

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
May 23, 2013**

Agenda

Call to Order and Roll Call
Executive Session
Open Session
Approve the Agenda
Work Session
Pledge of Allegiance
Public Comment
Business Agenda
Consent Agenda
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Bailey called the regular meeting of the McCall City Council to order at 5:03 p.m. Council Member Aymon, Mayor Bailey, Council Member Swanson, Council Member Scott, and Council Member Witte all answered roll call.

City staff present was Gene Drabinski, City Manager; Bill Nichols, City Attorney; Michelle Groenevelt, Community Development Director; Dennis Coyle, Parks and Recreation Director; Delta James, City Planner; Larry Stokes; Interim Chief of Police; Anne Kantola; Library Director; Nathan Coyle, Airport Manager; Robin Armstrong, Programming Librarian; and BessieJo Wagner, City Clerk.

EXECUTIVE SESSION

At 5:02 p.m., Mayor Bailey moved to go into Executive Session for:

- **Litigation – Pursuant to Idaho Code §67-2345(1)(f): to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated;**

Council Member Scott seconded the motion. In a roll call vote, Council Member Aymon, Mayor Bailey, Council Member Scott, Council Member Swanson, and Council Member Witte all voted aye and the motion carried.

RETURN TO OPEN SESSION

At 5:30 p.m., Mayor Bailey moved to return to Open Session. Council Member Aymon seconded the motion. In a voice call vote, all voted aye and the motion carried.

APPROVE THE AGENDA

Mayor Bailey with the consent of the Council approved the agenda.

WORK SESSION

AB 13-90 Downtown Master Plan Update

Michelle Groenevelt, Community Development Director, introduced Jennifer Zung from Harmony Design and Engineering. Ms. Zung was here to work on the McCall Downtown Master Plan Update. She explained to Council the process of developing the update. Ms. Zung briefed Council on the Community Workshops held on May 20, 2013 through May 23, 2013. She updated City Council with information obtained during the Community Workshops and the Business Community Forum. There were a total of 23 people in the afternoon and evening community sessions. She told Council the next step would be to gather feedback from the online survey and public input. They would begin to develop a concept plan and would present it at the August 2013 workshops.

Mayor Bailey led the pledge of allegiance at 5:54 pm

PUBLIC COMMENT

Mayor Bailey called for public comment at 5:55 p.m.

Dennis Stewart, Lake Fork Idaho, Central Idaho Tea Party, commented on the responsibilities of the Code enforcement officers.

Paige Walker, who is building a home on Louisa, expressed concern with others who may want to develop. She stated the Residential Building Code and city policies were well intended but not appropriate when building on lots that were non level, treed, oddly shaped, or smaller in size. She requested Council re-visit the code as well as the alleyway requirements in context of case studies. She asked Council to schedule work sessions and look at the requirements on case study basis. Council Member Scott encouraged Ms. Walker to come forward to schedule a work session to further discuss her case.

Hearing no further comments, Mayor Bailey closed the public comment period.

BUSINESS AGENDA

AB 13-91 Appointment of Parks and Recreation Advisory Committee

Dennis Coyle, Parks and Recreation Director, presented requests from Tyler Bork and Willie Ruemmele to be appointed to the Parks and Recreation Advisory Committee. Mr. Coyle informed Council Members that the Parks and Recreation Advisory Committee voted unanimously in favor for the two appointments.

Mayor Bailey moved to appoint Willie Ruemmele to the Parks and Recreation Advisory Committee to a term to expire March of 2014. Council Member Council Member Swanson seconded the motion. Mayor Bailey moved to appoint Tyler Bork to the Parks and Recreation Advisory Committee to a term to expire May 2016. Council Member Swanson seconded the motion. In a voice vote, all members voted aye and the motions carried.

AB 13-87 Library Board of Trustees presentation of yearly activities

Anne Kantola, Library Director, presented a summation of the activities and programming accomplishments by the City of McCall Library for 2012.

AB 13-88 Stormwater easement agreement-Aries Holdings, LLC

Nathan Stewart, City Engineer, updated Council on the Third Street Corridor Revitalization Project that included stormwater improvements to include facilities that serve McCall Manor and the City of McCall. The proposed easement agreement would establish the City's right to release water into a regional storm water conveyance facility. It would encompass the related stormwater improvements constructed for McCall Manor as part of the Third Street Project. Mr. Stewart also gave a brief update on the Third Street Revitalization project.

Council Member Witte moved to approve the easement agreement between Aries Holdings LLC and the City of McCall for stormwater facilities at McCall Manor and authorize the Mayor to sign all necessary documents. Council Member Aymon seconded the motion. In a roll call vote, Council Member Witte, Council Member Aymon, Mayor Bailey, and Council Member Swanson voted aye and the motion carried. Council Member Scott recused.

AB 13-93 Open Meeting Law Violation and Cure

Mayor Bailey acknowledged a technical violation of the open meeting law requirement because the motion for the amendment to the agenda made at the May 10, 2013 meeting did not include the reason for the amendment and the good faith reason for not including the agenda item in the original posting.

Mayor Bailey moved to cure the violation by declaring the action taken on the May 10, 2013 agenda item is void. Council Member Aymon seconded the motion. In a voice vote, all members voted aye and the motion carried.

AB 13-89 Proposed Additional MCC Title 5 Code Amendment – Waste Management

Mayor Bailey proposed two Waste Management amendments submitted by himself and Council Member Swanson. Mayor Bailey stated that his intent was to allow people who didn't subscribe to a service to haul their own trash. He also included that if trash was stored outside, it be required to be in a bear proof container.

Council Member Swanson explained his amendment. He added the right to purchase or lease a container. He also increased the maximum penalty but offered a relief of the fine if the person subscribed to the solid waste service.

There was Council discussion regarding enforcement of the bear-proof container and the merits of whether to purchase or lease the container.

Council Member Swanson expressed concern about the new language under the penalty section

Council Member Witte considered the proposed penalty excessive. There was some discussion regarding the enforcement of the bear-proof containers.

Council Member Aymon was opposed to allowing the subscriber to purchase a bear proof container from another source other than Lake Shore because it could affect Lake Shore's business model.

Mayor Bailey requested the next meeting to have 2 separate amendments addressing Mayor Bailey's recommended change and Council Member Swanson's recommended change.

Council Member Aymon said she was not enthusiastic about the new ordinance, but she was positive about the idea of 'moving the ball forward'.

AB 13-92 FY13 Local Option Tax Contingency

BessieJo Wagner, City Clerk, requested that Council determine whether they will make the decision on the additional projects to be funded or if they will defer the recommendation back to the Local Option Tax Commission. There was some discussion as to where the additional funds should be used and for what projects. Gene Drabinski, City Manager, suggested Council consider funding the Golf Course sod replacement. Council agreed to defer the recommendation to the Local Option Tax Commission.

CONSENT AGENDA

Staff recommended approval of the following items:

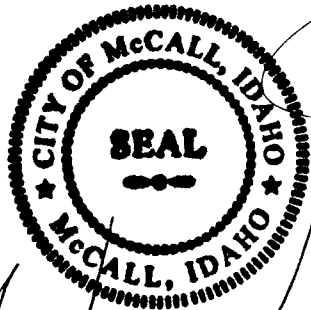
1. Warrant Registers
2. Payroll Report for Period ending May 10, 2013
3. Alcohol and Catering Licenses Activity Report

A brief discussion took place regarding the Warrant Register.

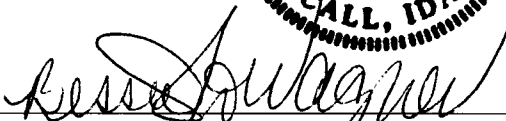
Council Member Witte moved to approve the Consent Agenda. Council Member Swanson seconded the motion. In a roll call vote, Council Member Witte, Council Member Swanson, Council Member Aymon, and Mayor Bailey, all voted aye; Council Member Scott, with the exception of the Whitetail checks, voted aye and the motion carried.

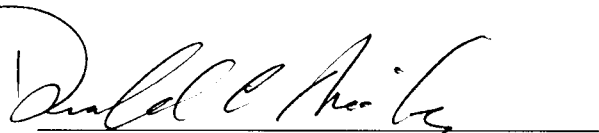
ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 7:50 p.m.



ATTEST:


BessieJo Wagner, City Clerk


Donald C. Bailey, Mayor

MINUTES

McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
May 23, 2013

The Executive Session portion of the May 23, 2013 minutes were amended on November 21, 2013 to ensure compliance with the requirements of IC §67-2344 (2).

EXECUTIVE SESSION

At 5:02 p.m., Mayor Bailey moved to go into Executive Session for:

- Litigation – Pursuant to Idaho Code §67-2345(1)(f): to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated;

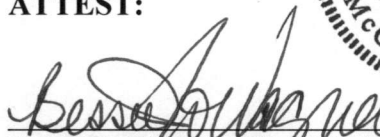
Council Member Scott seconded the motion. In a roll call vote, Council Member Aymon, Mayor Bailey, Council Member Scott, Council Member Swanson, and Council Member Witte all voted aye and the motion carried.

Council discussed a possible litigation issue.

RETURN TO OPEN SESSION

At 5:30 p.m., Mayor Bailey moved to return to Open Session. Council Member Aymon seconded the motion. In a voice call vote, all voted aye and the motion carried.

ATTEST:


BessieJo Wagner, City Clerk




Donald C. Bailey, Mayor