

# MINUTES

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**McCall City Council  
Regular Meeting  
Legion Hall (McCall City Hall - Lower Level)  
April 22, 2010**

## Agenda

Call to Order and Roll Call  
Work Session  
Pledge of Allegiance  
Approve the Agenda  
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 5:30 p.m. Mayor Bailey, Council Member Delaney, Council Member Kulesza, and Council Member Witte answered roll call. A quorum was present. Council Member Scott was absent.**

City staff present was Lindley Kirkpatrick, City Manager; Bill Nichols, City Attorney; Dennis Coyle, Parks and Recreation Director; Michelle Groenevelt, Community Development Director; Carol Coyle, Grant Coordinator; Anne Kantola, Library Director; Brad Kraushaar, City Planner; Linda Stokes, City Treasurer; Jerry Summers; Police Chief, Betsy Roberts, CH2M Hill City Engineer; and BessieJo Wagner, City Clerk.

**Council Member Scott joined the meeting at 5:31p.m.**

## **WORK SESSION**

### **AB 10-98 Economic Development Update**

Lindley Kirkpatrick, City Manager, opened the discussion with the status of the grant for an Economic Development Director. He stated that the Valley County Commissioners were interested in adding four members to the Upper Payette River Economic Development Council (UPRED), which is more than the grant requirement. He stated that there should be an UPRED meeting soon. Council Member Kulesza stated that the County was applying for the grant. He stated that the County chose to apply without the support of the cities. Council member Kulesza was not sure of the exact motion made.

Mayor Bailey stated that the UPRED Council needs to have a meeting to be certain of the motion. Rob Lyons, from the audience, interjected that the County voted for the grant and that it would be John Blaye in the position of Economic Development Director. Mayor Bailey stated that it was the position of the City of McCall to not contribute funds if Mr. Blaye was the Economic Development Director. Mayor Bailey also stated that it was his understanding that it was the decision of the UPRED Board to choose the Director and not the decision of the Valley County Commissioners.

Mayor Bailey stated that the City needed to have a meeting with the UPRED board. There was a brief discussion as to the process of choosing the Economic Development Director. It was decided that further discussion with the UPRED board was needed to clarify the position and who was responsible for appointing the position.

Council Member Kulesza stated that Sheree Sonfield had made some useful suggestions on how the Chamber of Commerce works in other areas and had some suggestions and ideas on economic development. He also stated that Bill Weida had a great idea for a micro lender for small entrepreneurial business.

Mr. Kirkpatrick gave updates on the following items as they related to economic development:

- Eric McCormick, Golf Course Superintendent, went to a golf show in Salt Lake. He stated that McCall paid \$1500, SWETA paid \$1100, and Jug Handle paid \$500 for the shared booth at the show. The Salt Lake location was chosen due to the zip code data received at the golf course.
- At the next City Council meeting, the Council would select a citizen to attend the Northwest Community Development Institute (NWCDI).
- America in Bloom program has had much activity. There will be America in Bloom people in McCall in July to judge. Carol Coyle updated the Council with a possible local contest to improve property throughout McCall. Ms. Coyle stated that there would be an America in Bloom booth at the Home Show. She also indicated that the McCall Improvement Committee was very committed to the project and to its success. Ms. Coyle stated that McCall will be competing with three other communities from around the nation.
- Also updated on the possibility of applying for a GEM Grant.
- No update on the Krahn Lane – a work session will be scheduled
- Follow up on the Economic Development Meeting held at Hunt Lodge

**Mayor Bailey led the audience in the Pledge of Allegiance at 6:02 p.m.**

**Mayor Bailey moved to amend that agenda to add AB 10-111 Assignment of Lease - Lot 8 McCall Ave. Homes, stating the reason for the amendment is that the City received notice**

on Thursday, April 22, 2010 from Realtor, Dave Carter that there was an accepted offer on a McCall Avenue Home due to close May 3, 2010. Since the next regular Council meeting is scheduled for May 13, 2010, for the sake of timing the Council would need to approve the assignment tonight. 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 vote aye and the motion passed.

## **PUBLIC COMMENT**

Mayor Bailey called for public comment at 6:06 p.m.

Hearing no comments, Mayor Bailey closed the public comment.

## **BUSINESS AGENDA**

### **AB 10-101 Library Board of Trustees Presentation of yearly activities**

Anne Kantola, Library Director and Nancy Butler

### **AB 10-109 Parks and Recreation Advisory Committee Member Appointment**

Dennis Coyle, Parks and Recreation Director, stated that the Parks and Recreation Advisory Committee unanimously supported the appointment of Irwin Mulnick.

**Council Member Kulesza moved to appoint Irwin Mulnick to the Parks and Recreation Advisory Committee to a term to expire December 2012. Council Member Delaney seconded the motion. In a voice vote all members voted aye and the motion passed.**

### **AB 10-110 Tree Advisory Committee Member Appointment**

Dennis Coyle, Parks and Recreation Director, stated that the Tree Advisory Committee unanimously supported the re-appointment of Dave Mathis and Pat Knowles.

**Council Member Delaney moved to re-appoint Dave Mathis and Pat Knowles to Tree Advisory Committee to terms which expire April 2013. Council Member Scott seconded the motion. In a voice vote all members voted aye and the motion passed.**

At 6:38 p.m. Council Member Witte recused stating that Sandy and Tim Mills were her neighbors.

### **AB 10-105 Appeal of the Building Department Denial for Refund of Building Permit #05-3128**

Greg Nicholas, City Building Official, stated that the request for refund was denied based on the fact that there was no refund policy at the time the Mills obtained their building permit and there were no written documents supporting their claim.

Sandy and Tim Mills gave an outline of the history of their building permit request for refund stating that their request had been verbal and they were told they could only have an extension.

After much discussion Council determined that at the time the building permit originated, there was no City policy for refunds. Based on the City having no established refund policy and that there were no written request at the time, the following motion was made:

**Council Member Delaney moved to uphold the decision of the Building Official to deny a refund for Building Permit #05-3128. Council Member Kulesza seconded the motion.**

**Discussion on the Motion**

Council Member Scott was concerned with the possible lack of clarity at the time the building permit was issued. Council Member Delaney stated that it was reasonable to expect that the applicants should have put their request in writing. Council Member Kulesza stated that he also agreed that the request should have been in writing and in terms of City policy and consistency he supported the denial.

Bill Nichols, City Attorney, stated that at the time there was no refund policy, and with no documentation, the Council should uphold the policy that was in place at the time.

It was clarified that the IBC Code also requires the any request for refund be in writing.

**In a roll call vote Council Member Delaney, Council Member Kulesza, Mayor Bailey, and Council Member Scott all vote aye and the motion passed.**

Council Member Witte returned to the Council 6:56 p.m.

**AB 10-104 CUP-10-03: 501 N. 3<sup>rd</sup> Street – Pitcher Bar Remodel**

Brad Kraushaar, City Planner, introduced the applicant, Dexter Woodworth, and the applicant's attorney, Steve Millemann to Council.

Steve Millemann, Attorney for the applicant, stated that the applicant currently had a conditional use permit for a drive through window and has since decided to submit a new plan in place of the original permit. The new plan is to use the entire property and improve the third street with curb, sidewalks and gutters.

Mr. Woodworth gave his presentation to Council for the remodel of the existing, but unoccupied, Pitcher Bar structure, including a drive-thru window located at 501 N. 3<sup>rd</sup> Street just south of the Shell gas station. The drive-thru window would be located on the north side of the structure accessed from Colorado Street, exited onto 3<sup>rd</sup> Street. The application has proposed numerous improvements to the site, including extensive landscaping, and sidewalks along both N 3<sup>rd</sup> Street and Colorado Street. Mr. Woodworth proposed to phase these improvements over the next 3 years.

Brad Kraushaar went through the new proposed development agreement. Council had a brief discussion clarifying the project.

**Council Member Kulesza moved to approve CUP-10-03 subject to the presented Findings and Conclusions. 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 vote aye and the motion passed.**

**Council Member Kulesza moved to approve the Development Agreement for CUP-10-03 and authorize the mayor to sign all necessary documents. Council Member Delaney seconded the motion. In a roll call vote Council Member Kulesza, Council Member Delaney, Mayor Bailey, Council Member Scott, and Council Member Witte all vote aye and the motion passed.**

**Council Member Kulesza moved to revoke CUP 09-06, which authorized a Drive-Thru at 507 N. Third Street Old Town Station. 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 vote aye and the motion passed.**

**AB 10-107 Continuous Utility Billing: Adopt Ordinance, establishing continuous utility billing**

Mr. Kirkpatrick stated that the ordinance had been edited to add provision for entities to apply for an exemption.

Council Member Witte wanted clarified what would be exempt. It would be irrigation only accounts and government agencies could apply for the exemptions.

Council Member Scott asked if needed to recuse as she owns a lot where water is turned off. Mr. Nichols stated that because this ordinance has general application across the city it would not be considered a conflict.

Mayor Bailey suggested that the verbiage in section 2 be changed to:

A water user which is also a public, governmental entity, or a water user with an account which is for irrigation water only, may apply to the City for permission to temporarily suspend water service and the associated monthly charges related thereto. If the City grants such permission, the water user will pay a turn off fee, the water account and corresponding wastewater account (if any) will be placed on hold, and monthly water and wastewater charges shall be suspended until such time as the water user pays the turn-on fee and the water service is restored to the water user's account. This section providing for exemptions shall expire on July 1, 2013 and thereafter no exemptions will be granted.

Council Member Witte asked for clarification of City staff or City Council would grant permission. Mr. Nichols stated it was intended that the applications would be granted at the administrative level.

Council Member Delaney stated that the City Manager needed to make clear who gives permission.

**Council Member Kulesza moved to suspend the rules and read Ordinance No. 874 by title only one time only with the following changes to the exemptions:**

- **Add “corresponding wastewater account (if any)” after “the water account”**
- **Add “and wastewater charges” after “and monthly water”**
- **Change the date on page 2 from “March 25” to “April 22”**
- **And insert “PROVIDING FOR EXEMPTIONS” into the title after “UTILITY BILLING;”**

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

Ordinance No. 874 was read by title only one time only by Mrs. Wagner.

**Council Member Kulesza moved to adopt Ordinance No. 874, establishing continuous utility billing, providing for exemptions, and authorize the Mayor to sign all necessary documents. Council Member Delaney seconded the motion. In a roll call vote Council Member Kulesza, Council Member Delaney, Mayor Bailey, Council Member Scott, and Council Member Witte all vote aye and the motion passed.**

#### **AB 10-106 USFS Industrial User Agreement**

Mr. Kirkpatrick stated that the attached Industrial User Agreement between the City of McCall and the US Forest Service would allow the USFS to discharge washdown water from the Air Tanker base into the City’s wastewater system, as allowed by MCC 6-3-080. The Council discussed this item during a work session on March 26, 2010.

Betsy Roberts, CH2M Hill City Engineer, presented the Industrial User Agreement to Council. The Council worked through the document with Ms. Roberts, clarifying the document and making corrections.

**Council Member Delaney moved to approve the Industrial User Agreement with the USFS with the following changes:**

- **Section C. 2. Remove the words “during this time”**
- **Section E. 1. Add the word “down” after “wash” in the second line**
- **Section E. 1. Replace the words “The initial engineering review charge will be \$5,000. Any subsequent” with the word “All”**
- **Table 1 Step 5, replace the word “inspection” with the word “the”**
- **Re-letter the document so they are in sequence**

**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 Witte, Mayor Bailey, and Council Member Delaney Council Member Scott all vote aye and the motion passed.**

#### **AB 10-108 Response to Alleged Violations of the Idaho Open Meeting Law**

Lindley Kirkpatrick stated that the City had received a complaint from Ballard Smith, dated April 13, 2010, alleging violations of the Idaho Open Meetings Law. Idaho Code §67-2347 lays

out the process to be followed to address the complaint. The City has 14 days, or until April 26, to respond. The City must either acknowledge the open meeting violation and implement a cure, or determine that no violation has occurred.

Mayor Bailey stated that it was his opinion that the minutes already reflected what it is that the legislature required; he cautioned on interpreting what the intent was.

Council had discussion of the allegations.

Council Member Delaney agreed that if there needed more details to the executive session minutes then the legislature would have specified what that detail would be. Council Member Scott agreed.

Mr. Nichols stated that if the Council chose to amend the minutes, it would not mean they would be stating that there was any violation.

**Mayor Bailey moved to find that there was no violation of the Open Meeting Law related to complaints one, two, and three and amend the minutes of July 23, 2009, August 6, 2009, August 13, 2009, August 27, 2009, December 17, 2009, January 14, 2010, February 11, 2010, February 25, 2010, March 11, 2010, and March 25, 2010. 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 vote aye and the motion passed.**

#### **Discussion on the content of Special Minutes**

Council Member Delaney asked that the Special Minutes for January 21, 2010 and February 9, 2010 be removed from the consent agenda. Council member Delaney requested that the purpose and the outcome of the meetings be added to the minutes and to all future minutes of Special Meetings.

## **CONSENT AGENDA**

Staff recommended approval of the following items:

- Minutes April 8, 2010
- Special Minutes January 22, 2010
- Warrant Registers printed on 4/15/2010
- Payroll Report for Period ending 4/2/10
- AB 10-102 Utility Hardship Renewal Application
- AB 10-103 Designating the Mayor and Council President, City Treasurer, and City Manager as authorized individuals on the collateralized account, City of McCall Combined Checking Account
- AB 10-111 Assignment of Lease - Lot 8 McCall Ave. Homes (ADDED 4/22/10)

Some discussion took place to clarify the warrant register and correct the minutes. Mayor Bailey commented that the PD overtime needs to be monitored more closely.


Council Member Delaney moved to approve the Consent Agenda with the minutes corrected and the removal of Special Minutes January 21, 2010, Special Minutes February 9, 2010. Council Member Scott seconded the motion. In a roll call vote Council Member Kulesza, Council Member Witte, Mayor Bailey, and Council Member Delaney all vote aye and the motion passed.

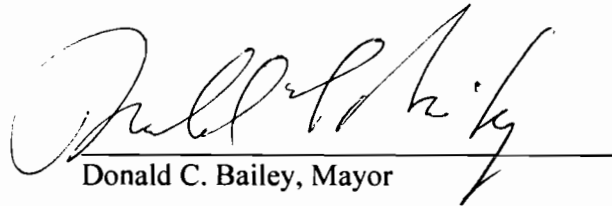
## ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 9:07 p.m.



ATTEST:

  
BessieJo Wagner, City Clerk

  
Donald C. Bailey, Mayor