

MINUTES

McCall City Council Regular Meeting Thursday, June 10, 2004

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Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Eimers called the regular meeting of the McCall City Council to order at 7:00 p.m. Mayor Eimers, Council Member Bertram, Council Member Greer, and Council Member Muller answered roll call. A quorum was present. City staff members present were City Attorney Chris Yorgason, Deputy City Manager and Community Development Director Lindley Kirkpatrick, Treasurer Amanda Townsend, Parks and Recreation Director Brock Heasley, Airport Manager Kevin Delaney, Lieutenant Chris Moore, Grant Coordinator Carol Coyle, and Assistant to the City Manager Tina Clark.

Mayor Eimers led the Council in the Pledge of Allegiance.

Mayor Eimers amended the agenda adding three items to business: updates to the Personnel Policy Manual, expenditure of Council Contingency funds, and an update to the Mountain Lakes Realty sewer back-up situation.

PUBLIC HEARING

At 7:03 p.m., Mayor Eimers opened the Public Hearing on AB 04-81 VAC-04-1 a request to vacate a portion of the Lenora Street and Fourth Street rights-of-way

Lindley Kirkpatrick said the May 27, 2004 public hearing was continued until June 10, 2004 and staff was directed to work with the applicant to develop alternatives for the Council's consideration. An appraisal of the property is being prepared. The Planning and Zoning Commission recommended that the Council approve the vacation. The Transportation Advisory Committee recommended that the vacation not be approved. The staff recommends that the vacation be approved.

Recommended action from staff is to adopt Planning and Zoning's Findings and Conclusions and vacate the property; convey the parcel to Judy Leister; and enter into

an agreement with her that has four elements: 1) she will construct and donate the proposed park, subject to design approval by the Parks & Recreation Director 2) the park will be built concurrently with the building Judy Leister is proposing, but no later than December 31, 2005. There is an extension of that time period of one year. 3) All the construction and design costs would be borne by Judy Leister. She will deposit \$40,000.00 into an escrow account that represents the appraised value of the property. She will then build the park; once the park is complete and accepted and the costs of the park are established, if the costs are greater than \$40,000.00, everything in the escrow account including interest would be released back to Judy Leister. If the costs are less than \$40,000.00, funds would be released equal to the construction costs back to Judy Leister and the balance would come to the City. If the park is not built all, the funds in the escrow account go to the City. 4) Either Judy Leister or the proposed condominium association will maintain the park.

Council Member Greer asked if the City received any information from the Parks Advisory Committee. Mr. Kirkpatrick said the Parks Advisory Committee did not formally review the proposed plans.

Mayor Eimers ask if the water line would be moved for the project. Mr. Kirkpatrick said the only reason why the water line would be relocated is if Judy Leister wanted to build over it.

Council Member Greer asked if there is an easement on a property and it interferes with the use and enjoyment of that property one is buying, then there would be a credit against the value of that property. Judy Leister said the problem is appraisers do not appraise the property for a specific use. They would take into account an easement, but whether one would need to do something to the property to change it, it would be considered a specific use.

Charlie Taber, 815 Pinedale, said he is confused as to why the City is in a hurry to sell the property. He has always enjoyed the piece of property and it is the only place in McCall where he can see over the City of McCall and have a view to the lake and surrounding mountains. Mr. Taber said he doesn't think the City should give away this piece of property.

Scott Findlay, 277 Potter Lane, said he is pleased that someone is taking the initiative to get some mixed use in the downtown area. This is what was envisioned for this area about eight or nine years ago from the Downtown Planning Committee. He hopes it will be approved.

Emily Whitman, 1001 Fourth Street, said if the project is approved she will lose at least 1/3 the value of her property, and asked that if the City sells the right of way could she buy it.

Lindley Kirkpatrick explained that the City has received an application to vacate the property, this is a vacation request not surplus property. The option before Council is to either approve or deny the vacation.

Mayor Eimers asked if the project is doable without a vacation. Ms. Leister said not totally, a different project would be doable, and that something will be built on the property.

Mr. Lindley Kirkpatrick said the conceptual building design will meet all the code requirements, the use they purposed is a permitted use, there are no variances, or conditional uses proposed.

Council Member Bertram said the Urban Renewal did approve the project and it fits into the Downtown Plan.

Mayor Eimers asked what happens to the development. Ms. Leister said the property is adjacent to the property she owns. The property should allow an office building to be built and the office building will have some residential use, and can be done without the right-of-way.

Hearing no further comments, Mayor Eimers closed the public hearing at 8:07 p.m.

Council Member Greer said that if the City has a parcel of public land there are four options: 1) keep the land and do nothing. 2) Vacate the right-of-way to the adjacent user as requested. 3) Declare the property surplus and put it up for auction. 4) Propose or ask if the City can vacate less than the full amount. Looking at the property, it might be possible to not vacate the north east point. The park would not be completely on the vacated property, if the City came to some agreement that the steep slope is not needed for the development, the City could vacate less property.

Council Member Muller said he doesn't have a problem with the vacation at this time.

Council Member Bertram said you can't control what goes in front of one's property. She said it is unfortunate that Ms. Whitman will lose part of her view because of the vacation.

Mayor Eimers moved to adopt the draft findings and conclusions as amended to include findings that the Urban Renewal Agency recommends approval of the vacation and that the project complies with the Downtown Master Plan, and subject to the four conditions included in the June 10, 2004 memo from Lindley Kirkpatrick. Council Member Muller seconded the motion. In a roll call vote, Council Member Bertram, Council Member Muller, and Mayor Eimers voted aye. Council Member Greer voted no. The motion carried.

A break was taken at 8:35 to 8:44 p.m.

At 8:44 p.m., Mayor Eimers opened the Public Hearing on AB 04-92 Zon-04-3 designation upon annexation for the proposed River's Crossing Subdivision.

Lindley Kirkpatrick said on April 6, 2004, the Planning and Zoning Commission conducted a public hearing on a request for zoning designation upon annexation for approximately 76 acres for the proposed River's Crossing Subdivision. The current zoning designation is R-1; the requested zoning designation is both A Residential and R-1. The property is located on the west side of the Payette River, across from Riverfront Park and east of the Pine Terrace Subdivision. The recommended action is to adopt Planning and Zoning recommendations and zone the property A and R-1.

Jim Fronk, Sesech Engineering presented a color photograph of the proposed River's Crossing Subdivision.

Council Member Bertram asked if there were conditions of approval for the proposed annexation of River's Crossing Subdivision, and was the applicant asked to consider affordable housing. Mr. Kirkpatrick said it was discussed and that there is opportunity for varied prices within the development. Nothing is committed for affordable housing at this time.

Council Member Greer moved to adopt the draft Findings and Conclusions for ZON-04-3 and authorize the Mayor to sign all necessary documents. Council Member Bertram seconded the motion. In a roll call vote, Mayor Eimers, Council Member Muller, Council Member Greer, and Council Member Bertram voted aye. The motion carried.

At 9:17 p.m., Mayor Eimers opened the Public Hearing on AB 04-93 ZON-04-2, a zoning map amendment to rezone the property at 810 Lakeside Avenue from B Residential to C Commercial.

Lindley Kirkpatrick said on April 6, 2004, the Planning and Zoning Commission conducted a public hearing on a request from Larry Wilfinger to rezone the property located at 810 Lakeside Avenue from the B Residential zoning district to the C Commercial zoning district. The property is approximately one-half acre in size and is located immediately east of the former "Chicken Roost", across the street from Idaho Power. The Planning and Zoning Commission recommends approval of the rezoning request.

Council Member Muller moved to approve the rezoning of 810 Lakeside Avenue from B residential to C Commercial; and adopt Ordinance 795; and authorize the Mayor to sign all necessary documents. Mayor Eimers seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Muller, and Mayor Eimers voted aye. The motion carried.

PUBLIC COMMENT

Mayor Eimers called for public comment.

No public comment was received.

CONSENT AGENDA

Minutes of May 27, 2004

Payment Approval List for Warrant Registers for input dates between May 22 & June 3, 2004

Payroll Report for Pay Period Ending May 8, 2004 to May 21, 2004

AB 04-85 Special use permit for use of Fairway Park on August 21 and 22, 2004

AB 04-90 Edward Byrne Memorial Grant award for McCall Police Department

AB 04-91 Alcohol Beverage Catering Permits

AB 04-95 Downtown Improvement Project Sage Community Resources Grant

Administration Payment

AB 04-96 Public Art

Minutes of May 27, 2004 were pulled from the Consent Agenda.

Council Member Bertram moved to approve the Consent Agenda and authorize the Mayor to sign all necessary documents. Mayor Eimers seconded the motion. In a roll call vote, Mayor Eimers, Council Member Bertram, Council Member Greer, and Council Member Muller voted aye. The motion carried.

BUSINESS

AB 04-99 Life Flight and Snow Removal at McCall Municipal Airport – Presentation by Nick Long

Nick Long, Director of Flight Operations at Conyan Aviation, said Conyan Aviation for eighteen years has been the fixed wing or non-helicopter branch of Life Flight. Conyan Aviation noticed three years ago a change in runway conditions. For the first time in the eighteen year history of Life Flight, Mr. Long suspended all operations at McCall Municipal Airport. McCall Municipal Airport was either on restricted or suspended status in excess of forty days of the prime ninety days of snow removal. There were at least ten patients that endured an excess of a three hour ambulance drive to Boise. Mr. Long asked the Council to please reconsider their snow removal policy at the McCall Municipal Airport.

Dan Scott, President of McCall Aviation, said they are the only public operation at the airport. During the 10-12 weeks of winter, about 15 medium size jets were diverted from McCall because of the conditions of the runway. The majority of jets flying are fractional ownership, and if they have a bad experience at an airport they will "black list" it. The McCall Municipal Airport needs to be brought up to speed with the rest of the infrastructure in the city.

Scott Findlay, Secretary/ Treasurer for Flight Line Condominium Association, said for at least six weeks last winter they were not able to get planes in and out of hangars to the taxi ways. The berms weren't knocked down low enough, nor were the taxi ways plowed wide enough. It has been an on-going problem that was exceedingly bad this year. For the Flight Line Condominium Hangars, the lease is \$9,000.00 this year. They have the use of the hangars, just not the use of their airplanes.

Mayor Eimers said to Mr. Kirkpatrick to do what ever it takes to rectify the problem.

Council Member Bertram said she didn't realize that the airport was open during the winter months, or that it was even open every day.

Council Member Greer made a motion to do what is necessary to make the airport acceptable for planes this winter. Council Member Bertram seconded the motion. All Council Members voted aye, the motion carried.

AB 04-94 Spring Mountain Ranch Closure Addendum

Lindley Kirkpatrick said this addendum closes out some of the agreements with Peter O'Neill and Spring Mountain Ranch and it conveys to the City the right-of-way for the completion of the road. Following the conveyance of the right-of-way to the City from Spring Mountain Ranch, the realignment authorized in June 2003 will be completed.

Council Member Muller moved to approve the Spring Mountain Ranch Closure Addendum and authorize the Mayor to sign all necessary documents. Mayor Eimers seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Muller, and Mayor Eimers voted aye. The motion carried.

AB 04-98 City Prosecutor RFQ

Mayor Eimers said Jamie Shropshire has resigned effective July 1, 2004.

Council Member Muller made a motion to direct staff to publish the attached RFQ. Council Member Greer seconded the motion. All Council Members voted aye. The motion carried.

Policy Manual Changes

Printed 8/12/2004

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Mayor Eimers said City Hall is closed June 11, 2004 in observance of the passing of Ronald Reagan, but that the County and State offices are open. He said the closure is because of a provision that is in the policy manual, saying that employees will also be entitled to any other holiday that is officially designated as such by the President of the United States. Mayor Eimers said he would like to immediately eliminate that provision.

Lindley Kirkpatrick said in order to change the personal policy manual it requires a resolution of the Council. City staff drew up a resolution taking section 8, subsection b, part xi on page 15 out of the personal policy manual. Mayor Eimers suggested that in addition to the resolution, Council Members review the personal policy manual in a work session.

Mayor Eimers moved to approve the Resolution. Council Member Greer seconded the motion. All Council Members voted aye. The motion carried.

Council Contingency

Council Member Bertram said she committed the McCall Improvement Committee to pay for extra flowers that she ordered on behalf of the Parks and Recreation Director Brock Heasley. The Parks Department did not budget for the \$1,500.00 expense. Council Member Bertram said she doesn't want the McCall Improvement Committee paying the \$1,500.00 out of their budget, therefore she asked fellow Council Members to transfer \$1,500.00 from the Council contingency fund to the Parks department.

Council Member Bertram also requested that the City start a program growing perennial flowers at the golf course and possibly in the future for the parks. Council Member Bertram would like to see the City plant two beds of perennial flowers, next year adding a few more, and by the third year the flowers will have filled in. Council Member Bertram asked for an addition \$1,000.00 from the Council Contingency fund this one time only.

Mayor Eimers moved to approve \$2,500.00 be transfer from the Council Contingency Fund to pay for flowers. Council Member Muller seconded the motion. Council Member Greer voted no. The motion carried.

Mountain Lakes Realty sewer back up update

Chris Yorgason gave an update to the Mountain Lakes Realty sewer back up, saying that Keller Engineering has denied any responsibility for the sewer back up. Mr. Yorgason spoke with Dave Turner at Masco, and Mr. Turner asked that Mr. Yorgason send him all the documentation and that he would then review it and see what he could do for the City.

Council Member Bertram read a follow up letter to the one the City received dated May 15, 2004 from Mountain Lakes Realty.

Council Member Muller said he is concerned that Mountain Lakes Realty did not have sewer for two and half years, and that it may be a health problem. Council Member Muller expressed that he would have liked to have known about this problem earlier. Mr. Kirkpatrick said he didn't think there was a health issue, the sewer backed up into the building because the sewer filled up the abandoned sewer and then the service line.

Council Member Bertram said she feels the City should pay the \$9,015.90 and then let the insurance company battle it out with Masco and Keller. Council Member Bertram said the City has a problem when inspections are not being properly carried out.

Council Member Bertram moved to approve the City reimburse the amount of \$9,015.90 to Mountain Lakes Realty and have it come out of the sewer fund. When the money is reimbursed from ICRMP, the City will return the money to the sewer fund. Council Member Greer seconded the motion. All Council Members voted aye. The motion carried.

ADJOURNMENT

Without further business, Mayor Eimers moved to adjourn. Council Member Greer seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 11:14 p.m.

Kirk L. Eimers, Mayor

ATTEST:

Tina A. Clark, Deputy City Clerk