

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
March 25, 2010**

Agenda

Call to Order and Roll Call
Work Session
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 5:32 p.m. Mayor Bailey, Council Member Delaney, Council Member Kulesza, Council Member Scott and Council Member Witte answered roll call. A quorum was present.

City staff present was Lindley Kirkpatrick, City Manager; Bill Nichols, City Attorney; Michelle Groenevelt, Community Development Director; Dennis Coyle, Parks and Recreation Director; Carol Coyle, Grant Coordinator; John Anderson, Airport Manager; and Laurie Radcliffe, Administrative Assistant

WORK SESSION

AB 10-89 Circulation Plan within the Urban Renewal District

Michelle Groenevelt presented the options for traffic circulation patterns, stating that Option 1 preserves the current circulation pattern and Option 2 changes East Lake Street to one-way south for the entire road. Neither option would allow boat trailers on Mill Street. Option 1 remains the same; Option 2 changes the existing traffic pattern, so the boat trailers go up Roosevelt and down Hemlock to Lake Street to Fir Street.

Council discussion ensued regarding pedestrian and bike traffic patterns.

Council Member Witte asked about the benefits of Option 2. Mayor Bailey stated the new consultant recommended the City consider trying Option 2 for a summer, in order to compare it

to what happened last summer with Option 1. Mayor Bailey also reviewed the changes required to the intersection to accommodate either circulation pattern and make them more user-friendly.

Council Member Delaney indicated there were complaints regarding boats queuing on Pine. Option 2 would remove any conflict between businesses and boat queuing. Mayor Bailey talked about using Boat Ambassadors to direct boat trailers in the future, especially if the City chooses Option 2.

There was further Council discussion regarding options for trailered vehicles versus automobiles. Ms. Groenevelt indicated that the proposal to try Option 2 for a year will be recommended by Urban Renewal; but the Transportation Advisory Committee wanted to keep Option 1. Council Member Delaney stated that Urban Renewal believed Option 2 would be beneficial to the local businesses, which is one of the reasons they were supporting trying it for a year. The Council discussed possible other options and where signs and stop signs would be needed. Ms. Groenevelt indicated that more information would be provided at the April 8, 2010, Council meeting.

Mayor Bailey led the audience in the Pledge of Allegiance at 6:00 p.m.

Mayor Bailey approved the agenda with the following changes:

Ms. Coyle requested the removal of AB 10-78 from the Consent Agenda to the Business Agenda, as the last item.

PUBLIC COMMENT

Mayor Bailey called for public comment at 6:02 p.m.

Albert Bore, 1503 Louisa Avenue, McCall, Idaho, provided written comments for inclusion in the minutes (copy attached). Mr. Bore spoke regarding the continuous utility billing ordinance. His concerns were whether the City had checked on the legal aspects of this change, and if the City was tightening their belt rather than raising more money by placing an additional financial burden on part-time residents. It was his opinion that McCall charged more than any other City in Valley County. Mr. Bore also raised the issue of turn on fees remaining at \$30 for people who turned their water off before this policy was put into effect.

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

BUSINESS AGENDA

AB 10-75 Appointment of Doug Russell as P&Z Commissioner

Council addressed the re-appointment of Doug Russell as the McCall Area Planning and Zoning. No discussion was heard.

Council Member Kulesza moved to re-appoint Doug Russell to the McCall Area Planning and Zoning Commission with a term to expire April, 2013. Council Member Delaney seconded the motion. In a voice vote, all members voted aye and the motion passed.

Council Member Witte recused.

AB 10-84 ZON-08-03: 204 Forest Street – McCall Memorial Hospital Ordinance adoption

Michelle Groenevelt, Community Development Director, presented the proposal to change 204 Forest Street zoning from R-4 to Civic, to match the rest of the property. Discussion ensued about exact location. Council Member Delaney asked if the change would be in agreement with the long-range plan. Ms. Groenevelt indicated that it would.

A representative from the hospital, Andy Laidlaw, Chair of Hospital Planning Committee, presented the hospital's concerns about the Development Agreement. He stated that Section 2.1 indicates "parking lot usage or in accordance with the official master plan for the McCall Memorial Hospital," which may or may not be what the hospital chooses to use the area for. He would prefer the council's restriction be more specific. Council Member Delaney wondered if there was a reason for restricting it more than Civic Code. Mr. Laidlaw did not feel their Master Plan for the hospital was official, because it did not include all of the property. He did not want to restrict the long-term uses. Council Member Delaney concurred.

Discussion about using the phrase "McCall Memorial Hospital shall have the right to use the property for hospital-related uses and construction of future improvements consistent with the McCall Civic Code" ensued. Mr. Nichols, City Attorney, recommended revising the development agreement and approving it with that change, re-submitting to hospital, and bringing it back before Council for final approval with the Ordinance.

Mr. Laidlaw indicated he had other issues: He stated that Section 2.3 did not seem necessary to the development agreement. Mr. Nichols stated that it has to do with future-related street improvements and LIDs. He indicated he would be pleased to work with the Hospital's council to re-work the wording. Mr. Laidlaw then addressed Section 2.7, which stated "any public utilities shall be placed underground." He would prefer "any utilities located on the subject property shall be placed underground." Mayor Bailey agreed that the development agreement was ambiguous in that section, as this is a single lot and the public utilities do not cross the lot. Council Member Kulesza concurred.

Council Member Scott moved to approve the Development Agreement, as amended and subject to discussed changes. Council Member Delaney seconded the motion. In a roll call vote Council Member Scott, Council Member Delaney, Mayor Bailey, Council Member Kulesza, all voted aye and the motion passed.

Council Member Scott moved to approve ZON-08-03 Findings and Conclusions. Council Member Kulesza seconded the motion. In a roll call vote Council Member Scott, Council Member Kulesza, Mayor Bailey, Council Member Delaney, all voted aye and the motion passed.

Council Member Witte Returned to the Council

AB 10-76 Wastewater Policy & Resolution 10-12 adoption

Lindley Kirkpatrick, City Manager, reviewed what was contained in the council packet, regarding EDUs and flows, and the declination of flow, recommending the City continue to use 160 gallons for planning purposes. Council Member Delaney asked for clarification of the July 2013, date. Mr. Kirkpatrick indicated that date was used because it was assumed that by that time, the City would know what action would be required.

Mayor Bailey stated he would like to put the whole issue of Wastewater on as a work session, in the May timeframe. Mr. Kirkpatrick pointed out that there was nothing in the current year budget for the engineers to do any work on this matter. Mayor Bailey stressed that this was very important to the community. Council Member Delaney wondered what CH2M Hill, City Engineer, considered 'keeping up to speed' without the City spending money. Mr. Kirkpatrick indicated there have been some changes, and CH2M Hill and DEQ/DEA was staying on top of them.

Discussion ensued regarding what was received versus what was delivered. Council Member Witte asked about the ranking process. Mr. Kirkpatrick indicated that it was not part of the resolution. It was part of how the staff implements the resolution. Ms. Groenevelt indicated it was not specific to the ordinance. It was decided to delete the reference in the future.

Council Member Kulesza moved to Adopt Resolution 10-12 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 voted aye and the motion passed.

AB 10-77 Water Policy & Resolution 10-11 adoption

Mr. Kirkpatrick indicated this resolution was to allow the City to continue issuing building permits. The limits were greater than the wastewater policy limits.

Council Member Delaney moved to Adopt Resolution 10-11 and authorize the Mayor to sign all necessary documents. Council Member Witte seconded the motion. In a roll call vote Council Member Delaney, Council Member Witte, Mayor Bailey, Council Member Kulesza, and Council Member Scott all voted aye and the motion passed.

AB 10-87 Continuous Utility Billing: Ordinance and Resolution adoption

Mayor Bailey indicated this had been tabled for more public input. Mr. Bore had sent a letter and then spoke again tonight. There was a revision to City Code, Title VI, Section 6.4.150, Fees and Requirements.

Council Member Witte asked for clarification regarding the customers who have their water off now and the requirement for them to pay the additional higher fee of \$65. Mr. Kirkpatrick indicated that was correct; however the City would be able to change the effective date for Sections 1 and 2 and rectify that issue. Mr. Nichols indicated that Section 2 be adjusted to defer the turn-on charge to a future date that would be after when most part-time users would have

turned services back on. Council Member Witte felt that would be fair. She also stated that when someone initially requests to have their water turned on, the person should be very educated on the fees involved. Mr. Kirkpatrick indicated that it would be added to the application form and customers would be provided with a Frequently Asked Questions document. Council Member Witte stressed that it should also be verbally explained.

Discussion ensued regarding the exemption request from Ponderosa State Park. Council Member Witte's opinion was that the exemption requests should be allowed. Council Member Delaney was open to government entities being allowed to apply for a waiver, but not comfortable with a non-profit having that option. Mayor Bailey concurred, and felt that the State Park had a real issue.

Council Member Delaney stated that the city needs to remember that this issue was not about water usage. The infrastructure had to be there all the time and the city could not downsize the requirements based on usage.

It was Mayor Bailey's opinion that the park was a special consideration and that their request was reasonable. Council Member Delaney was not opposed to exceptions, but felt it should not be based on usage. Mayor Bailey stated that it also involves fire protection, and because the park would continue usage on some meters, their fire protection remains constant.

Mayor Bailey addressed Mr. Bore's concern about the City reducing their spending. Council Member Delaney felt that fulltime residents were feeling the impact of the economy too, and they have to continue to pay.

Council Member Kulesza and Mr. Nichols clarified wording for Section 2. Mayor Bailey recommended October 1 as a date to increase the turn on fee. Mr. Nichols recommended crafting a narrow exemption, such as: "a state funded facility with not more than ten water meters can apply for a water exemption" with some recognition of the ongoing regular cost. Very little of the cost is related to fixed costs, not usage.

Discussion ensued regarding whether to list specific exemptions or leave it open for certain entities to apply for exemptions. Mr. Nichols stated that the Council must have objective criteria, so all requests were considered in the same manner. Mr. Nichols made the point that government entities have no control over the fees they charge; however private entities do.

It was decided that Mr. Nichols should craft language for Section 2 for government agencies to apply for exemptions.

Mayor Bailey moved to table the action on the Ordinance until the April 22, 2010, meeting. Council Member Kulesza seconded the motion. In a voice vote, all members voted aye and the motion passed.

Discussion ensued regarding a time limit to the exemptions.

Mayor Bailey moved to adopt Resolution No. 10-9, setting turn-on/turn-off fees, with the addition of the words to Section 2 “Effective October 1, 2010, the charge for turning on water to a service location that has received service in the past shall be \$65.00,” and authorize the Mayor to sign all necessary documents. Council Member Witte seconded the motion. In a roll call vote Mayor Bailey, Council Member Witte, Council Member Delaney, Council Member Scott, Council Member Kulesza, all voted aye and the motion passed.

AB 10-88 UPREDC Grant Application

Mayor Bailey indicated he and Mr. Kirkpatrick attended the Upper Payette River Economic Development Council (UPREDC) Board meeting on March 17, 2010. Mr. Kirkpatrick indicated the grant requirements have not been released.

Council Member Kulesza indicated what stood out to him was that it was a new cycle, and the chances of being successful in getting the grant were greater if the county and all the cities apply for and support the grant. Donnelly had approved it and offered to be the governing agency. An RFP would be sent out for an Economic Development person that would be an employee. The grant would lower the overall costs of economic development in Valley County.

Discussion ensued regarding grant application and oversight. A regional partnership would be much more competitive in the application process. It was Council Member Delaney opinion that the City should absolutely agree to participate and apply for the grant. Council Member Witte concurred. Cascade and Valley County had not committed to UPREDC.

Mayor Bailey reiterated information in the memo provided to City Council, with discussion regarding participation and benefits, as well as who the fiscal agent would be and what the City would be willing to contribute in matching funds. Discussion about the Memorandum of Understanding that was in existence and what would be written for this new endeavor was presented.

Council Member Kulesza moved to support the submission of an IDOC Rural Idaho Economic Development Professional Program grant application. Council Member Delaney seconded the motion. In a voice vote, all members voted aye and the motion passed.

More discussion ensued regarding supporting the grant, writing a new Memorandum of Understanding, selecting the fiscal agent and determining the amount of funds to be contributed. It was stated that it needed to be clear that it would be the UPREDC board that would set policy and establish direction of economic development. Support would be conditioned upon information received at the last meeting and that the UPREDC board was in charge. Donnelly, as the fiscal agent, was supported, but The City of McCall would offer as well. Council Member Delaney felt that McCall might be a better choice because McCall is more of the driving city and has greater resources, and perhaps could provide better foundation sources; however, she stated that Donnelly would be fine.

Council Member Kulesza will attend the next UPREDC meeting with the City’s support for the grant, and work toward developing an MOU that protects the interests of McCall in terms of providing any necessary escape. Further, he will focus on what the city will contribute in the way

of funds and make it very clear that it will be the UPREDC Board, and not any individual partner agency or the fiscal agency, which will set the direction for economic development activity. Council Member Kulesza will also offer the City of McCall as the fiscal agent, but all were in agreement that it doesn't matter who the fiscal agency is.

AB 10-78 Riverfront Park land acquisition (“Riverview parcel”) from USDA United States Forest Service

Carol Coyle, Grant Coordinator, asked that the action be amended to include approving the Purchase and Sale Agreement and authorize the mayor to sign all documents and authorize payment of \$140,000 to United States Forrest Service and the execution of the easement agreement to Frontier Telecom after notification of the grant award was received and, again, authorizing the Mayor to sign all documents. Ms. Coyle requested this because she believed the City would receive the grant award next week. Council Member Delaney asked about Page 24, with Council Member Kulesza's name. Ms. Coyle explained it was because the process began while Mr. Kulesza was Mayor. Staff would strike through and make any changes necessary. Council Member Scott asked what the amount in the budget was. Mr. Kirkpatrick indicated \$160,000 was budgeted.

Council Member Kulesza moved to approve the Purchase and Sale Agreement on the Riverfront Park land acquisition, authorize payment of \$140,000 to the USDA Forrest Service, and then execute the easement agreement to Frontier Telecom and authorize the mayor to sign all necessary documents, after grant award notification is received. Council Member Witte seconded the motion. In a roll call vote, Council Member Kulesza, Council Member Witte, Council Member Scott, Council Member Delaney and Mayor Bailey all voted aye and the motion passed.

CONSENT AGENDA

Staff recommended approval of the following items:

- Minutes March 11, 2010
- Warrant Registers printed on 3/18/2010
- Payroll Report for Period ending 3/5/10
- AB 10-81 Safe Routes to School “mini grant” program funding application to the Idaho Transportation Department (ITD)
- AB 10-79 Wright Lease Assignment - Hangar 203
- AB 10-80 Confirm FY11 budget calendar, set Council work session & public hearing dates
- AB 10-85 Fair Housing Proclamation
- AB 10-86 Assumption of lease for Greystone Village #3, Lot 2, Block 3, from Neighborhood Housing Services to Daniel T. O'Malley
- AB 10-82 Application to hang a Highway Banner- McCall Home Show
- AB 10-83 Application to hang a Highway Banner- McCall Amateur Golf Tournament

Some discussion took place to clarify the warrant register and correct the minutes.

Mayor Bailey indicated that AB 10-79, the Wright Lease Hangar Assignment, Item 37, raised concern that the corporation could sell the hangar to another individual. Mr. Nichols clarified what would be required to make that happen, and stated that he felt that was a non-issue, stating that Mayor Bailey's concern was legitimate, but not likely to happen. Mr. Nichols stated that the lease could be modified to say that any change in the corporation, constitutes a change in ownership. Mayor Bailey was comfortable with the lease the way it was. Changes are being incorporated in the future, and a review of the new hangar lease is on the Work Sessions schedule.

Council Member Delaney moved to approve the Consent Agenda, as amended. Council Member Kulesza seconded the motion. In a voice vote, all members voted aye and the motion passed.

EXECUTIVE SESSION

At 8:04 p.m. Council Member Kulesza moved to go into Executive Session for:

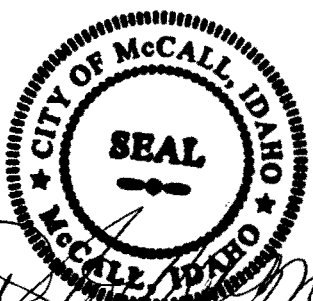
- **Personnel – Pursuant to Idaho Code §67-2345(1)(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.**
- **Litigation – Pursuant to Idaho Code §67-2345(1)(f) 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.**

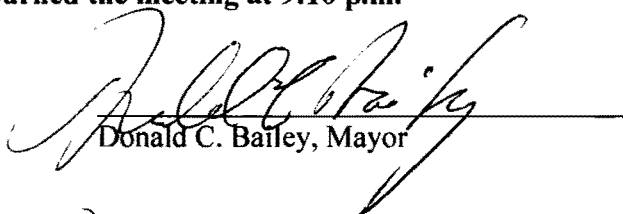
Council Member Delaney seconded the motion. In a roll call vote Council Member Kulesza, Council Member Delaney, Mayor Bailey, Council Member Scott, and Council Member Witte all voted aye and the motion passed.

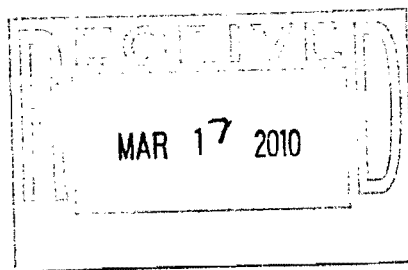
ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 9:10 p.m.

ATTEST:


BessieJo Wagner, City Clerk


Donald C. Bailey, Mayor



Albert Bore
1503 Louisa Avenue
McCall, ID 83638

March 16, 2010

Mayor Don Bailey and Members of
The McCall City Council
City of McCall
216 E. Park
McCall, ID 83638

Dear Mayor Bailey and Council Members:

I am writing in regards to the city's proposal to adopt a new ordinance which would force part-time residents to pay for continuous utility billing. The existing ordinance gives property owners the choice to disconnect from these city services for part of the year by paying a fee to disconnect and an additional fee to reconnect. I, like many other property owners in the area, only use my property on a part-time basis (spring, summer and early fall) which is approximately one half of the year.

It is quite clear that the city is looking for new ways to generate more revenue. The city currently collects a substantial fee (\$4,400 for any new water hookup and \$5,200 for any new sewer hookup) to cover the costs associated with "buying into the system, upkeep, improvements and future expansion," according to the City Treasurer on March 9, 2010. If the city has experienced a decline in the collection of hookup fees due to a downturn in construction, it cannot expect existing homeowners to offset this loss, especially those who are not here and using the services year-round. All property owners in McCall have, at one time or another, paid the fee for sewer and water hookup, so taking that into consideration, we have already contributed to the cost to build and maintain the infrastructure. In addition, the monthly fee that we pay not only goes to cover the cost of consumption, but also goes towards upkeep and maintenance.

The January 28, 2010 issue of The Star News, the City Manager states that "The city also would like to consider having all customers pay for the services throughout the year, taking some of the burden off year-round customers. However, the changes may not mean a lower bill for all customers if they are instituted, he said." And then in the February 11, 2010 issue of The Star News, in regards to the year-round rate charge, the Interim Public Works Director, Tim Swanson, states that "This will spread the burden to all the customers."

In the minutes of the February 11, 2010 meeting, the Mayor states that he understands the concerns of the part-time residents, but if they do not consider this change (year-round utility billing for everyone), they will have to raise the rates. It is more fair to raise rates and have everyone share in this cost (those who use more must pay more) than it is to burden the part-time residents with year-round billing. After all, we are not using the system all year and placing a burden on the infrastructure, so why must we pay year-round? It seems that the part-time residents are being required to subsidize the cost of the full-time residents. It's logical and makes sense that those who are using more must pay more. For example, if I am not using electricity or gas in my home, then I am not paying the same amount as the person who is using those services.

Mayor Don Bailey and Members of
 The McCall City Council
 Page Two
 March 10, 2010

The City of McCall has the highest water and sewer rates, connection fees and disconnect fees in the area. Please refer to the chart below:

	Sewer Base Rate	Water Base Rate	Total Sewer&Water	Gallons Included	Price per 1,000 Gal.	Fee Turn Off	Fee Turn On	Total On/Off Fee	Fee for Non use	Proposed Fee for Non use	% Paid for Non use
Cascade	22.00	37.00	59.00	10,000	0.75	25.00	25.00	50.00	29.50		50%
Donnelly	32.00	32.00	64.00	-	2.50	50.00	50.00	100.00	42.00		66%
McCall	44.00	33.70	77.70	-	0.71	100.00	30.00	130.00	-	77.70	100%
New Meadows	35.30	32.70	68.00	7,000	2.00	15.00	15.00	30.00	14.85		22%

I attended the City Council meeting held on February 11, 2010 and had the opportunity to voice my objection to a change in the current ordinance. As I stated in my testimony, I have no objection to the fee required to turn on and turn off city services (although the City of McCall charges the highest fee compared with surrounding cities - Donnelly, Cascade and New Meadows- as seen in the chart shown above). My complaint is with the charge year-round for services that I don't even use. I also stated that if the City must charge a fee to part-time residents, it should be a reasonable fee, and almost \$80 per month is not reasonable. Perhaps a nominal fee for account maintenance (\$20 or \$30) would be more acceptable to the part-time residents.

In conclusion, I am respectfully requesting that you carefully consider my comments and suggestions. What I am saying is reasonable and makes sense, and I am sure that most, if not all, of the other part-time residents would agree.

Sincerely,



Albert Bore

cc: Lindley
 Bessie Jo

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
March 25, 2010**

The Executive Session portion of the March 25, 2010 minutes were amended on April 22, 2010 to ensure compliance with the requirements of IC §67-2344 (2).

EXECUTIVE SESSION


At 8:04 p.m. Council Member Kulesza moved to go into Executive Session for:

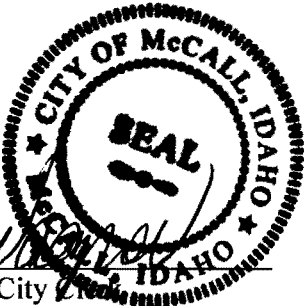
- Personnel – Pursuant to Idaho Code §67-2345(1)(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.
- Litigation – Pursuant to Idaho Code §67-2345(1)(f) 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.

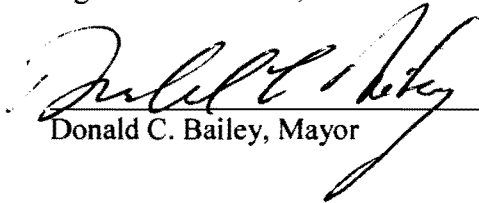
Council Member Delaney seconded the motion. In a roll call vote Council Member Kulesza, Council Member Delaney, Mayor Bailey, Council Member Scott, and Council Member Witte all voted aye and the motion passed.

Council discussed litigation issues and possible strategies and solutions; and the evaluation of a City employee.

ATTEST:


BessieJo Wagner, City Clerk




Donald C. Bailey, Mayor