

MINUTES

McCall City Council Regular Meeting Thursday May 12, 2005

Table of Contents

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

- AB 05-94 Golf Course Fee Schedule / Resolution 05-06
- AB 05-97 Building Permit Fee Increase / Resolution 05-07
- AB 05-90 ZON-05-4 Nelson Subdivision Zoning Designation
- AB 05-89 River Ranch – Hurst Property Zoning Upon Annexation / Ordinance No. 810
- AB 05-91 PUD-05-3 Merganser Lake Planned Unit Development

PUBLIC COMMENT

CONSENT AGENDA

- Minutes of April 7, 2005
- Payment Approval List for Warrant Registers for input dates between April 22, 2005 and May 5, 2005
- Payment Approval List for Warrant Registers for input date of 4/16/05
- Payroll Report for Pay Period Ending April 22, 2005
- AB 05-95 Alcohol Beverage Catering Permits
- AB 05-98 Alcohol Beverage Licenses for Mile High Marina L.L.C.

BUSINESS

- AB 05-92 2003 International Fire Code Adoption / Ordinance No. 811
- AB 05-93 Airport Manager Appointment
- AB 05-88 Marina Lease Agreement with Mile High Marina L.L.C. / Resolution 05-05

REPORTS

- Golf Course Advisory Committee Minutes April 20, 2005
- Consolidated Department Report

EXECUTIVE SESSION

ADJOURNMENT

CALL TO ORDER AND ROLL CALL

Council Member Robertson called the regular meeting of the McCall City Council to order at 6:03 p.m. Council Member Bertram, Council Member Greer, Council Member Robertson, and Council Member Muller answered roll call. Mayor Eimers was excused. A quorum was present.

City staff members present were Lindley Kirkpatrick, City Manager; Roger Millar Community Development Director/Deputy City Manager; Chris Yorgason, City Attorney; Allan Morrison, Golf Course Professional; Jerry Palmerton, Golf Course Superintendent; and Dan Irwin, City Clerk.

Council Member Robertson led the Pledge of Allegiance.

PUBLIC HEARING

AB 05-94 Golf Course Fee Schedule / Resolution 05-06

Allan Morrison, Golf Course Professional, explained that the new golf course rate structure contained in Resolution 05-06 has been drafted by City Staff and approved by the Golf Course Advisory Committee. In addition to the existing passes and fees, a new \$199 pass has been proposed that will allow green fees to be purchased at ½ price. He said that the fee for playing on Sunday after 5:00 p.m. would be \$10.00 per person in order to encourage play on what is typically the slowest day of the week. He said that they are also proposing a coupon book, which will allow people to purchase ten rounds of golf for the price of eight. Mr. Morrison explained that most of the other fees have been increased by 10 percent. He stated that the new rate structure would lead to \$20,000 in surplus revenue for the year if the projections were met.

Council Member Robertson opened the public hearing at 6:10 p.m. Hearing no comments on the topic, the Council President subsequently closed the public hearing.

Council Member Muller asked why the tournament rates weren't increased. He said that the tournament fees have been a good source of revenue for the golf course.

Mr. Morrison stated that the current tournament entry fees are on the high end of the spectrum when compared to other Idaho Golf Courses. He said that the golf course struggled last year recruiting for the McCall Amateur and other tournaments. He stated that it would be awkward to raise the tournament fees without increasing the prize money for the tournaments.

Council Member Muller stated that he would be supportive of increasing the tournament rates as long as it didn't lower play. He added that McCall provides a unique setting for a golf course and is much different than other courses in the Boise area.

Mr. Morrison said that he would consider implementing an increase in tournament rates in next year's fee schedule.

Council Member Muller asked Mr. Morrison if the point of sale system is used to collect player data that could be used for consideration of adopting a fee schedule that differentiates between resident and nonresident rates.

Mr. Kirkpatrick said that the proposed schedule attempts to incorporate incentives for local residents by offering reduced rate prices during the slower times.

Council Member Robertson stated that he would like Mr. Morrison to provide a report to the Council from the point of sale system that shows individual course play by zip code at the end of the season.

Mr. Morrison agreed to provide the report at the end of the season. He cautioned that the data may be somewhat skewed based upon the number of part-time residents in the City.

Council Member Bertram requested an update on the condition of the golf course.

Jerry Palmerton, Golf Course Superintendent, reported that the golf course staff has reseeded all of the greens on the Aspen and Birch courses. He said that they are using the covers for the greens to stimulate germination and growing. Mr. Palmerton stated that the overall condition of the course is progressing at a good pace.

Council Member Bertram asked if the entire golf course would be open by Memorial Day weekend.

Mr. Palmerton reported that he expects that only part of the course will be open by Memorial Day. He said that it is important for the reseeded greens to be established to a point to handle heavy foot traffic. He stated that opening the course too early could result in significant damage to the turf and they must be cautious.

Council Member Bertram asked if the seasonal crew had been hired yet.

Mr. Palmerton reported that five seasonal employees have been hired and they will be working to fill the remaining positions as the season progresses.

Council Member Bertram asked if any problems have been encountered in the irrigation system.

Mr. Palmerton stated that a main line break occurred on the Cedar course and was currently being repaired. He stated that the full irrigation system had been charged but hadn't been used at night yet.

Council Member Bertram said that members of the public have voiced concerns about the increase in season pass prices.

Council Member Robertson stated that the initial recommendation was to increase the season pass price to \$625 but the Golf Course Advisory Committee finally agreed to increase the price to \$580. He said that the proposed rate schedule recognizes the fact that the number of rounds being played in Idaho are down while operation costs are going up.

Council Member Greer said that one seasonal pass holder expressed that they weren't opposed to the increase in the season pass price.

Council Member Bertram moved to adopt Resolution 05-06 approving the recommended golf course fee structure. Council Member Robertson seconded the motion. In a roll call vote, Council Member Bertram, Council Member Robertson, Council Member Muller, and Council Member Greer voted aye. The motion carried.

AB 05-97 Building Permit Fee Increase / Resolution 05-07

Mr. Kirkpatrick explained that Resolution 05-07 proposes a new fee schedule for building permits and related inspections. He said that Roger Millar prepared a spreadsheet, which indicates that the current City fees are low when compared to what is charged by other communities. He said that building permit fees haven't been increased since 1994 and the proposed resolution would increase the fees by approximately 12%. Mr. Kirkpatrick stated that the new fee schedule is estimated to generate an additional \$60,000 in revenue and will also pass on the contracted fee for plan checking services.

Council Member Robertson opened the public hearing at 6:35 p.m. Hearing no comments on the topic, the Council President subsequently closed the public hearing.

Council Member Robertson announced that even with the proposed increases, the fees would be less than what is charged by the comparison communities.

Council Member Greer asked how the comparison cities were chosen.

Mr. Kirkpatrick stated that he would guess that the cities were chosen based upon Mr. Millar's familiarity with the communities and because they are cities that attract tourism.

Council Member Greer asked if the proposed fees would increase more revenue than what it takes to perform the actual duties performed by the City.

Mr. Kirkpatrick said that the Community Development Department is incurring increased costs and that the fees are appropriate for the scope of work that is performed.

Council Member Robertson added that the Community Development Department would be adding an administrative assistant, planner, building inspector, and contracting for building plan reviews.

Council Member Bertram asked when the additional building inspector position was being proposed.

Mr. Kirkpatrick stated that the position is being proposed for the next fiscal year.

Council Member Greer asked the City Attorney if the collected funds are sufficient to meet the legal duty required of the City to perform the job.

Chris Yorgason, City Attorney, stated that the Idaho Code requires the fees to be reasonable but there is no recourse if they are too low. He stated that the fees should be comparable to the actual work that is performed, and the data shown by Mr. Millar's research establishes such a basis.

Council Member Muller asked if there was an industry standard for establishing building permit and inspection fees.

Mr. Yorgason said that the fees vary based upon each City. He said that some use the breaking points cited in the International Building Code, while others deviate their fee schedules based upon the complexity of codes that have been adopted.

Council Member Bertram asked if the resolution proposes any fees that aren't currently charged by the City.

Mr. Kirkpatrick stated that plan check fees are currently only charged for commercial dwellings. He explained that the resolution proposes to expand the charge to all dwellings.

Council Member Greer asked if the City incurs any liability in performing plan check reviews.

Mr. Yorgason stated that all buildings are required to conform to the City code and the builder is responsible for ensuring that the dwelling is built according to the approved plans. He said that the City could incur some liability if the plans were approved incorrectly. He added that professional plan checking services would assist in ensuring that all building plans meet the requirements of the code.

Council Member Bertram asked about the additional ten percent that is charged to the consumer for plan reviews.

Mr. Kirkpatrick explained that there are two different types of plan check fees. He stated that the charge that is used in most circumstances is 65% of the building permit fee. He said that complex building plans requiring specialty review would be charged at the actual cost of the review plus ten percent.

Council Member Robertson stated that specialty plan checking should be defined in the resolution. He suggested language be added to the resolution specifying that the City has the right to make the sole determination when the specialty services are needed.

Council Member Greer asked about the current process for determining the valuation of a building permit.

Mr. Millar explained that the valuation is determined for each application based upon the submitted plans and current construction costs. He explained that Bill Housdorf is responsible for looking at the plans and estimating the construction costs.

Council Member Robertson moved to adopt Resolution 05-07 approving the recommended building permit and related inspections and fees fee structure and incorporating the amended change. Council Member Bertram seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Robertson, and Council Member Muller voted aye. The motion carried.

AB 05-90 ZON-05-4 Nelson Subdivision Zoning Designation

Mr. Millar stated that the applicant is requesting approval of industrial zoning designation for approximately 0.16 acres in the Payette Lakes Commercial Center in order to combine two existing lots. He explained that the action is normally handled as a record of survey but must be approved through the subdivision process since the lots are located in two subdivisions that are adjacent to each other. He said that the Planning and Zoning Commission held a public hearing and have recommended approval of the action.

Brian Nelson, applicant, stated that he purchased property that was adjacent to an existing lot that he already owned. He explained that the rezoning of the property would make the lot more usable. Mr. Nelson said that he doesn't have any existing plans for the use of the property.

Council Member Robertson opened the public hearing at 6:56 p.m. Hearing no comments on the topic, the Council President subsequently closed the public hearing.

Council Member Greer asked if any objections to the action were voiced in the process.

Mr. Millar stated that no objections were received.

Council Member Greer moved to adopt the draft Findings & Conclusions for ZON-05-4 and authorize the Mayor to sign. Council Member Robertson seconded the motion. All Council Members voted aye. The motion carried.

AB 05-89 River Ranch – Hurst Property Zoning Upon Annexation / Ordinance No. 810

Mr. Millar stated that the McCall River Ranch Company is requesting zoning designation upon annexation of 23.67 acres known as the Hurst Property. He explained that the property is adjacent to the existing River Ranch subdivision and was previously held in a family trust. Mr. Millar stated that the developers were finally able to purchase the property and are seeking to include it as part of the River Ranch subdivision. He said that the property is currently zoned Rural Residential R-10, and the requested zoning designation is Rural Residential R-5. He stated that the application was approved by the Planning and Zoning Commission with no objections.

Council Member Robertson opened the public hearing at 7:05 p.m. Hearing no comments on the topic, the Council President subsequently closed the public hearing.

Council Member Robertson asked if the requested zoning designation was consistent with the current zoning designation of the area.

Mr. Millar confirmed that it was.

Council Member Robertson moved to adopt the draft Findings & Conclusions for ZON-05-3 and authorize the Mayor to sign. Council Member Greer seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Robertson, and Council Member Muller voted aye. The motion carried.

Council Member Robertson moved to suspend the rules and read Ordinance 810 by title only, one time only. Council Member Greer seconded the motion. In a roll call vote, Council Member Muller, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried.

Mr. Yorgason read Ordinance No. 810 by title.

Council Member Robertson moved to adopt Ordinance 810. Council Member Greer seconded the motion. In a roll call vote, Council Member Greer, Council Member Bertram, Council Member Robertson, and Council Member Muller voted aye. The motion carried.

AB 05-91 PUD-05-3 Merganser Lake Planned Unit Development

Mr. Millar explained that the application is for the General Plan approval of a Planned Unit Development within the River Ranch development. He said that the Planning and Zoning Commission conducted public hearings on the request and has recommended approval with certain conditions, which have been included in the draft findings and conclusions. Mr. Millar stated that item 2(b)(i) of the findings and conclusions would require the removal of the gates that are planned for the development. He said that the developer has agreed to all of the conditions imposed by the Commission except for the removal of the gates.

Council Member Robertson asked who is considered the administrator under item 2(c) of the draft findings and conclusions.

Mr. Kirkpatrick stated that Idaho Code specifies that the administrator is the Planning and Zoning Commission.

Council Member Robertson clarified that gates were allowed in the development under the terms of the previous development agreement.

Mr. Millar explained that the prior development agreement was signed on May 1, 2001 and approved an entry feature for the development with a gated entry.

Brian O'Morrow, 1195 Samson Trail, provided an overview of the entire River Ranch development located south of the smoke jumper base. He explained that the development would consist of five-acre residential lots and an eleven-acre parcel designated for the community center and guest cabins. Mr. O'Morrow said that it was the intention of the developer to preserve the ranch character of the property and provide for open space. He said that the building envelopes on the individual lots have been defined to require a large setback from the road to provide for open space. He explained that the subdivision was approved through the Planning and Zoning process four years ago. Mr. O'Morrow said that the development team has found new ways to improve the project and have proposed the new PUD plan. He stated that they hired a marketing group who recommended adding member cabins to the development for residents to use while constructing their individual homes. He stated that after the development is completely built out, residents would be able to allow guests to use the cabins.

Council Member Robertson asked how the ownership of the member cabins would be defined.

Mr. O'Morrow stated that the current plan is to provide fractional ownership of the cabins that would guarantee six weeks of use per year by each resident.

Council Member Robertson asked how the PUD plan differs from the original subdivision application that was approved.

Mr. O'Morrow explained that four lots were added to the PUD application because they didn't meet the code requirements for shape. He stated that the building lots were oddly shaped because of the substantial amount of wetlands that exist on the properties. He explained that the building envelopes on the lots were severely restricted as a result, and the PUD application will allow them to remain.

Mr. O'Morrow stated that they have agreed to all of the conditions issued by the Planning and Zoning Commission except for the removal of the gated entry. He stated that a number of special elements require that the developer have the ability to provide a gated entry. Mr. O'Morrow explained that the first element is the design of the private road that will serve the development. He said that the road was designed not to meet the City standard for width in order to preserve the character of the development. He stated that they are concerned about the liability that will be incurred by the homeowner's association if anyone is allowed to enter the development. Mr. O'Morrow said that the development also includes several manmade lakes and a significant amount of conservation areas along the river that could also become a liability to the homeowners association. He said that they aren't currently planning to install a gate at the entry but wants to reserve the right for the homeowners to if they determine it is needed. He added that the entry feature is currently plumbed for the installation of a gate as it was designed according to the terms of the current development agreement. Mr. O'Morrow stated that the developers made significant concessions to the City in exchange for gates when that development agreement was negotiated.

Council Member Robertson asked if there was only one road for ingress and egress to the development.

Mr. O'Morrow stated that an additional emergency access for phase 1 would be built through Moon Ridge. He stated that an additional entry would be added for phase 2.

Council Member Bertram stated that she doesn't like being held to a development agreement that is four years old. She asked if public hearings were conducted when the original proposal was approved.

Mr. Kirkpatrick stated that several public hearings were held over several months.

Mr. O'Morrow stated that he feels the development agreement provides several benefits to the City and shouldn't be revised four years later. He explained that they aren't marketing the development as a gated community. He said that they are marketing the community as a part of McCall and expects that the residents will not find a need to install the gates. Mr. O'Morrow said that all of the work incurred to this point including the presales and reservations were based upon the terms of the existing development agreement.

Council Member Robertson asked Mr. O'Morrow to clarify if the only public access to the conservation area was from the river.

Mr. O'Morrow confirmed that the only public access to the conservation area was from the river. He stated that the public also benefits from the open space that will exist in the development.

Council Member Greer asked what entity the conservation area was dedicated to.

Mr. O'Morrow stated that that the area was dedicated to the Payette Lands Trust. He added that another benefit seen by the public is the removal of the cattle that have traditionally grazed along the river.

Council Member Greer asked where the water to the lakes inside the development came from.

Mr. O'Morrow explained that they were filled with water from the irrigation rights that are currently associated with the property.

Council Member Bertram stated that she thought all roads are required to conform to City standards.

Mr. Kirkpatrick explained that private roads are allowed 20' width standards.

Judd DeBoer, 115 W. Lake St., stated that he attended the previous public hearings for the Whitetail Development. He said that he remembers Council Member Bertram saying that the gates were needed along the golf course to protect the valuable amenity that had been built by the developer. He stated that valuable amenities also exist in the River Ranch development such as the lakes and conservation areas. Mr. DeBoer stated that they have taken reservations for properties based upon the terms of the development agreement that has already been signed with City.

Larry Shake, South of McCall, stated that Brundage road is currently paved 16' wide with narrow shoulders and is able to withstand a significant amount of traffic.

Council Member Robertson opened the public hearing at 7:40 p.m. Hearing no comments on the topic, the Council President subsequently closed the public hearing.

Council Member Robertson stated that he noticed that in the past the people opposed to the establishment of gates were neighbors of the proposed development. He said that there aren't any adjoining neighbors to the River Ranch development.

Council Member Bertram stated that during the Whitetail public hearings she heard a strong opposition to gates from the community.

Council Member Muller stated that he doesn't remember discussing the gates during the public hearings for the development four years ago. He said that the issues at that time were voiced from the FAA and DEQ and that people's opinions have changed since that time. Council Member Muller stated that the gates were allowed in the Whitetail development to protect the golf course but public access was allowed throughout phase 2 for access to the greenbelt. He stated that he was unaware of the gates in the development and suggested that the Council could continue the public hearing to see if members of the public voiced their opposition to the gates in River Ranch. Council Member Muller said that he has concerns about denying the gates for the Whitetail development but allowing them in River Ranch.

Council Member Bertram added that the public voiced a strong opposition to gated communities. She said that the new zoning code might ban gates for new developments.

Council Member Greer asked how the legal descriptions of the lots adjacent to the River were described.

Mr. O'Morrow explained that the property boundaries extend to the high water mark of the Payette River.

Council Member Robertson stated that the developer has a valid concern about the liability that is incurred by allowing public access to the lakes. He said that the City fenced the pond located by the Public Works building in 1999 because of the increased liability risks.

Mr. Yorgason stated that Idaho Code provides a specific liability exemption from recreation areas because of the assumed risk. He stated that the development agreement is a legal contract between the City and the developer and Idaho Code specifies that significant changes can only be amended through the public hearing process.

Council Member Robertson said that most contracts provide terms that allows the agreements to be amended upon mutual agreement of both parties. He asked if the terms of the existing agreement could be negotiated between the City and the developer.

Mr. Yorgason stated that significant changes to the development agreement would have to be amended through the public hearing process. He said that the removal of gates would be a significant change.

Council Member Robertson asked what options the Council had at this time.

Mr. Yorgason said that the Council could approve the findings and conclusions as drafted and initiate the public hearing process to amend the terms of the development agreement.

Council Member Robertson suggested continuing the public hearing until the Mayor returns. He said that the provisions for gates weren't really known to the governing body or public four years ago.

Council Member Muller stated that he would like more time to research the project.

Council Member Bertram asked what would be entailed in amending the development agreement.

Mr. Yorgason explained that the process would require public notice to be published and public hearings be conducted.

Mr. Millar stated that he understands that the development agreement is a contract. He stated that the City should be able to negotiate the terms of the agreement since the applicant has changed the original plans for the development.

Mr. O'Morrow said the developers have the option to withdraw the PUD application and proceed with what was approved under the original application. He said that it is the developer's intention to improve the project with the PUD application, but they can't be delayed any longer in proceeding with the development.

Council Member Greer stated that he is uncomfortable with the City Council overturning the decision made by a previous Council. He stated that the developer has based their plans on what was approved in the original development agreement and feels that it would be unfair to place new requirements on them.

Mr. Yorgason said that development agreements are contracts that are intended to provide legal implementations forever. He stated that the terms of the agreements are usually drafted to protect the interests of the City.

Mr. Millar stated that the applicant has preliminary plat approval from the Planning and Zoning Commission and could proceed with a final plat application under the terms of the development agreement that was approved four years ago.

Council Member Bertram said that it appears that the Council has no alternative but to uphold the terms of the existing development agreement. She stated that she would like to vote in the best interests of the City but is bound by the terms of the existing development agreement.

Mr. Kirkpatrick said that the applicant and City might be able to negotiate a compromise. He suggested that Council could continue the public hearing and City Staff could negotiate with the developer.

Council Member Muller stated that he approved the gates for the community four years ago but wasn't aware of them. He said that he wasn't aware of the public's voice on the issue of gates until the Whitetail development was proposed. He stated that the

development agreement was approved four years ago in conjunction with a subdivision application but the developer is now proposing changes to that application. Council Member Muller said that he is unaware if the public has been informed about the gates in the development, and suggests continuing the hearing to ensure that the public has an opportunity to comment on the proposal.

Council Member Robertson stated that he isn't opposed to the gates in the development but thinks more time to research the project would be beneficial. He recommended that the Council schedule a special meeting in one week so the developer isn't delayed.

Mr. Yorgason clarified that the Council isn't making a decision on the gates since that was approved four years ago. He stated that the Council can approve the PUD application as presented and begin the public hearing process to amend the development agreement or approve the findings and conclusions with the removal of item 2(b)(i) which requires the removal of the gates.

Council Member Bertram stated that she would support approving the project with the removal of the term from the draft findings and conclusions. She stated that she doesn't like the gates, but believes the City should honor the terms of the prior development agreement. She said that she hopes the developer will listen to the concerns of the public and decide on their own not to install the gates.

Council Member Bertram moved to adopt the draft Findings & Conclusions for PUD-05-3, with the deletion of finding 2(b)(i), and authorize the Mayor to sign. Council Member Robertson seconded the motion. In a roll call vote, Council Member Bertram, Council Member Robertson, and Council Member Greer voted aye. Council Member Muller voted nay. The motion carried.

PUBLIC COMMENT

Council Member Robertson called for public comment.

Hearing no comments, Council Member Robertson closed the public comment at 8:03 p.m.

CONSENT AGENDA

Council Member Robertson stated that he had provided the City Clerk with corrections to the minutes before the meeting.

Council Member Bertram asked if the letter to the Director of the State Parks and Recreation about the encroachment of Agate Street on Ponderosa State Park property had been sent. She requested that staff follow up on the request.

Council Member Greer asked if the public comment form was sent to Idaho Power regarding their expansion plans.

Mr. Kirkpatrick stated that a letter hadn't been sent but he has scheduled a meeting with representatives from the company.

Council Member Bertram asked about the expense for the junior police shields.

Mr. Kirkpatrick said that he thinks the expense may have been for the stickers that are given to children by the officers.

Council Member Bertram asked about the legal expense for the LID #3 delinquency.

Mr. Yorgason said that he believes the expense was related to follow-up work related to the sale of the K, L, & M parcels.

Council Member Robertson asked about the \$500 deductible payment to ICRMP for the wrecked Ford Explorer.

Dan Irwin, City Clerk, stated that the ICRMP policy has a \$500 deductible for property and liability claims. He said that ICRMP pays the claim amount to the City and then invoices the deductible amount.

Council Member Bertram stated that she would like the City to pursue the Mountain Lakes Realty claim with ICRMP.

Council Member Robertson added that he would like the claim to be researched to see if the City or the contractor was at fault. He requested that the City Attorney send a letter to ICRMP asking that the claim be reviewed.

Council Member Bertram asked about the engineering expense for reviewing the Rio Vista step system.

Mr. Kirkpatrick explained that the expense was for Holladay Engineering to evaluate the costs and design of installing a traditional sewer system in the area.

Council Member Robertson stated that he spoke with Jeff Lappin at Central District Health who said that step systems are used all over the Northwest. Mr. Lappin said that Idaho has been slow in adopting the concepts of step systems.

Mr. Kirkpatrick stated that staff could come back to the Council with an analysis of how to proceed with establishing a sewer system in the area.

Council Member Robertson announced that he would recuse himself from voting because of the hardship payments on the warrant register.

Council Member Greer asked about the expense labeled as a districting meeting.

Mr. Kirkpatrick explained that it was a meeting to discuss the library district proposal.

Council Member Greer stated that she believes \$400 is expensive for a beer and wine license. She stated that the cost for the license should be associated to the costs incurred by the City.

Mr. Kirkpatrick stated that the City incurs more costs than simply printing the permit for the applicant.

Council Member Muller stated that the Network Administrator and Police Department had significant increases in overtime.

Mr. Kirkpatrick explained that the Network Administrator had to install cabling at the old Fire Department and had to spend a considerable amount of time retrieving electronic records after the City was served with a subpoena. He explained that the Police Department was short staffed with Officer Rogers out and staff members attending training.

Council Member Greer moved to approve the Consent Agenda and authorize the Mayor to sign all necessary documents. Council Member Muller seconded the motion. Council Member Greer and Council Member Muller voted aye. Council Member Bertram voted nay. Council Member Robertson abstained. The motion carried.

BUSINESS AGENDA

AB 05-92 2003 International Fire Code Adoption / Ordinance No. 811

Council Member Robertson explained that an amended copy of the Ordinance was presented the Council Members prior to the meeting. He said that the amended Ordinance proposes to require sprinklers in all multi-family buildings with 4 or more units. He explained that the original proposal would have required sprinklers in all multi-family buildings with 3 or more units. Council Member Robertson added that he noticed that the State of Idaho doesn't require sprinklers in the multi-family buildings to the extent that is being proposed.

Dave Sparks, Fire Chief, explained that the State of Idaho has adopted section 903.2.7 of the International Building Code but have amended it to only apply to multi-family

buildings with 5 or more units. He stated that he originally asked Mr. Millar to propose the adoption of the Ordinance to include multi-family buildings with 3 or more units, but has since requested that it be amended to only apply to multi-family buildings with 4 or more units. He explained that he requested the change after he and the other Fire Chiefs in the County made the same presentation to the Valley County Commissioners. Chief Sparks stated that the County Commissioners requested that the regulation only apply to multi-family buildings with 4 or more units. He said that the other Fire Chiefs in the area would be presenting Ordinances that will apply to buildings with 4 or more units in their respective jurisdictions. Chief Sparks explained that the original proposed ordinance was amended in order to provide consistency throughout Valley County.

Council Member Bertram asked how the adopted Ordinance would affect building permits.

Chief Sparks explained that the Ordinance wouldn't affect existing building permits that have already been issued. He stated that as a policy the McCall Fire District has been following the 2003 Code already.

Council Member Robertson clarified that the Fire District has already been negotiating the requirements in buildings and the adoption of the Ordinance would mandate the change.

Council Member Greer asked why the Chief is recommending adopting a standard that isn't as strict as the 2003 edition of the International Building Code.

Chief Sparks explained that he is seeking consistency in the requirement throughout Valley County. He stated that the existing regulation only requires sprinklers to be placed in multi-family dwellings with 16 or more units, and the adoption of the measure would be a huge improvement.

Council Member Greer asked why the writers of the International Building Code chose the standard to be three dwelling units.

Chief Sparks explained that the decision was made based upon national statistics. He said that the statistics show that more fires begin in tri-plexes than duplexes.

Council Member Greer asked for clarification if the request was to locally disagree with the national statistics and implement the ordinance to only apply to multi-family buildings with 4 or more units.

Chief Sparks stated that the Council could choose to adopt a standard that would regulate multi-family buildings with 3 or more units if they choose. He stated that he recommends adopting the standard for 4 or more units in order to provide for consistency throughout the County.

Council Member Bertram asked why it would be beneficial for the Chief for the Code to be consistent throughout the County.

Chief Sparks explained that he performs Code Enforcement beyond the City limits. He stated that it would be easier to manage new developments with consistent regulations.

Mr. Kirkpatrick added that the consistent regulations would also ensure that any new dwellings annexed into the City would comply with the City Code.

Council Member Robertson asked how the City's building requirements would affect development in the impact area.

Chief Sparks stated that McCall City Code supersedes the County's requirements of the Impact Area.

Council Member Robertson asked if the City would have any constraints in issuing permits if they were to adopt a regulation that is more restrictive than the County's.

Mr. Millar explained that the City Code would be applied to development occurring in the Impact Area, and the County Planning and Zoning Commission and County Commissioners would be making their decision based upon the McCall City Code.

Mr. Kirkpatrick clarified that the Valley County Planning and Zoning Commission and County Commissioners would only base their decisions on the McCall Zoning Code. He explained that they don't make decisions based upon the City's Building Code.

Council Member Robertson stated that he thinks a requirement for 3 or more units would be safer.

Council Member Robertson moved to suspend the rules and read the version of Ordinance No. 811 that requires sprinklers to be placed in multi-family buildings with 3 or more units by title only, one time only. Council Member Greer seconded the motion. In a roll call vote, Council Member Muller, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried.

Mr. Yorgason read Ordinance No. 811 by title only.

Council Member Robertson moved to adopt Ordinance No. 811. Council Member Bertram seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Robertson, and Council Member Muller voted aye. The motion carried.

AB 05-93 Airport Manager Appointment

Mr. Kirkpatrick stated that several applications were received for the Airport Manager position and a considerable amount of time was spent with a sub-committee of the Airport Advisory Committee going through the selection process. He said that he and the members of the sub-committee conducted telephone interviews, and held personal interviews with the two final candidates. He explained that a "meet and greet" forum was held to allow the public to meet each of the two finalists. Mr. Kirkpatrick stated that after meeting with the Airport Advisory Committee and Council Member Robertson to discuss the candidates, he arrived at the decision to extend a conditional offer of employment to Rick Harvey. He explained that Mr. Harvey has spent a considerable amount of time in the Military in the Air Guard and left with the rank of Lieutenant Colonel. He said that after leaving the military Mr. Harvey entered the private sector flying for the airlines. Mr. Kirkpatrick explained that Mr. Harvey has a house in McCall and his family is planning on relocating to the City. He stated that Mr. Harvey was very well received by the airport community and believes he will do an exceptional job for the City.

Council Member Greer moved to confirm the City Manager's appointment of Rick Harvey as the Airport Manager, per McCall City Code 1-9-4(B). Council Member Bertram seconded the motion. All Council Members voted aye. The motion carried.

AB 05-88 Marina Lease Agreement with Mile High Marina L.L.C. / Resolution 05-05

Council Member Robertson clarified that the owner's of Mile High Marina are planning on replacing all of the docks at the marina in one year. He stated that the agenda bill erroneously stated that it would be conducted over a three-year period.

Dan Irwin, City Clerk, stated that the proposed lease agreement with Mile High Marina had been revised to address the concerns voiced by the Council at the last meeting.

Jim Gerblich, Deinhard Lane, stated that they are committed to replacing all of the docks by next Memorial Day weekend. He stated that they are prioritizing the replacement of all of the unsafe docks and to make the facility look as nice as possible.

Council Member Robertson asked if they are able to increase the number of docks at the facility.

Mr. Gerblich stated that it would be dependent upon a decision by the State Department of Lands. He said that they are trying to negotiate a change in the footprint of the facility in order to build a boardwalk onto the water that could be used by the public.

Council Member Muller suggested that they look into aeration devices that would keep the water from freezing in the winter.

Council Member Bertram asked for clarification of what is to be replaced during phase one of their plan.

Mr. Gerblick provided the Council Members with a map depicting the replacement phases. He stated that phase one is almost completed.

Council Member Robertson stated that their plans would be a nice benefit to the tourism industry in the City.

Mr. Gerblick stated that he would like the Council to amend the contract to allow Mile High Marina 60 days to cure any deficiencies in the lease agreement.

Mr. Irwin stated that the City Attorney had previously rejected the request from Mile High Marina as it would allow them to continue under the terms of the lease for 60 days without insurance. He stated that the City Attorney has suggested providing terms for immediate termination if the lessee fails to maintain the insurance required under the lease but allow them 60 days to cure any other deficiency under the lease.

The Council Members agreed to amend the lease agreement to provide for immediate termination of the lease if the lessee fails to maintain adequate insurance for the facility but allow them 60 days to cure any other deficiencies under the lease.

Council Member Greer moved to adopt Resolution 05-05 as amended approving the lease agreement with Mile High Marina, LLC. and authorize the City Council President to sign all necessary documents. Council Member Muller seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Robertson, and Council Member Greer voted aye. The motion carried.

REPORTS

Mr. Millar reported that he had developed a work plan to address the issues that led the implementation of the moratorium. He explained that the first part of the plan is to address the issues of I&I and irrigation restraints of the sewer system. He said that a technical analysis should be completed by June 1st to determine the actual remaining capacity in the system. After the capacity is determined, the City needs to establish a methodology for allocating the available taps. He recommends establishing two separate pools for development in infill areas and newly annexed areas. Developers who would be willing to commit to constructing 25% deed restricted housing in their development would be eligible to enter the pool and the remaining taps would be allocated using a lottery system. Mr. Millar explained that the idea is only a conceptual work plan but he will present a formal presentation to the Council if they are receptive to the idea. He stated that the pool of developers would probably be small but it would allow them to begin their developments in this building season.

Mr. Millar stated that the City also needs to explore the short term and long-range solutions for the sewer system. He explained that in the short term the City needs to discuss I&I improvements and seeking additional land for the use of the effluent. He stated that a long-range plan needs to be developed by conducting a facility plan study for the system. He said that the goal is to have the technical professionals explore the various possibilities that are available.

Mr. Millar stated that the next step is to update the zoning code. He explained that the recommendation is to update the zoning code and then look at revising the comprehensive plan. He said that after the Planning and Zoning Commission finalizes the draft code update a copy would need to be sent to a code expert for editing. He stated that a steering committee made up of members of the public would then be established in order to gain more public input and ensure that the substantive issues and changes are addressed.

Council Member Robertson asked if a facilitator should be hired for the steering committee process.

Mr. Millar said that he would be able to facilitate the process and avoid the additional expense. He said that after going through the committee process the code would go through legal review, public hearings by the Planning and Zoning Commission, and then public hearings by the Council. He stated that he optimistically estimates that the new code could be adopted by the Council in December.

Council Member Robertson asked if the moratorium would have to be extended based upon the plan.

Mr. Millar stated that it would be a possibility. He stated that the City is in need of obtaining an updated zoning map. He explained that he has budgeted for a Planner position and will be looking at hiring someone with GIS skills. He stated that it would be one of the Planner's main duties to oversee the GIS project.

Mr. Millar stated that after the zoning code is updated the Commission needs to evaluate the current Planning and Zoning fees and how the process is handled. He recommended that the developers be responsible for mailing the notices to the adjoining property owners.

Mr. Millar stated that the development of impact fees also needs to be established. He explained that the legal nexus to implement the fees must be established by conducting facility plan studies, identifying infrastructure needs, establishing five year capital improvement plans, and reviewing the legal issues. He stated that the impact fees could be implemented within six to twelve months.

Council Member Bertram suggested looking at the impact fee study that was conducted for the County and see if it could be updated.

Mr. Kirkpatrick announced that Holladay Engineering submitted a letter expressing their desire to terminate their employment with the City effective June 30, 2005. He stated that the City is at a point where the needs of the City have outgrown the services that can be provided by Holladay Engineering. He said that City staff and the firm both agree that the needs of the community need to be met by a firm that can perform more services. Mr. Kirkpatrick stated that they have done a good job for the City but the needs of the community have changed. He stated that a Request for Qualifications is being developed and will be released the following day. Mr. Kirkpatrick stated that the City needs an Engineering firm that can provide facility planning, airport engineering, and development review simultaneously.

Council Robertson asked if a timeline for hiring the new firm had been established.

Mr. Kirkpatrick stated that approval for the firm would be presented to the Council at their June 10th meeting.

Council Member Robertson asked if location would be used as criteria in selecting the new firm.

Mr. Kirkpatrick stated that one of the selection criteria will be accessibility by City Staff, but it will probably not be cost effective for the firm to open a local office. He explained that the City needs a multifaceted team that is able to perform all of the engineering needs of the City. He said that the firm will be very expensive but it is necessary to hire a firm with a higher level of service due to the complex needs of the City.

Mr. Kirkpatrick provided the Council with salary survey data for Council Members and Mayors of other Cities.

Mr. Irwin stated that the Local Option Tax Commission had reached a recommendation to present to the Council for the use of the Fiscal Year 05 revenue. He stated that the Commission would be presenting the recommendation to the Council at a future meeting.

Council Member Bertram stated that it would be irresponsible for the City to ignore the Chamber of Commerce's recent problems in handling money. She stated that she would like a representative from the Chamber to be present at the meeting to discuss what changes have been made.

Mr. Millar stated that the department is pursuing an EPA Smart Growth Grant that would bring a team of planners to the community to conduct a study.

Council Member Robertson asked if the June 1st hookup for the J-Ditch project was still on target.

Mr. Kirkpatrick stated that he hadn't been informed otherwise from Mr. Keating.

Council Member Muller asked if the City owned the deed on the property for the continuation of Spring Mountain Boulevard.

Mr. Millar said that the City Attorney has discovered that the deed is still owned by Peter O'Neil.

EXECUTIVE SESSION

At 10:36 p.m., Council Member Robertson moved to go into executive session per Idaho Code 67-2345(1f) to consider pending litigation. Council Member Greer seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Robertson and Council Member Muller voted aye. The motion carried.

The discussion pertained to litigation regarding the condemnation of property.

At 11:04 p.m., Council Member Muller moved to come out of executive session. Council Member Robertson seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council member Muller, and Council Member Robertson voted aye. The motion carried.

ADJOURNMENT

Without further business, Council Member Robertson moved to adjourn. Council Member Greer seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 11:05 p.m.

Kirk L. Eimers, Mayor

ATTEST:

Dan Irwin, City Clerk