber. Council members noted that Charlie Taber was responsible for initiating the movement that resulted in the Dark Sky Ordinance and was involved in many other areas of civic service.

**Hearing no further comments, Mayor Robertson closed the public comment at 6:36 p.m.**

## **CONSENT AGENDA**

The following items were considered in the Consent Agenda:

Payment Approval List for Warrant Register printed on July 24, 2006  
Payroll Reports for Pay Period Ending June 30 and July 14, 2006  
AB 06-136 Arbor Day Proclamation

**Council Member Bailey moved to approve the Consent Agenda and authorize the Mayor to sign all necessary documents. Council Member Kraemer seconded the motion. All members voted aye and the motion carried.**

## **BUSINESS AGENDA**

### **AB 06-146 McCall Improvement Committee Annual Report**

Curt Spalding, chairman of the McCall Improvement Committee (MIC) presented the committee's annual report to Council. He distributed a written report to the Council members.

Mayor Robertson expressed his appreciation for the dedication and contribution of time that the MIC had given to McCall and asked Mr. Spalding to pass his comments on to the committee members. Council Member Bailey also expressed his appreciation.

Mr. Spalding thanked Roger Millar and Carol Coyle for all their help and support as staff members on the MIC.

Concerning other business, Mayor Robertson mentioned that the missing two letters on the McCall sign cost almost \$200 to replace.

### **AB 06-140 City Engineer Annual Report**

Mark Bowen of CH2M HILL, presented their annual report to Council

### **AB 06-133 Recommendation for definition of resident and non-resident for the purchase of yearly library and recreation cards.**

Mayor Robertson gave a brief background on this issue, explaining that the concerns had focused on taxpayers who funded the City operations, owned property in the City limits, and paid taxes, but did not reside within City limits. He said the definition used by the City for "resident" was someone who resided in the City. He said the question that needed to be answered was should non-residents who paid taxes be able to receive library services for free. Mayor Robertson stated that he did not see that there would be any additional burden in proving that someone paid property taxes.

Council Member Bertram agreed with Mayor Robertson's opinion.

Council Member Bailey asked Ms. Kantola, Library Director, how other cities addressed this issue. Ms. Kantola replied that the policies vary. Mr. Millar agreed, citing different examples from other cities.

Council Member Bertram explained that business owners as well as land owners have expressed disagreement with the City's policy. She said that in her opinion if someone

paid taxes in the City, they should receive City services; otherwise it was the same as double taxation.

Council Member Scott asked Ms. Kantola who the people were that would use the cards. Ms. Kantola said that it was mostly people who live out of town.

Ms. Kantola explained that the library staff and the City staff were responsible to make those decisions and they needed a cut-and-dried system to use when making them.

Mayor Robertson said he would like to make a recommendation and address it at their next meeting; so that more of the community could have input.

Ms. Kantola asked Mr. Nichols if there was any legal precedence; Mr. Nichols said he did not know. Mr. Nichols cautioned Council to be very cautious when defining "resident". He stated that "resident" was usually defined as where a person placed their head at night. Council Member Bertram said she would like to change the wording to include "property owner" as well as "resident". Council requested Mr. Nichols to look into the correct definition to use.

Council Member Scott said that if a person was paying property taxes, they should be entitled to a free library cost.

Mr. Nichols raised another issue, stating that some people who claimed to own property and pay taxes, were actually part of a limited partnership or a corporation or a business not listed in their name.

Mayor Robertson asked that Council consider the matter until the next meeting.

Robyn Armstrong, Chairman of the Library Advisory Board, explained that a great deal of work and effort had gone into this proposal, especially working out an agreement that was acceptable by both the Recreation Department and the Library.

Council requested that a Public Hearing be held to allow the public to comment on the definition of resident for determining fees for the various services the City provided, including recreational activities and library cards.

Council Member Kraemer stated this could open a can of worms that could lead to all kinds of other issues. He stated that he agreed with the staff recommendation.

Council Member Bailey commented that if the library district proposal had passed last year, this would be a moot issue.

Council Member Bertram stated her belief that the policy was not fair to people who were paying taxes but not receiving certain services.

Council Member Scott said she was in favor of postponing the discussion and holding a public hearing.

Mr. Millar asked what priority the Council wanted to assign to this. Mr. Millar stated his other concern was that the City Manager should be part of the conversation with Council. Mayor Robertson said he would like to address it and reach a conclusion prior to the beginning of the next budget year.

Council Member Bailey asked to try to schedule the public hearing at the Council's first meeting in September.

Council directed staff to table this issue until a public hearing could be scheduled.

**AB 06-142 SUB-5-12 and PUD-05-4, Village at Deer Forest Minor Amendment for Final Plat and Final Plan.**

Michelle Groenevelt introduced this agenda bill, stating that its purpose was to add a minor amendment concerning setbacks to the final plat and final plan.

There was some discussion of the lot coverage and the background of the PUD.

**Mayor Robertson moved to adopt the Findings and Conclusions and approve the Minor Amendment of the Final Plat and Final Plan for SUB-05-12 and PUD-05-4, Village at Deer Forest and authorize the Mayor to sign. Council Member Bertram seconded the motion. In a roll call vote, all members voted aye and the motion carried.**

**AB 06-143, SUB-06-2 and CUP-06-12, Park Street Plaza and related Development Agreement.**

Michelle Groenevelt introduced this agenda bill.

Mayor Robertson provided some clerical corrections to the agreement. He also discussed that one of the standards in Planning and Zoning was that the City take over ownership of flora and fauna in the public right-of-way. He said there was provision for additional watering but nothing after that. He also questioned whether Monika Trapp, Parks Supervisor, could keep absorbing extra pieces of property into her work load without adding more people to her staff.

Ms. Groenevelt suggesting make landscape maintenance the responsibility of the applicant.

Council Member Bertram discussed areas along Highway 55 that were not being maintained.

Mr. Millar explained that, for this particular project, everything in the public right-of-way was concrete sidewalk and the rest was on Mr. Bird's property and subject to be

maintained by Mr. Bird. Mr. Millar emphasized that there were no landscape areas in this project requiring maintenance by the City.

Council Member Bertram said that she would like to see enforcement of landscaping maintenance on the scenic overlay along the Highway 55 corridor.

Mr. Millar stated that in this particular case, the applicant had committed to maintaining the property.

There was a lengthy discussion concerning landscaping along the corridor and how to maintain the quality of the landscaping.

Council Member Bailey requested that Community Planning provide more information to Council, including drawings that Planning and Zoning Commission looked at for design reviews. Ms. Groenevelt and Mr. Millar said they would provide additional information.

Council members had questions concerning the Development Agreement and the Findings and Conclusions, and the drawings, and also provided corrections.

**Council Member Bailey moved to adopt the Findings and Conclusions for the Final Plat and Conditional Use Permit CUP-06-12 and approve the Final Plat for SUB-06-2 Park Street Plaza. Council Member Scott seconded the motion.**

Council Member Bertram asked if the picture on the highway had been approved; Mr. Millar stated that the design review had been approved.

**In a roll call vote all members voted aye and the motion carried.**

**Council Member Bailey moved to approve the related Development Agreement with amendments and authorize the Mayor to sign. Council Member Bertram seconded. In a roll call vote, all members voted aye and the motion carried.**

**AB 06-144 SUB-06-3 and CUP-06-15, The Docks at McCall and related Development Agreement.**

Ms. Groenevelt introduced the agenda bill.

Council members asked for clarification of some items and emphasized again the need to maintain the landscaping along public right-of-ways. They also provided some corrections to the documents.

**Council Member Kraemer moved to adopt the Findings and Conclusions for the Final Plat and Conditional Use Permit CUP-06-15 and approve the Final Plat for SUB-06-3, The Docks at McCall, as amended. Council Member Bertram seconded the motion. In a roll call vote, all members voted aye and the motion carried.**

**Council Member Kraemer moved to approve the related Development Agreement as amended and authorize the Mayor to sign. Council Member Bertram seconded the motion. In a roll call vote, all members all voted aye and the motion carried.**

Mayor Robertson commented on the Golf Advisory Committee Minutes, saying he applauded the committee's comment about considering financial incentives for golf course employees and encouraged the Deputy City Manager to pass these comments on to the City Manager. Council agreed that the golf course was in the best shape it had ever been in. Mr. Millar complimented Billy Romero for stepping in and taking on additional responsibilities during this time of transition. Council Member Bertram agreed that these employees should receive some type of compensation.

Council Member Bertram observed that the City seemed to be in violation of City Code because the enclosure for the trash receptacles was not finished, and she asked that the trash dumpster be moved farther away from the building. She said that the work had been started by volunteers on the Golf Advisory Committee, but they were not able to finish it. The Council agreed that the project needed to be completed. Council discussed whether or not funds would be available in the golf budget for the completion.

Council Member Bailey asked about the status of the Environmental Committee; Mayor Robertson reminded the Council that the City Manager said he would be in contact with Deb Fereday.

Council Member Bailey asked to whom comments should be addressed concerning parking lots that were not up to the new City Code. Mr. Millar said to contact Cheryl Rabe, the Code Enforcement Officer.

## **EXECUTIVE SESSION**

**At 9:25 p.m. Mayor Robertson moved to go into executive session per Idaho Code § 67-2345(1)f concerning litigation Council Member Scott seconded the motion. All members voted aye and the motion carried.**

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

## **BUSINESS AGENDA**

The Council returned to the Business Agenda at 9:45 p.m.

**Council Member Kraemer moved to direct counsel to offer to follow the requirements of Idaho Code § 50-1006 and Idaho Code § 63-802 in the Wausau**

litigation case. Council Member Scott seconded the motion. In a roll call vote, all members voted aye and the motion carried.

## **ADJOURNMENT**

The meeting was adjourned at 9:47 p.m.

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William A. Robertson, Mayor

### **ATTEST:**

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Joanne E. York, City Clerk