

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
August 12, 2010**

Agenda

Call to Order and Roll Call
Executive Session
Open Session
Reports
Pledge of Allegiance
Approve the Agenda
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 4:34 p.m. Mayor Bailey, Council Member Delaney (via phone), and Council Member Kulesza answered roll call. A quorum was present. Council Member Scott and Council Member Witte were absent.

City staff present was Lindley Kirkpatrick, City Manager; Bill Nichols, City Attorney; Michelle Groenevelt; and Chris Meyer, Attorney with Givens Pursley

EXCUTIVE SESSION

At 4:35p.m. Council Member Kulesza 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 Delaney seconded the motion. In a roll call vote Council Member Kulesza, Council Member Delaney and Mayor Bailey all voted aye and the motion passed.

Council Member Witte arrived at 4:37 p.m.

Council Member Scott joined the meeting via phone at 4:50 p.m.

Council discussed the Greystone litigation issues and possible strategies and solutions.

RETURN TO OPEN SESSION

At 5:25 p.m. Council Member Kulesza moved to return to open session. Council Member Witte seconded the motion. In a roll call vote Council Member Kulesza, Council Member Witte, Mayor Bailey, Council Member Delaney and Council Member Scott all voted aye and the motion passed.

Mayor Bailey moved to authorize Lindley Kirkpatrick, City Manager to enter in an engagement letter with Chris Meyer, Attorney with Givens Pursley LLP, to defend the City of McCall in the Richard Hehr and Greystone Village, LLC litigation case. Council Member Kulesza seconded the motion. In a roll call vote Mayor Bailey, Council Member Kulesza, Council Member Delaney, Council Member Scott, and Council Member Witte, all voted aye and the motion passed.

Additional City Staff present were John Anderson, Airport Manager; Eric McCormick, Golf Course Superintendent; Jerry Summers, Police Chief; Michelle Groenevelt, Community Development Director; Linda Stokes, Treasurer; Dennis Coyle, Parks and Recreation Director; Anne Kantola, Library Director; Peter Borner, Public Works Director; and BessieJo Wagner, City Clerk.

REPORTS

Department Reports

Mayor Bailey expressed concern over the spotted napweed present over in the Reserve on the Payette area. He suggested that City Staff contact the County to ensure that the noxious weeds are sprayed.

Mayor Bailey wanted to know how the building permits were in comparison to plan. Ms. Groenevelt stated that building permits are ahead of schedule so far this year.

There was clarification from John Anderson, Airport Manager, as to the status of the runway rehabilitation project. The project will start October 4, 2010 with the irrigation drainage and the sewer work will also start. Once the work is done with the sewer and culverts in the fall then the reconstruction of the runway will actually start in the spring.

Council Member Delaney asked what the agreement with Cheap Thrills was in addition to using the docks. She felt that their trucks were left idling for a long period of time. Dennis Coyle, Parks and Recreation Director stated that he would look into the possible issue.

Council Member Delaney stated that there had been good use of the dog cleanup stations in the parks. She also stated that the cleanup over by the docks was wonderful and that she had received positive feedback.

Lindley Kirkpatrick, City Manager, gave a brief summary of the meeting between the Chamber on the local restaurant owners, stating that there was some discussion as to price differential between local and out of town vendors. There was also discussion as to whether there was a need for a formal restaurant committee, and there was discussion that it may be beneficial for all restaurant owners to meet and communicate with each other informally.

Complements from the Council to city staff for the work on the America in Bloom program and how great the City looked.

It was mentioned that the City's long term receptionist was retiring and that a replacement had been hired. Mayor Bailey stated that Shirley Overton would be missed.

Committee Minutes

The Council received copies of the following committee minutes:

- Environmental Advisory Committee – June 15, 2010
- Planning and Zoning Commission – June 8, 2010
- McCall Historic Preservation Commission – June 7, 2010

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

Mayor Bailey approved the agenda as presented.

PUBLIC HEARING

AB 10-174 Public Hearing on FY11 Budget

Linda Stokes, City Treasurer, gave a brief introduction to FY11 Budget documents.

Mayor Bailey opened the public hearing for the FY11 Budget at 6:04 p.m.

Mike Robinson - 315 Aspen St. – Mr. Robinson distributed a handout to Council comparing the City of McCall Police Department with The City of Ketchum Police Department. He stated that he had submitted to City Hall that afternoon just before 5:00 pm, 20 letters he had received from the community to the Concerned Citizens for Change (CCFC). Mr. Robinson acknowledged that with McCall being a resort town, it is a little more challenging when budgeting for the Police Department. He stated that due to their similarities, comparing Ketchum and McCall was an apple to apples comparison. He went over some of the budget number from the 2009 budgets or Ketchum and McCall. He stated that he did not know how Ketchum's system worked; however he stated that Ketchum had come in under their 2009 budget. Mr. Robinson stated that he retrieved the statistics from the internet. He also said that he was not sure of what some of the line items were on the Ketchum budget. He summed up his comments by saying that the group

of people he represents, CCFC, would like for the Council to cut the City of McCall Police Department budget to match the City of Ketchum Police Department budget for FY11.

Bob Bechaud - Woodlands Drive – Mr. Bechaud stated that he also looked at the statistics on the internet and based on what he read Ketchum and McCall are not an apple to apples comparison. He stated that he used to live in Ketchum and stated that there were significant differences between the two cities. He also stated that the demographics are significantly different as well. Mr. Bechaud stated that in his opinion the McCall Police department was not over staffed. He stated that McCall rated #2 in the State for crime while Ketchum was rated at #40 and that this statistic shows that McCall needs the officers they have to maintain. Mr. Bechaud also stated that in these tough economic times cities should be cutting their budgets and feels that there should not be any increase and that the Council should not take the 3% increase.

Sheree Soenfield - 664 Woodlands Drive– Ms. Sonfield stated that she only had positive comments of the McCall Police Department. She stated that she feels fortunate that the force is prompt and polite and good. She was concerned about the crime rate and thinks it was not acceptable to consider cutting the number of officers. She liked that the police were visible and that there was a presence felt within the City. Ms. Sonfield also stated that she did not think that McCall should be compared to Ketchum.

Jerry Summers, Police Chief, stated that he appreciated the comments received from the community. Chief Summers stated that one of the reasons Ketchum was able to lower their Police Department budget was due to having a contract with Blaine County Sheriff's Department. Chief Summers addressed some of the issues raised with the Ketchum comparison.

Dean Martens 321 CeeCee Way – Mr. Martins did not think that the Police department was overstaffed based on what had been said. Mr. Martins stated that he did not think that the Council should take the 3%. He also asked that the Council consider what affect the increase in medical would have on the lower graded employees.

Hearing no Further Comments, Mayor Bailey left the Public Hearing open to accept written comments until August 26, 2010.

Mayor Bailey addressed the citizens and covered the difficulties of creating a municipal budget.

The Council Members made comments on their opinions of whether to take the 3%. Council Member Kulesza stated that he was not interested in the 3% increase. He stated that the staff recommendations to cut from the budget were reasonable. He stated that the City should find a way to budget without the increase. Council Member Delaney agreed that an increase was not necessary. Council Member Scott was in support of not taking the 3%.

There was a brief discussion on the issue of the increase employees would have to pay for benefits.

In addition to the Staff recommendations to cut the proposed budget, Mayor Bailey had his own suggestions:

- Page 18 a correction - under Capital Expenses the \$45000 was listed under IMPACT FEE STUDY, and it should have been under CAPITAL PURCHASES
- Page 34 – Police Department motor fuels (\$10,000)
- Page 36 – Police Department Auto repairs (\$2000)
- Page 41- Parks Department pathways budget – suggested that the Wooley pathway be put into the next year (2012) (\$30,000)
- Brown park pathway is a safety issue and needs to be reconstructed
- Page 52 – Public Works- Streets - fuels (\$10,000)

Council Member Kulesza stated that there was enough flexibility within the proposed budget that would preclude a 3% increase.

Mayor Bailey stated that the issue of the higher benefit costs to the employees needs to be revisited.

Council Member Witte supported the recommended cuts; however she still supports the downtown master plan and suggested that they consider the use of the economic development funds for the downtown master plan.

Mayor Bailey stated that the Golf Course needs a new maintenance building.

Council Member Delaney suggested that every place the Police Department budget had an increase that they take an additional look at why the increase would be needed.

Council Member Scott joined the Council live at 6:50 p.m.

There was a suggestion that staff change the funding matrix to fit when the funding is needed so the first five project needs to be flexed.

There was a general consensus from the Council to not to take the 3% increase.

AB 10-178 Driveway and Right-of-Way Excavation Permit Fees

Peter Borner, Public Works Director, gave the rationale for the fee increases stating that the current fees do not even come close to covering the costs of the labor involved in approving the right-of-way permits. It was confirmed that the proposed fees were competitive with what other communities charge.

Mayor Bailey opened the public hearing for driveway and right-of-way excavation permit fees at 7:03 p.m.

Hearing no comments, Mayor Bailey closed the public hearing for driveway and right-of-way excavation permit fees.

Council Member Kulesza moved to suspend the rules and read Ordinance No. 877 by title only one time only. Council Member Scott seconded the motion. In a roll call vote Council

Member Kulesza, Council Member Scott, Mayor Bailey, Council Member Delaney, and Council Member Witte all voted aye and the motion passed.

Ordinance No. 877 was read one time only, by title only by Mrs. Wagner

Council Member Witte moved to adopt Ordinance No. 877 allowing driveway permit fees to be set by resolution of the City Council. Council Member Kulesza seconded the motion. In a roll call vote Council Member Witte, Council Member Kulesza, Mayor Bailey, Council Member Delaney, and Council Member Scott all voted aye and the motion passed.

Council Member Scott moved to adopt Resolution 10-16 setting driveway and right-of-way permit fees and authorize the Mayor to sign all necessary documents. Council Member Witte seconded the motion. In a roll call vote Council Member Scott, Council Member Witte, Mayor Bailey, Council Member Delaney, and Council Member Kulesza all voted aye and the motion passed.

PUBLIC COMMENT

Mayor Bailey called for public comment at 7:06 p.m.

Brent Johns, Ernesto Dr. – Mr. Johns had a comment on the City Budget stating that he used to work with the Public Works department and the City was able to serve the public and keep the cost low. He requested that the Council reconsider the decision to have people pay for water and sewer when it was not being used.

Holly Markelow – McGinnis – Ms. Markelow stated that she owns a second home in McCall that she stays in 2 months a year. She was concerned with paying the water and sewer service even when she was not using it. She could not understand why she had not been sent notice in the mail of the change.

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

BUSINESS AGENDA

AB 10-179 Notice of Award and Construction Contract award to Valley Paving, Runway reconstruction and Airport Sewer and AIP3-16-0023-019 Grant Acceptance authorization

John Anderson, Airport Manager, stated that the Grant Offer was expected within the next week.

Council Member Kulesza moved to approve the Award and Construction Contract to Valley Paving and accept a grant offer from FAA and authorize the Mayor to sign any and all documents associated with project number AIP 3-16-0023-019 contingent upon the receipt of the grant award from the FAA. Council Member Scott seconded the motion. In a

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

AB 10-173 Environmental Advisory Committee (EAC) – High School Representative

Appointment

Michelle Groenevelt, Community Development Director, stated that the Council expressed interest in Anika Miller as the high school representative during the last selection on January 28, 2010. Ruth Lewinski also expressed interest in the position. The EAC discussed having both of these high school students as representatives to serve on the committee due to there being an interest and the fact that with High School schedules there may be times when one or the other would not be available to attend a meeting.

Mayor Bailey recommended that both students be appointed; the Council unanimously supported the recommendation.

AB 10-171 Conditional Use Permit CUP-10-06: 403 Timm Street – Scott Residence

Michelle Groenevelt, Community Development Director, stated that the applicant has submitted a Conditional Use Permit application for a single-family residence in the Community Commercial (CC) Zone. The proposed construction was a replacement of an existing residence that was damaged by fire.

Council Member Scott left the meeting at 7:25 p.m.

Council Member Kulesza moved to approve CUP -10-06 subject to the presented Findings and Conclusions. Council Member Witte seconded the motion. In a roll call vote Council Member Kulesza, Council Member Witte, Mayor Bailey, and Council Member Delaney all voted aye and the motion passed.

AB 10-172 Administrative Determination: Non-Conforming Structures (setbacks)

Michelle Groenevelt, Community Development Director, stated that the Administrative Determination was previously brought to Council by the City Planner and has since been modified due to suggestions made by Council. She also stated that Council Member Witte had some suggested changes as well.

Council Member Scott returned to the meeting at 7:28 p.m.

Mayor Bailey stated that on page 5 in the first paragraph “are” was stricken and “is” was substituted, he stated that it should have been left as “are”.

Council Member Witte suggested the following changes:

- Page 2, second paragraph under **Damages vs. Repairs and Maintenance** – Change “self-induced” to “intentional” and to strike the second sentence in the same paragraph completely
- Page 2, second paragraph under **Damages vs. Repairs and Maintenance** – Add, “by the structure’s owner” to the end of the sentence
- Page 3, second paragraph under **Thresholds** – Change “where it” to “that repair”

- Page 3, second paragraph under **Thresholds** – Change “must be built” to “if rebuilt must be”
- Page 3, third paragraph under **Thresholds** – Change “applies” to “apply” and Change “where” to “in which the cost of repair of the damage is”
- Page 3, fifth paragraph under **Thresholds** – Change “they” to “he/she” and strike **and so long as the repairs or maintenance do not exceed the 10% threshold.**
- Page 4, first paragraph, second sentence under **Safety Exception** – strike ~~interpretation in response to a present or impending situation endangering human life~~
- Page 4, fourth paragraph under **Safety Exception** – Change “shall” to “may” and completely strike the next sentence.
- Delete the entire last paragraph on page 4

Council Member Scott stated that she had heard that some may interpret the determination as a code change. Bill Nichols, City Attorney stated that the presented Administrative Determination was a fair reading of the code. He also stated that the Council has the authority to interpret City Code and the proposed Administrative Determination is the Council’s interpretation.

Council Member Kulesza moved to endorse the Non-Conforming Structures Administrative Determination with the suggested corrections. Council Member Witte seconded the motion. In a voice vote all members voted aye and the motion carried.

AB 10-176 Proposed Update to Title V of the McCall City Code to remove Code sections that are either in conflict with State Code or State Code is more stringent

Jerry Summers, Chief of Police, stated that the proposed update to the City Code manual is necessary because several codes are inconsistent with State Code. The proposed changes would remove the inconsistent codes and update the penalties for misdemeanor crimes to mirror Idaho State Code.

Council Member Kulesza moved to direct city staff to draft an Ordinance to amend Title V of the McCall City Code. Mayor Bailey seconded the motion. In a voice vote all members voted aye and the motion carried.

CONSENT AGENDA

Staff recommended approval of the following items:

- 7/22/10 Regular Minutes
- Warrant Registers printed on 8/6/10
- Payroll Report for Period ending 7/23/10
- AB 10-175 McCall Annual Antique & Classic Car Show 2010
- AB 10-177 Grant application for US Department of Transportation TIGER II planning grant

Some discussion took place to clarify the warrant register. Council asked for a cost comparison of owning the equipment to do street striping and contracting it out. Council would also like a status on the City's AED's.

Council Member Kulesza moved to approve the Consent Agenda as presented and authorize the Mayor to sign all necessary documents. Council Member Scott seconded the motion. In a roll call vote, Council Member Kulesza, Council Member Scott, Council Member Delaney, Mayor Bailey, and Council Member Witte all voted aye and the motion passed.

Council Member Witte posed the question as to how can the City explain the continuous billing decision. There was a brief discussion as to a possible mailer. It was decided that City staff would put together a FAQ and present to Council.

EXECUTIVE SESSION

At 7:56 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 Mayor Bailey, Council Member Scott, Council Member Delaney, Council Member Kulesza, and Council Member Witte all voted aye and the motion passed.

Kim Trout, Attorney joined the meeting via phone.

Council discussed the Payette Lakes Water and Sewer District litigation issues and possible strategies and solutions.

ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 9:20 p.m.




Donald C. Bailey, Mayor

ATTEST:


BessieJo Wagner, City Clerk