

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
June 23, 2011**

Agenda

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

CALL TO ORDER AND ROLL CALL

Mayor Bailey called the regular meeting of the McCall City Council to order at 5:31 p.m. Council Member Aymon, Mayor Bailey, Council Member Swanson, and Council Member Witte all answered roll call. Council Member Scott was absent

City staff present was Lindley Kirkpatrick, City Manager; Bill Nichols, City Attorney; Dennis Coyle, Parks and Recreation Director; Peter Borner, Public Works Director; Jerry Summers, Police Chief; and BessieJo Wagner, City Clerk.

APPROVE THE AGENDA

Mayor Bailey moved to amend the City Council Agenda to remove AB 11-113 CUP-10-07 as it was not ready for Council action; and add AB 11-126 Mayhem on the Mountain – Bike Rally to the consent agenda. The McCall Bike Fest, which was previously scheduled for July 15 and 16, 2011, was cancelled on Friday June 17, 2011. Due to the interest created by the Bike Fest, new organizers picked up the event and renamed it Mayhem on the Mountain – Bike Rally. Council Member Aymon seconded the motion. In a voice vote all members voted aye and the motion carried.

WORK SESSION

Council Member Scott Arrived at 5:55

AB 11-119 Section 504 Transition Plan

BessieJo Wagner, City Clerk, presented the Council with information regarding the 504 Transition Plan. Mrs. Wagner explained that Transition Plan needed to be adopted by the end of the year and that the areas that were not in compliance needed to be identified and a plan to correct the deficiency. It was clarified that the Transition plan was a working document and would be added to as time progressed. The plan will have priorities and cost estimates. The priority for FY12 was to identify the signage issues and costs estimates to correct the signage.

Mayor Bailey led the audience in the Pledge of Allegiance at 5:59 p.m.

PUBLIC COMMENT

Mayor Bailey called for public comment at 6:00 p.m.

Steve Binninger – Fogg Lifter – Mr. Binninger stated that he received a letter from code enforcement stating that his business needed to have their trash enclosed. The letter gave Mr. Binninger a deadline as to when he needed to have his trash enclosure constructed. He stated that he had asked code enforcement if all businesses within the City had received the same letter. He was told that it was generated from a complaint that was received. Mr. Binninger's concern was that all businesses should be required to comply and that there should be some kind of work shop to bring all businesses into compliance. He did not think it was fair to only call out a business that received a complaint when there were many other businesses with the same compliance issues. Mr. Binninger requested that the Council have a work session to work out a solution and he also requested a moratorium on enforcement of the issue until a city wide solution could be determined.

Jean Odmark – Ms. Odmark stated that it had come to her attention that there was a request for a 16 kayak commercial venture in Rotary Park.

Mayor Bailey stated that the Canoe and Kayak Concession was on the agenda later in the meeting. Council Member Witte asked if the Council would allow public comment during that agenda item. Mayor Bailey responded that it was not a public hearing and the action by city staff is to remand it back to the Parks and Recreation Committee. Mayor Bailey stated that the Council could choose to hear the concession item first. Mayor Bailey stated that the Council had received many letters concerning the proposed concession and since those letters had not gone to the Parks and Recreation Advisory Committee prior to their deliberations, it was suggested that the Council should remand the topic back to the Parks and Recreation Committee for further consideration.

Council Member Witte stated that some people may still want to make a comment even in the event the concession proposal was remanded back to the Parks and Recreation Advisory Committee. Mayor Bailey stated that if anyone had any additional comments that were not in the letters that were sent in then they could do so during the public comment period. Mayor Bailey

also stated that comments would be received at the Special Parks and Recreation Advisory Committee Meeting on Monday June 27, 2011.

Michelle with Gravity Sports stated that she was concerned that City Parks were being used for commercial use. Michelle posed the question as to whether or not City Parks should be available for commercial gain. She stated that public access to the lake is a key asset that all benefit from. Michelle stated that previous businesses had tried similar ventures and were denied. She would like the City to consider the precedent that such a decision would set for the future.

Hearing no further comments, Mayor Bailey closed the public comment 6:15 p.m.

BUSINESS AGENDA

AB 11-123 West Mountain Gear and Grind Canoe and Kayak Concession Agreement

Council Member Swanson moved to remand the Concession Proposal with West Mountain Gear and Grind back to the Parks and Recreation Advisory Committee for additional analysis. Council Member Aymon seconded the motion. In a voice vote all members voted aye and the motion carried.

The proposal for a concessionaire's agreement with West Mountain Gear and Grind will come back to the Council for consideration on July 14, 2011.

AB 11-116 McCall Improvement Committee Annual Report to Council

Carolyn Trino, Chair of the McCall Improvement Committee, presented the committee's annual report to Council.

AB 11-118 Parks and Recreation Advisory Committee Member Appointment

Dennis Coyle, Parks and Recreation Director, stated that the Parks and Recreation Advisory Committee recommended the appointment of Kimmi Onthank.

Mayor Bailey moved to approve the appointment of Kimmi Onthank to the Parks and Recreation Advisory Board with the term to expire in June of 2012. Council Member Aymon seconded the motion. In a voice vote all members voted aye and the motion carried.

AB 11-114 SUB-05-04 Greystone Village First Amendment to the Development Agreement

Robert Heleniak, Applicant, introduced himself and stated that his attorney and Bill Nichols had come to a consensus on the agreement. Bill Nichols, City Attorney, concurred.

Council Member Swanson moved to adopt the First Amendment to the Development Agreement with Greystone Village Phase 1 and 2 and authorize the Mayor to sign all necessary documents. Council Member Scott seconded the motion. In a roll call vote Council Member Swanson, Council Member Scott, Council Member Aymon, Mayor Bailey, and Council Member Witte, all voted aye and the motion passed.

AB 11-121 Contract Award for HMH Engineering, LLC for the Construction Management of the Deinhard Lane CRABS and Widening Project (G0309)

Peter Borner, Public Works Director, presented the Contract Award for HMH Engineering, LLC for the Construction Management of the Deinhard Lane CRABS and Widening Project. Mr. Borner gave a brief overview of the project and the funding received for the project. Mr. Borner stated that every effort will be made to have the most minimal impact on businesses as possible including the placement of signs to let the public know that the businesses were still open and how to be redirected to those businesses.

Council Member Aymon moved to award the contract for the construction management for the Deinhard Lane CRABS and Widening Project (G0309) to HMH Engineering, LLC and authorize the Mayor to sign all necessary documents. Council Member Witte seconded the motion. In a roll call vote Council Member Aymon, Council Member Witte, Mayor Bailey, Council Member Scott, and Council Member Swanson, all voted aye and the motion passed.

CONSENT AGENDA

Staff recommended approval of the following items:

- Warrant Registers Dated June 17, 2011
- Payroll Report for Period Ending June 10, 2011
- Alcohol and Catering Licenses Activity Report
- AB 11-115 Chamber of Commerce July 4, 2011 Celebration
- AB 11-109 Ratification of the Local Option Tax Election Results Resolution No. 11-13
- AB 11-117 Alpine Village Movie Nights 2011 Suspension of Noise Ordinance
- AB 11-120 Notice of Award, to SE/Z Construction, Construct Snow Removal Equipment Storage Building
- AB 11-122 Agreement with SE/Z Construction, LLC, Construct Snow Removal Equipment Storage Building
- AB 11-125 2011 Local Highway Roads Improvement Program (LHRIP) Grant Application for Sign Management Data Collection (ADDED 6/21/11)
- AB 11-124 Contract Award for the Deinhard Lane CRABS and Widening Project (G0309) (ADDED 6/21/11)
- AB 11-126 Mayhem on the Mountain – Bike Rally (ADDED 6/23/2011)

A brief discussion took place regarding the Warrant Register as noted.

Council Member Scott moved to approve the Consent Agenda Council Member Swanson seconded the motion. In a roll call vote Council Member Scott, Council Member Swanson, Council Member Aymon, Mayor Bailey, and Council Member Witte all voted aye and the motion passed.

EXECUTIVE SESSION

At 7:01 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 Witte seconded the motion. In a roll call vote Mayor Bailey, Council Member Scott, Council Member Aymon, Council Member Swanson, and Council Member Witte all voted aye and the motion passed.

Council discussed the litigation issues of Greystone Village, the VanDuren/Lyons claim, and Alpine Village, in that order. Council Member Scott was recused and left the meeting after the discussion of the Greystone Village case. Jim Davis, City Attorney, attended the meeting, and left after the discussion of the VanDuren/Lyons claim.

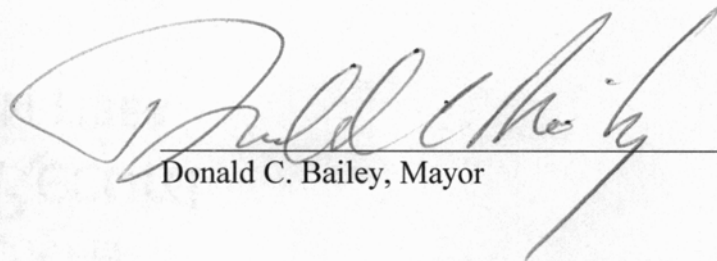
OPEN SESSION

At 7:30 p.m. Mayor Bailey moved to return to open session. Council Member Witte seconded the motion. In a voice vote all members voted aye and the motion carried.


ADJOURNMENT

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




Donald C. Bailey, Mayor

ATTEST:


BessieJo Wagner, City Clerk