

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
January 27, 2011**

Agenda

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

CALL TO ORDER AND ROLL CALL

Mayor Bailey called the regular meeting of the McCall City Council to order at 5:30 p.m. Council Member Aymon, Mayor Bailey, Council Member Delaney, Council Member Scott, and Council Member Witte all answered roll call. A quorum was present.

City staff present was Lindley Kirkpatrick, City Manager; Bill Nichols, City Attorney; James Davis, City Attorney; Jerry Summers, Police Chief; and BessieJo Wagner, City Clerk.

Mayor Bailey approved the agenda.

EXECUTIVE SESSION

At 5:33 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 Aymon seconded the motion. In a roll call vote Mayor Bailey, Council Member Aymon, Council Member Delaney, and Council Member Witte, all voted aye, Council Member Scott abstained and the motion passed.

Council Member Scott Recused and left the room.

Council discussed the VanDuren tort claim.

OPEN SESSION

At 6:05 p.m. Mayor Bailey moved to return to open session. Council Member Delaney seconded the motion. In a voice vote all members voted aye and the motion carried.

Council Member Scott returned to the meeting

Additional City staff present were Dennis Coyle, Parks and Recreation Director; John Anderson, Airport Manager; Michelle Groenevelt, Community Development Director; Carol Coyle, Grant Coordinator; and Peter Borner, Public Works Director.

Mayor Bailey led the audience in the Pledge of Allegiance at 6:08 p.m.

PUBLIC HEARING

AB 11-16 CA-10-08 Business Park Code Amendment

Michelle Groenevelt, Community Development Director, presented the CA-10-08 Business Park Code Amendment to Council. She stated that the amendment was a continuation of the November 18, 2010 Public Hearing. Ms. Groenevelt stated that since the Agenda Bill for this item had been written there had been a change in recommendation. Mayor Bailey had brought to staffs attention that this code amendment would affect other parts of the code and that either a new ordinance needed to be written or an additional ordinance was needed to address the issue. Ms. Groenevelt stated that after reviewing the code, in order to properly address those areas that would be affected, a whole new ordinance would need to be written and the process started over with Planning and Zoning.

Ms. Groenevelt presented the following timeline:

March 1, 2011 – Planning and Zoning public hearing on new ordinance on Business Park zone associated changes

March 24, 2011 – City Council public hearing on new ordinance on Business Park zone associated changes

March 28, 2011 – County Commissioner public hearing on both Business Park zone ordinances

Mayor Bailey stated that although he did not disagree with Ms. Groenevelt's plan, the changes to Title 3 could wait and the Council could choose to adopt the current ordinance as is. Ms. Groenevelt stated that the Ordinance presented had all the recommended changes from the November 18, 2010 meeting.

Mayor Bailey was concerned that the particular use of a “mining operation” was not called out in the allowed uses and it was a use that had already been objected to. Ms. Groenevelt clarified that it would be considered under the industrial zone and could be called out in the table if needed.

Council Member Witte was concerned that the contractor’s yard or shop, which would be allowed with a Conditional Use Permit (CUP) in the exterior, may be incompatible with the residential property. Ms. Groenevelt stated that there had been some discussion on the topic and in order for it to qualify for a CUP it would have to meet the 12 criteria including whether it was harmonious with the neighborhood. It was also clarified that all CUP applications come before the Council for approval.

Council Member Aymon inquired why a bank would require a CUP on the exterior but a delivery service would not. Ms. Groenevelt stated that they may need to revisit the ordinance and be consistent with what requires a CUP.

There was a brief discussion on the need for a noise ordinance and what it would entail. Mayor Bailey concerned with an unenforceable noise ordinance, he stated that the noise ordinance needs to be subjective and have the ability to enforce.

Mayor Bailey called out some questions in the ordinance:

- Paragraph 3.5.07 (B) refers to a 6’ wide sidewalk on the interior streets and a 10’ wide asphalt multi-use pathway on the exterior - Mayor Bailey asked what the reasoning in the differences was, it was clarified that the perimeter was intended for a multi-purpose pathway while the interior was more just for walking.
- Paragraph 3.5.12 (D) refers to berms – Mayor Bailey suggested that a maximum height of the berms be called out to be consistent with other references to berms within the code.
- Paragraph 3.5.12 (F) refers to Street trees – Appendix II should be Appendix B
- Paragraph 3.5.15 (A) 1 – Mayor Bailey asked for clarification of the reference to “showers”. Ms Groenevelt clarified that idea is that if a business provides for bicycle parking they may also provide a shower facility.

Council Member Witte inquired as to whether Idaho Power’s concern with there being adequate space for utilities had been addressed. Ms Groenevelt stated that she would look at it further through the revision of the ordinance. Council Member Witte also suggested that there should be a reference to solar in Paragraph 3.5.12 (E).

At 6:32 p.m. Mayor Bailey opened the public hearing CA-10-08 Business Park Code Amendment.

Hearing no comments the Mayor Bailey called for a motion to continue the Public Hearing for CA-10-08 Business Park Code Amendment to the March 24, 2011 City Council Meeting.

Council Member Scott moved to continue the Public Hearing for CA-10-08 Business Park Code Amendment to the March 24, 2011 City Council Meeting. Council Member Witte seconded the motion. **In a roll call vote Council Member Scott, Council Member Witte, Council Member Aymon, Mayor Bailey, and Council Member Delaney, all voted aye and the motion passed.**

PUBLIC COMMENT

Mayor Bailey called for public comment at 6:33 p.m.

Hearing no comments, Mayor Bailey closed the public comment.

BUSINESS AGENDA

AB 11-19 A-1 Storage and Car Wash Refund Request

Peter Borner, Public Works Director, recapped that this item was presented at the previous meeting and that the Council had requested some additional info. Ted Larsen, the current owner of A-1 Storage and Car Wash, requested a refund of certain water and sewer fees paid over the past four years for service at the car wash.

The Council had a brief discussion to clarify that all information provided was clear and accurate.

Council Member Delaney moved to approve the Findings of Facts and Conclusions of Law document denying the request for refund and authorize the Mayor to sign all necessary documents. Council Member Witte seconded the motion.

Discussion on the motion:

Ted Larson interrupted and asked for clarification of why there were charges for sewer when the backup was for water. Bill Nichols, City Attorney, explained that with each water meter provided, there is a subsequent sewer charge.

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

AB 11-20 Western Idaho Community Action Program (WICAP) Presentation

Paula Fodrea with Western Idaho Community Action Program (WICAP) presented the City Council information regarding the Western Idaho Community Action Program. Ms. Fodrea answered questions and clarified what the purpose of WICAP was. WICAP is involved in developing and administering anti-poverty programs. WICAP serves the Idaho counties of Adams, Boise, Canyon, Gem, Owyhee, Payette, Valley and Washington.

AB 11-21 Western Idaho Community Action Program (WICAP) Council Liaison Appointment

Council Member Aymon was appointed to the liaison position for the Western Idaho Community Action Program.

AB 11-15 Environmental Advisory Committee (EAC) Member Appointment

Michelle Groenevelt, Community stated that there were current two positions open on the Environmental Advisory Committee and three applicants for those positions; John Rygh, Burket Kniveton and Morgan Zedalis.

Mayor Bailey moved to reappoint John Rygh and Appoint Burket Kniveton to the Environmental Advisory Committee to terms to expire January 2013. Council Member Delaney seconded the motion. In a voice vote all members voted aye and the motion carried.

AB 11-22 Airport Advisory Committee's (AAC) Annual Report to City Council

Walt Lee, Airport Advisory Committee Chair, and Dan Scott, Committee Member, presented the Airport Advisory Committee's annual report. The report included accomplishments and plans for the future.

AB 11-17 McCall Centennial Committee report to Council

Dean Martens and Lyle Nelson, Co-chairs of the McCall Centennial Committee, gave a brief outline of what the committee has identified as the direction they should take. It was stated that there were 14 members currently on the committee and that general participation of the public was encouraged and welcome. Within the committee there have been seven subcommittees established. The committee requested that the Council allow Lindley Kirkpatrick to approve requests for funds. It was also established that the Committee would report to Council monthly.

CONSENT AGENDA

Staff recommended approval of the following items:

- Special Minutes – June 25, 2010
- Regular Minutes – January 13, 2011
- Warrant Registers Dated January 20, 2011
- Payroll Report for Period ending January 7, 2011
- Alcohol and Catering Licenses Activity Report
- AB 11-18 City Hall and Police Station HVAC project award to Maximum Heating and Plumbing
- AB 11-23 Memorandum of Agreement/ FAA

A brief discussion took place regarding the Warrant Register and to correct the minutes. Mayor Bailey requested a codification analysis, to determine whether to continue with Sterling or if codification could be done in house. It was decided that the analysis would be part of the budget process.

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

5 minute Recess

EXECUTIVE SESSION

At 8:40 p.m. Council Member Delaney 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 Delaney, Council Member Scott, Council Member Aymon, Mayor Bailey, and Council Member Witte, all voted aye and the motion passed.

Council discussed the Payette Lakes Water and Sewer District settlement agreement.

OPEN SESSION

At 10:07 p.m. Mayor Bailey moved to return to open session. Council Member Scott seconded the motion. In a voice vote all members voted aye and the motion carried.

AB 11-24 Approve Settlement Agreement with the Payette Lakes Recreational Water & Sewer District

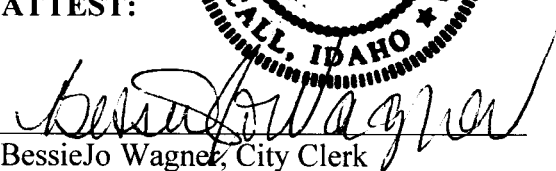
The Council took no action on this item.

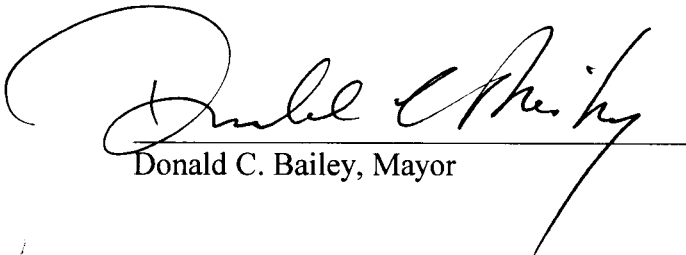
ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 10:07 p.m.



ATTEST:


BessieJo Wagner, City Clerk


Donald C. Bailey, Mayor