

# MINUTES

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## McCall City Council Regular Meeting February 23, 2006

### TABLE OF CONTENTS

CALL TO ORDER AND ROLL CALL  
WORK SESSION - POLICE DEPARTMENT  
PLEDGE OF ALLEGIANCE  
PUBLIC COMMENT  
CONSENT AGENDA  
BUSINESS  
EXECUTIVE SESSION  
BUSINESS  
REPORTS  
COMMITTEE MINUTES  
ADJOURNMENT

### CALL TO ORDER AND ROLL CALL

Mayor Robertson called the regular meeting of the McCall City Council to order at 4:05 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 Lindley Kirkpatrick, City Manager; Brenda Loftis, Human Resource Director; and Jerry Summers, Chief of Police.

### WORK SESSION

#### Police Department

The following City staff members joined the meeting in progress: Roger Millar, Community Development Director; Michelle Groenevelt, Community Planner; Rich Harvey, Airport Manager; Linda Stokes, Accounts Payable; Kristi Foster, Treasurer; and Joanne York, City Clerk. Also present was Lee Heinrich, Valley County Clerk.

At 6:01 p.m. Mayor Robertson led the audience in the Pledge of Allegiance.

## **PUBLIC HEARING**

**Mayor Robertson called for public comment at 6:03 p.m.**

Alana Shoemaker thanked Council Member Kraemer for listening and responding to public comments concerning the 35' height limit. Ms. Shoemaker said she would like the Council to make better reports to the public. She believed the most important issue was housing and urged Council to really listen to the people.

Dottie Moore also thanked Council Member Kraemer for standing up for his beliefs and for those of the people who voted for him. She expressed concern about preserving the 800 feet along the lake and stated that people come to McCall to see the lake.

Travis Lundquist stated that land and resources are disappearing in McCall. He believed that more supply will bring prices down. He stated that McCall needs to have a convention center and that a new hotel will bring a lot of money to the community as a whole.

John Sabala stated his concern that we cannot have growth as long as we do not have adequate sewer, which along with water issues, prohibits growth. He said the City should solve those issues before addressing height limits.

**Hearing no further comments, Mayor Robertson closed the Public Hearing at 6:17 p.m.**

## **CONSENT AGENDA**

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

## **BUSINESS AGENDA**

### **AB 06-51 Valley County Report from Lee Heinrich, Valley County Clerk.**

Mr. Heinrich gave a short historical report on the Valley County Annex and court services offered there. He said the facility could no longer handle the volume and that there was a safety issue that needed to be addressed. He said that Judge Williamson recommended writing a consent letter, stating that the County did not want to close the Annex but wanted to suspend court filings, and to have an agreement between the County and the City of McCall not to schedule any more hearings at the Annex. Mr. Heinrich said that they hope to build another facility in the future. Mr. Heinrich said the County will continue to hold juvenile court at the Annex and that everything will remain the same except that adult court will be held at the County.

The Council thanked Mr. Heinrich for his presentation.

### **AB 06-50 FY05 Audit Report.**

Mr. Kevin Smith, of Eide Bailey, distributed copies of the audit report to Council. He explained the audit process and discussed the audit results, stating that the City had been issued an unqualified opinion, which was the highest rating. Mr. Smith referred to page one, paragraph four, stating that there was a bit of uncertainty reflected due to the sewer issues because of the appeal process which had to be disclosed. The conclusion of the audit was that there were no significant problems. Mr. Smith expressed appreciation to Linda Stokes for doing a remarkable job. He also said that the past staff had done a great job getting to this point, and that with the current staff he believed the City was in great hands.

### **AB 06-48 SUB 05-12 and PUD 05-4: Village at Deer Forest Final Plat, Final Plan and Related Development Agreement.**

Michelle Groenevelt introduced this item, stating that the Planning and Zoning Commission recommended the Council approve the final plat and the final plan. There was some discussion that some properties would be under the new overlay design and would require additional approval from Planning and Zoning. Mr. Millar assured the Council that an applicant would have to submit a scenic route site plan to the Planning and Zoning Commission. Mayor Robertson noted that the Mayor's signature line needed to be corrected.

**Council Member Scott moved to adopt the draft Findings and Conclusions and approve the Final Plat for SUB-5-12 and the Final Plan for PUD-05-4, Village at Deer Forest. Council Member Bertram seconded the motion. In a roll call vote, Council Member Scott voted aye, Council Member Bertram**

voted aye, Council Member Bailey abstained, Council Member Kraemer voted aye, and Mayor Robertson voted aye. The motion carried with four ayes and one abstention.

Council Member Scott moved to approve the related Development Agreement with the correction to the Mayor's signature line, and authorize the Mayor to sign. Council Member Bertram seconded the motion. In a roll call vote, Council Member Scott voted aye, Council Member Bertram voted aye, Council Member Bailey abstained, Council Member Kraemer voted aye, and Mayor Robertson voted aye. The motion carried with four ayes and one abstention.

**AB 06-56 Assignment/Assumption of Brown/Dorris Hangar Lease, Hangar 106A.**

Rick Harvey, Airport Manager, introduced this item, stating that the Airport Advisory Committee had both reviewed and approved it, contingent upon the Airport Manager sending a letter to all owners within this hangar row that there existed the possibility of their property being bought by the City for future hangar development. A copy of the letter had been provided the Council in their packets.

Council Member Scott moved to approve the assignment/assumption of the City's hangar lease with Mr. Brown to Mr. Dorris. Council Member Bailey seconded the motion. All members voted aye, and the motion passed unanimously.

**AB 06-47 Resolution 06-08 – Amend Resolution 05-21 Wastewater Policy to change the limitation on the issuance of additional service hookups and provide an effective date.**

Mr. Millar, Community Development Director, introduced this item, noting the following:

1) The City had new and refined information from CH2M HILL; 2) DEQ discussion was ongoing; and 3) March 21 will mark the end of the moratorium. There was much discussion concerning sewer capacity, water quantity available, and allocations of building permits. Mr. Millar explained how a "pool" system would work for issuing permits, and how to create fairness for both large developers and single residential developers.

Mayor Robertson said there needs to be provision for runoff before the irrigation season starts for this year, if possible. Mr. Millar explained that the City will have a long-range plan in twelve to fifteen months. Mr. Millar also stated that the City is committed to reporting monthly to DEQ and to Central District Health with a declining balance report indicating the water status.

**Council Member Bailey moved to adopt Resolution 06-08 and authorize the Mayor to sign all necessary documents. Council Member Bertram seconded the motion. In a roll call vote, Council Member Bailey, Council Member Bertram, Council Member Kraemer, Mayor Robertson, and Council Member Scott all voted aye. The motion passed unanimously.**

**AB 06-52, AB 06-53, AB 06-54, and AB 06-55.**

Mr. Millar asked the amendment issues be addressed in the following order: February 22, 2006 memo; February 21, 2006 memo; and then the four ordinances.

**The February 22, 2006 Memo.**

There was discussion concerning access to rooftops, whether or not to allow stairways with entrances that would be 10' above the roof line, including 4' railings, without blocking views of the lake, and how to soften the appearance of such structures. Mr. Millar emphasized that all plans would be subject to design review and that the design review will be a mechanism to manage height.

**Council Member Bailey moved to approve the revision to the definition of building height as it is written in the February 22, 2006 memo. Council Member Kraemer seconded the motion. All members voted aye, and the motion passed unanimously.**

**Amendment B.**

In Table 3.4.02, professional offices in the Central Business District are limited. The definition of "professional office" did not specifically list real estate brokers and agents, title companies, and subdivision or fractional ownership sales and marketing. Mr. Millar explained that he wanted the definition to be very clear. Mr. Millar explained that goal was to have something interesting to look at on the street, to get offices off the street front.

**Mayor Robertson moved to accept the recommendation and modify the definition "professional office". Council Member Scott seconded the motion. All members voted aye, and the motion passed unanimously.**

**Table 3.4.02.**

Mr. Millar explained some minor changes for Table 3.4.02 to correct the numbering in the footnotes.

**Mayor Robertson asked the Council for a vote to approve these changes. All members voted aye, and the motion passed unanimously.**

**The Council also approved a few simple housekeeping changes.**

### **Chapter 10, A and B.**

Mr. Millar explained that these two are related and that the Council had the option to either delete these or to modify them. Mr. Millar recommended modifying the wording to address specifically the lake front property in the Central Business District. Mr. Millar recommended changing wording from “such as” to “shall include” in reference to amenities and public benefits required for projects that would exceed the height limit. He said that these items will be incorporated into the PUD application process rather than just being suggestions.

There was discussion concerning adding a maximum height limit. Council Member Kraemer stated he would like to keep the maximum height at 35’ because once the height was raised, they would not be able to lower it. He raised the question of whether or not this issue could go before the public in a vote.

Bill Nichols, City Attorney, explained that there is no prohibition against advisory votes. He cautioned, however, that once that door was opened, there would be an expectation on the part of the public that the City would bring other issues to ballot.

There was further discussion on the issue of a public vote. Mayor Robertson reminded the Council that McCall did not have a town hall form of leadership so it was not necessary to have polls on tough issues. Council Member Bailey stated that the function of the Council was to make decisions and that the public hearing process allowed the public to have their say.

Council Member Bailey explained that the reason why the Planning and Zoning Commission passed the height issue on to the City Council was to allow for more public debate.

Council Member Scott said that she wanted the Council to be able to hold their heads up high in five years or so, knowing that they allowed opportunity to preserve physical and visual access to the lake. She stated that if going up one or two stories was necessary to make that happen and to make the town more vibrant, then that was what the Council needed to do. She said the change did not mean approval but would allow the Council the opportunity to look at options.

Council Member Bertram said that McCall did not have an attractive corridor to access the lake and that it would be irresponsible for the Council to not even look at projects. She stated that changes to the “shall be’s” would only give the

town more access to the lake and that if they closed the door on this issue, the community would not have any say so. She said the Council needed to look at the feasibility of remodeling downtown. She stated she wanted to place a limit on the height but wanted the people to be able to come to the Council with projects.

Mayor Robertson emphasized that more restaurants would bring more people.

There was discussion concerning the PUD process.

**Council Member Bailey moved to delete paragraphs 3.10.07H and 3.10.08L from Title III. Council Member Kraemer seconded the motion.**

**In a roll call vote, Council Member Bailey voted aye, Council Member Kraemer voted aye, Council Member Bertram voted nay, Mayor Robertson voted nay, and Council Member Scott voted nay. The vote was three nays and two ayes; the motion failed.**

There was more discussion concerning a maximum height limit.

**Council Member Scott moved to accept the amendments as written in Chapter 10, 3.10.07 and 3.10.08, with the inclusion of a maximum height of 50' in that area. Mayor Robertson seconded the motion.**

**In a roll call vote, Council Member Scott voted aye, Mayor Robertson voted aye, Council Member Bertram voted aye, Council Member Kraemer voted nay, and Council Member Bailey voted aye. The vote was four ayes and one nay, and the motion carried.**

#### **Amendment 1**

Mr. Millar introduced the first amendment on the February 21st memorandum, which was to substitute 18% for 24% in 9.7.10A, and the staff recommendation was for denial.

There was much discussion concerning this issue. Council Member Kraemer believed that it was important to stay with 24% to provide much needed housing. Council Member Bertram favored lowering it to 20% to stimulate commercial growth. Council Member Bailey spoke in favor of 20%. Council Member Scott recommended 15% to stimulate building now and then revisit the issue in twelve months. Mayor Robertson stated his major concern was the business vitality in McCall and said that McCall had a very narrow set of opportunities for new subdivisions or for annexations. He stated the Council needed to focus on vitality and growth for McCall and recommended 15%.

**Council Member Bailey moved to modify 9.7.10A, Inclusionary Housing, to change the 24% to 20%. Council Member Kraemer seconded the motion. In a roll call vote, Council Member Bailey voted aye, Council Member Kraemer voted aye, Council Member Bertram voted aye, Mayor Robertson voted nay, and Council Member Scott voted nay. The vote was three ayes and two nays, and the motion carried.**

**Amendment 2, Section 9.7.10A2.**

Mr. Millar explained that this change was to clarify the language.

**Mayor Robertson moved to accept the change. Council Member Bertram seconded the motion. All members voted aye. The motion carried.**

**Amendment 3, Section 9.7.10A3.**

Mr. Millar recommended changing the language from “dispersed throughout” to “in such a manner as to create an integrated subdivision.”

**Council Member Bailey moved to accept the amendment to Section 9.7.10A3. Council Member Scott seconded the motion. All members voted aye. The motion carried.**

**Amendment 4**

Mr. Millar recommended substituting language in A, “Constructing community housing offsite conflicts with one or more of the Comprehensive Plan goals”, and C, “The opportunity exists to construct the units in conjunction with other community housing.” He said the idea was to substitute some language to say that some combination conforms and that covers the intent of the existing C.

**Amendment 5**

Mr. Millar recommended deleting paragraph C because it was already covered in paragraph A.

**Mayor Robertson moved to accept Amendments Four and Five as recommended by staff. Council Member Bertram seconded the motion. All members voted aye. The motion carried.**

**Amendment 6, Section 9.7.10A4, Community Housing Offsite.**

Mr. Millar stated this amendment was to clarify the language.

**Mayor Robertson moved to accept this amendment as recommended by staff. Council Member Kraemer seconded the motion. All members voted aye. The motion carried.**

**Amendment 7, Section 9.7.10A4A.**

Mr. Millar recommended approval of this amendment.

**Council Member Bertram moved to accept this amendment as recommended by staff. Mayor Robertson seconded the motion. All members voted aye. The motion carried.**

**Amendment 8, Section 9.7.10A4E.**

Mr. Millar said this concerned off-site housing. He stated the goal was to put housing where community services were located.

**Council Member Bailey moved to accept 9.7.10A4E as written. Council Member Kraemer seconded the motion.**

There was discussion concerning how the percentages would affect the economy.

**In a roll call vote, Council Member Bailey voted aye, Council Member Kraemer voted aye, Council Member Bertram voted aye, Mayor Robertson voted nay, and Council Member Scott voted nay. The vote was three ayes and two nays. The motion carried 3 - 2.**

**Amendment 9, Section 9.7.10.A5A, Land Conveyance.**

**Council Member Bailey moved to accept this amendment as recommended by staff. Council Member Scott seconded the motion. All members voted aye. The motion carried.**

**Amendment 10, Section 9.7.10.A5B, Land Conveyance.**

**Mayor Robertson moved to accept this amendment as recommended by staff. Council Member Bailey seconded the motion. All members voted aye. The motion carried.**

**Amendment 11**

Mr. Millar stated this item would amend Section 9.7.10A7D, Deed Restrictions.

**Council Member Bailey moved to accept this amendment as it stands, designating twelve (12) months. Council Member Kraemer seconded the motion.**

**Council Member Scott moved to amend the original motion to “six (6) months.” Mayor Robertson seconded the motion. In a roll call vote, Council Member Scott voted aye, Mayor Robertson voted aye, Council Member Bailey voted nay, Council Member Bertram voted nay, and Council Member Kraemer voted nay. The vote was three nays and two ayes; the motion failed.**

**Council Member Bertram moved to amend the motion to “nine (9) months.” Council Member Scott seconded the motion. In a roll call vote, Council Member Bertram voted aye, Council Member Scott voted aye, Council Member Bailey voted nay, Mayor Robertson voted aye, and Council Member Kraemer voted nay. The vote was three ayes and two nays; the motion to approve the amendment carried.**

**In a roll call vote to approve the motion as amended to “nine (9) months”, Council Member Bertram voted aye, Council Member Scott voted aye, Council Member Kraemer voted nay, Mayor Robertson voted aye, and Council Member Bailey voted aye. The vote was four ayes and one nay; the motion carried.**

**Amendment 12, Section 9.7.10A9A2, Inclusionary Housing Plan.**

Mr. Millar said the amendment concerned payment.

**Council Member Scott moved to accept the amendment as written. Mayor Robertson seconded the motion. All members voted aye, and the motion carried.**

**Amendment 13, Section 9.7.10A10, Community Housing Guidelines.**

Mr. Millar said the amendment added the sentence, “If any conflict should arise between the Community Housing Guidelines and this ordinance, the provisions contained in this ordinance shall control.”

**Mayor Robertson moved to accept this amendment as recommended. Council Member Bailey seconded the motion. All members voted aye. The motion carried.**

**Amendments 14 and 15, Section 9.7.10A13.**

Mr. Millar said these two amendments concerned the same issue and would be considered together. There was some discussion concerning the meaning of “reasonable”. Mr. Nichols, City Attorney, said the amendment essentially said there had to be a reason and some connection; the decision cannot be arbitrary.

**Mayor Robertson moved to approve points 14 and 15. Council Member Kraemer seconded the motion. All members voted aye. The motion carried.**

Mr. Millar introduced the four ordinances. He stated the staff’s intent, if the Council approved the ordinances tonight, was to publish the summaries in the

March 16<sup>th</sup> edition of *The Star-News*. The summaries will be presented to Council at the March 9<sup>th</sup> meeting.

**Ordinance 821 – Repeal and Reenact Title III Planning and Zoning**

**Council Member Bailey moved to suspend the rules and read Ordinance 821 by title only, one time only. Council Member Bertram seconded the motion. In a roll call vote, Council Member Bailey voted aye, Council Member Bertram voted aye, Council Member Scott voted aye, Mayor Robertson voted aye, and Council Member Kraemer voted aye. The motion carried.**

The City Clerk read Ordinance 821 by title only, one time only.

**Council Member Bailey moved to adopt Ordinance 821 as read. Council Member Bertram seconded the adoption. In a roll call vote, Council Member Bailey voted aye, Council Member Bertram voted aye, Council Member Kraemer voted nay, Mayor Robertson voted aye, and Council Member Scott voted aye. The vote was four ayes and one nay. The motion carried.**

**Ordinance 822 – Title IX**

**Council Member Bailey moved to suspend the rules and read Ordinance 822 by title only, one time only. Council Member Kraemer seconded the motion. In a roll call vote, Council Member Bailey voted aye, Council member Kraemer voted aye, Council Member Scott voted aye, Council Member Bertram voted aye, and Mayor Robertson voted aye. The motion carried.**

The City Clerk read Ordinance 822 by title only, one time only.

**Council Member Bailey moved to adopt Ordinance 822 as read. Council Member Kraemer seconded the adoption. In a roll call vote, Council Member Bailey voted aye, Council Member Kraemer voted aye, Council Member Bertram voted aye, Mayor Robertson voted aye, and Council Member Scott voted aye. The motion carried.**

**Ordinance 820 – Community Housing**

**Council Member Kraemer moved to suspend the rules and read Ordinance 820 by title only, one time only. Council Member Bertram seconded the motion. In a roll call vote, Council Member Kraemer voted aye, Council Member Bertram voted aye, Mayor Robertson voted aye, Council Member Bailey voted aye, and Council Member Scott voted aye. The motion carried.**

The City Clerk read Ordinance 820 by title only, one time only.

**Council Member Bertram moved to adopt Ordinance 820 as read. Council Member Bailey seconded the motion. In a roll call vote, Council Member**

Bertram voted aye, Council Member Bailey voted aye, Council Member Scott voted aye, Mayor Robertson voted aye, and Council Member Kraemer voted aye. The motion carried.

#### **Ordinance 819 – Inclusionary Housing**

Council Member Bailey moved to suspend the rules and read Ordinance 819 by title only, one time only. Council Member Bertram seconded the motion. In a roll call vote, Council Member Bailey voted aye, Council Member Bertram voted aye, Council Member Kraemer voted aye, Mayor Robertson voted aye, and Council Member Scott voted aye. The motion carried.

The City Clerk read Ordinance 819 by title only, one time only.

Council Member Bailey noted a correction should be made to delete “Zoning Code”, and correct the wording to say, “Subdivision and Development Regulation Code.”

The City Clerk read the corrected title.

Council Member Kraemer moved to adopt Ordinance 819 as read. Council Member Scott seconded the motion. In a roll call vote, Council Member Kraemer voted aye, Council Member Scott voted aye, Council Member Bertram voted aye, Mayor Robertson voted aye, and Council Member Bailey voted aye. The motion carried.

### **EXECUTIVE SESSION**

At 10 p.m., Mayor Robertson moved to go into executive session per Idaho Code 67-2345(1f).

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

At 10:46 p.m., Council Member Bertram moved to come out of executive session. Council Member Bailey seconded the motion. Council Member Bertram, Council Member Bailey, Council Member Kraemer, Mayor Robertson and Council Member Scott voted aye. The motion carried.

### **BUSINESS AGENDA, CONTINUED**

At this time, Council Member Bailey recused himself from the Council.

**AB 06-57 Spring Mountain Meadows Resolution 06-09**

Mr. Millar introduced this item.

**Council Member Kraemer moved to adopt Resolution 06-09. Council Member Bertram seconded the motion. In a roll call vote, Council Member Kraemer, Council Member Bertram, Mayor Robertson, and Council Member Scott voted aye. The motion carried.**

The Council agreed to accept the City Manager's Report via email the following day.

**ADJOURNMENT**

**Without further business, Mayor Robertson moved to adjourn. Council Member Bailey seconded the motion. Mayor Robertson, Council Member Bailey, Council Member Bertram, Council Member Kraemer, and Council Member Scott voted aye. The motion carried. The Council adjourned at 10:53 p.m.**

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William A. Robertson, Mayor

**ATTEST:**

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Joanne E. York, City Clerk