

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
January 14, 2010**

Agenda

Call to Order and Roll Call
Consent Agenda – Old Business
Oaths of Office
Election of Mayor
Election of Council President
Executive Session
Reports
Pledge of Allegiance
Approve the Agenda
Public Comment
Consent Agenda – New Business
Business Agenda
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Kulesza called the regular meeting of the McCall City Council to order at 3:03 p.m. Council Member Bailey, Council Member Delaney, Mayor 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; and BessieJo Wagner, City Clerk.

CONSENT AGENDA – OLD BUSINESS

Staff recommends approval of the following items:

- Warrant Register – Payments made under Resolution 09-13 - printed on January 7, 2010
- Warrant Register – Payroll Deducted Child Support Payments for periods 11/28/09-12/11/09 & 12/12/09-12/25/09 - printed on January 7, 2010
- Warrant Register – Current payments - printed on January 7, 2010
- Payroll Reports - periods 11/28/09-12/11/09 & 12/12/09-12/25/09
- Minutes –9/24/09, 10/8/09, 10/22/09 &12/17/09

Council Member Delaney moved to approve the Consent Agenda – Old Business with the minutes corrected 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 Bailey, Mayor Kulesza, Council Member Witte, and Council Member Scott all voted aye and the motion passed.

OATHS OF OFFICE

Installation of newly elected City Council Members

BessieJo Wagner, City Clerk, swore in newly elected City Council Members Don Bailey, Claudia Delaney, Laura Scott, and Marcia Witte.

ELECTION OF MAYOR

Elect a new Mayor for the term January 2010 through January 2012

Council Member Kulesza nominated Don Bailey for Mayor. Council Member Scott seconded the nomination and in a voice vote, all members voted aye and the motion passed.

ELECTION OF COUNCIL PRESIDENT

Elect a new Council President for the term January 2010 through January 2012

Council Member Kulesza nominated Council Member Scott for City Council President. Council Member Delaney seconded the nomination and in a voice vote, all members voted aye and the motion passed.

EXCUTIVE SESSION

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 Kulesza seconded the motion.

Discussion on the Motion

There was discussion whether to add Executive Session for personnel in regard to the group Ethics in Idaho's accusations against City Prosecutor Matt Williams. The Council was not interested in pursuing termination or any kind of corrective action on alleged issues. Council stated that if the City Manager had concerns and evidence to support the allegations then he could recommend further action. Lindley Kirkpatrick stated that at this time he did not and would not recommend any further Council action be taken at this time.

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

The meeting returned to Open Session at 5:20 p.m. and recessed until 5:30 p.m.

REPORTS

Council Member Witte left the meeting at 5:30 p.m.

Additional City staff present were Michelle Groenevelt, Community Development Director; Eric McCormick, Golf Course Superintendent; Tim Swanson, Interim Public Works Director; Linda Stokes, City Treasurer; Dennis Coyle, Parks and Recreation Director; John Anderson, Airport Manager, Anne Kantola, Library Director, Jerry Summers, Police Chief and Carol Coyle, Grant Coordinator.

City Manager Report

Lindley Kirkpatrick, City Manager, gave a brief summary of upcoming City business such as the first quarter budget reviews and employee evaluations.

Complements were given to the Library and the improvements made and to the Golf Course for being the only course in the area to show increased use.

Council asked for a Recycling Partners status update, Ms. Groenevelt stated that their pre-application meeting had been before Planning and Zoning Commission.

Council Member Witte returned to the meeting at 5:58 p.m.

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

PUBLIC COMMENT

Mayor Bailey called for public comment at 6:01 p.m.

Hearing no comments, Mayor Bailey closed the public comment.

CONSENT AGENDA – NEW BUSINESS

Staff recommended approval of the following items:

- Payroll Reports for Periods Ending December 14 & 28, 2007
- AB 10-05 Alcohol Beverage License Report as of 1-5-10
- AB 10-03 Arbor Day Proclamation
- AB 10-04 Sewer easement granted to The City of McCall for expansion of Lift Station #8 located in North West Rio Vista
- **AB 10-15 Easement for public bus shelter on Alpine Village property
Moved to Business**
- AB 10-10 Engineering Services Agreement Amendment Request No. 2 AIP 3-16-0023-016 (ARRA)
- AB 10-13 Idaho Department of Parks and Recreation Waterways Improvement Fund grant for new restroom at boat trailer parking area
- AB 10-14 Idaho Department of Parks and Recreation Recreational Vehicle Fund grant for parking lot improvements at the Central Idaho Historical Museum
- AB 10-16 Local Highway Technical Assistance Council Surface Transportation Program–Rural Funding for chip sealing of roadways – Adoption of Resolution 10-4
- AB 10-17 American Recovery and Revitalization Act Justice Assistance Grant funding for law enforcement programs
- AB 10-18 Winter Carnival 2010 - Event Summary - Request for suspension of the noise ordinance - Request for approval of the fireworks display

Council Member Delaney moved to approve the Consent Agenda – New Business minus AB 10-15 Easement for public bus shelter on Alpine Village property 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.

BUSINESS AGENDA

Council Member Scott Recused at 6:08

AB 10-15 Easement for public bus shelter on Alpine Village property

Carol Coyle, Grant Coordinator, explained that the location of this shelter on private property is allowed by the Public Transportation Division of ITD, but an easement from the property owner is required. There was a brief discussion as to the cost associated with any potential move of the shelter. It was stated that the shelter could be moved by crane and would not be required to be dismantled and rebuilt.

Council Member Delaney moved to approve the easement agreement, and authorize the Mayor to sign all necessary documents. Council Member Kulesza seconded the motion. In a voice vote all members voted yes and the motion carried.

Council Member Scott returned to the Council at 6:13 p.m.

AB 10-11 VARHA Board Member- City Representative Appointment

Michelle Groenevelt, Community Development Director, stated that The Valley/Adams County Regional Housing Authority (VARHA), which develops and administers affordable housing programs in the McCall, Idaho region, needs a representative from the City of McCall to serve on the Board of Directors. She stated that Mike Maciaszek, a local realtor, would like to be considered for the position

Council Member Delaney moved to appoint Mike Maciaszek as the City representative to the Valley Adams Regional Housing Authority Board. Council Member Scott seconded the motion. In a voice vote all members voted yes and the motion carried.

AB 10-08 Adoption of Resolution 10-2 – Establishing Recreation Fees

Dennis Coyle, Parks and Recreation Director, stated that many of the current programs listed in the fee schedule were no longer offered. He stated that the adopted formula creates a mechanism to recover costs associated with recreation programs. When programs change, are deleted, or added staff will not have to come to City Council for adoption of new program fees. Resolution 10-2 would allow staff to be timelier in offering new programs.

There was a brief discussion as to the importance of using the minimum number of participants needed to offer the program when setting the fee then the fee could be adjusted if there were significantly more participants.

Council Member Kulesza moved to adopt Resolution 10-2 to remove the program fee schedule and instruct staff to adhere to the adopted formula with the following changes:

- Section 4 (B) change 50% to 100%
- Section 4 (E) strike completely

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

AB 10-07 Adoption of Ordinance No 871 amending MCC 8.14.4 to Allow Domestic Animals in City Parks

Mayor Bailey City directed staff prepare a statement for the paper to state the intent of the ordinance and urging citizens to do their part. He also wanted to convey that allowing dogs in the park would be a trial and that the Ordinance gives the City an opportunity to revoke it.

Council Member Scott moved to suspend the rules, read by title only, one time only Ordinance No. 871, amending Title 8. Council Member Delaney seconded the motion.

Discussion on the motion

There was a suggestion to change some of the language within the ordinance, after a brief discussion the Council stated that the language used was sufficient.

The motion stood, in a voice vote all members voted aye and the motion carried.

Mrs. Wagner read Ordinance 871 by title only one time only.

Council Member Scott moved to adopt Ordinance No. 871, amending Title 8 as amended – under the third “Whereas” remove the words “and is” – and authorize the Mayor to sign all necessary documents. Council Member Kulesza seconded the motion. In a roll call vote Council Member Scott, Council Member Kulesza, Mayor Bailey, Council Member Delaney, and Council Member Witte, all voted aye and the motion passed.

AB 10-20 FY10 Economic Development Activities

After much discussion by the Council, they decided to schedule a work session to consider specific, actionable, short term proposals. All of the potential partners in economic development activities will be invited to the work session, including: UPRED, the Chamber of Commerce, the Merchants Association, Sage Community Resources, the Small Business Development Center, and other local business representatives. Additionally, the Council directed that a letter be sent to UPRED, expressing the Council’s desire to maintain a regional partnership and declining to provide the requested \$30,000 in funding.

Rob Lyons, local realtor, stated that he would encourage the Council to get input from business owners. Tim Cochrane, Chamber of Commerce, also liked the idea of having some of the business leaders from the community

There was a general consensus from the Council that along with a structured meeting, timely execution was needed.

AB 10-19 Frontier Services Agreement for digital phone trunk (T1-PRI) and related digital phone system project materials

David Simmonds, Information Systems Manager, stated that the proposed 3-year Frontier agreement would reduce costs compared to shorter contract periods for the same services. The new services should result in substantially lower recurring phone trunk costs compared to continued use of analog lines. The change would also increase the number of phone lines available. Council Member Delaney complemented Mr. Simmonds on his work in preparation.

Council Member Kulesza moved to approve the Frontier Services Agreement for a T1-PRI circuit, 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 10-06 Agreement with White Peterson for City Attorney Services

There was a brief discussion that White Peterson had not raised their hourly rates since they first contracted with the City of McCall.

Council Member Kulesza moved to approve the new retainer agreement with White Peterson for City Attorney services 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, Mayor Bailey, Council Member Delaney, and Council Member Witte, all voted aye and the motion passed.

AB 10-01 Adoption of Resolution 10-1: Designating the Mayor and Council President as Signatories on the City of McCall's Bank Accounts

Lindley Kirkpatrick, City Manager, explained that the Resolution would allow the newly appointed Mayor and Council President to become signatories on the City of McCall's bank accounts.

Council Member Delaney moved to Adopt Resolution No. 10-1 and authorized the Mayor, Council President, City Manager, and City Treasurer 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 10-09 Adoption of Resolution 10-3 -- Signatories on City Safe Deposit Box

Lindley Kirkpatrick, City Manager, explained that the Resolution would allow the newly appointed Mayor and Council President to become signatories on the City of McCall's safe deposit box.

Council Member Witte moved to adopt Resolution No. 10-3 and authorize the Mayor, Council President, City Manager, City Clerk, and Information Systems Manager to sign all necessary documents. 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.

AB 10-12 Assignment of Council liaison duties

Lindley Kirkpatrick, City Manager, explained this agenda bill listed the liaison positions that needed to be filled by Council members.

The following Council and City representatives were designated to the various agencies and committees, as follows:

- Urban Renewal: Mayor Bailey and Council Member Delaney
- Valley Adams Planning Partnership (VAPP): Mayor Bailey and Council Member Kulesza
- Big Payette Lake Watershed Advisory Group (BPLWAG): Council Member Scott
- Western Idaho Community Action Program (WICAP): Council Member Kulesza
- Upper Payette River Economic Development Council (UPREDC): Council Member Kulesza
- MCPAWS: Council Member Scott
- Chamber of Commerce: Lindley Kirkpatrick, City Manager
- West Central Highlands Resource Conservation and Development: Carol Coyle, Grant Coordinator
- Payette River Scenic Byway: Carol Coyle, Grant Coordinator

- Sage Community Resources: Council Member Kulesza

AB 10-02 Public Forum regarding form of government issues

Council Member Scott felt that having a public forum would still be valuable.

Council Member Kulesza stated that he appreciates the value in receiving public input, and suggested that there could be various ways to receive that input and maintain the message that the citizens have access to their government. He is looking for alternative ways to convey that message. He stated that he would be willing to make himself available every Wednesday prior to the Council Meeting at the Foggflifter to converse with whoever would like to speak with him.

Mayor Bailey stated that an article to the star news would be a good place to start.

Council Member Delaney stated that she did not feel that the suggested topics were solution oriented. She would like for those who come with concerns also come prepared with suggestions for solutions. She stated that an open forum may not be constructive.

Council Member Witte stated that with Council Member Delaney's approach the expectations may be too high.

Mayor Bailey questioned if it were possible to narrow the field to specific issues.

Mr. Nichols suggested that the Council segregate budget type items to the budget process therefore narrowing the topic field.

Mr. Kirkpatrick suggested that a round table discussion with an invited list such as proponents for the change of government and possibly the candidates may be more productive.

Council Member Scott stated that she would like to hear from those who are not usually heard from.

Ms. Groenevelt suggested a blog on the website where citizens could state questions and concerns.

The Council came to a consensus that Council Member Delaney and Council Member Scott would meet and develop a proposal which would include multiple options to gather input from the community. Council also wanted to pursue ideas of what the City could do during the budget process to encourage more community involvement.

AB 10-21 VARHA Funding- 2nd Quarter

Michael David, VARHA Executive Director, thanked the Council for appointing a new McCall representative to the VARHA board. He stated that currently the big project in McCall is the Deinhard development. He accepted the Council's action items for the next quarter as outlined below.

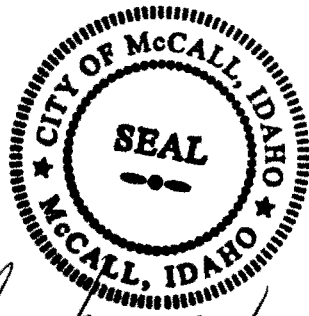
1. Submitted monthly written reports on VARHA activity to City Council;

2. Effort to raise awareness on affordable housing issues to include multiple news articles and educational materials conveniently available to the community;
3. VARHA staff should actively attend relevant meetings related to affordable housing issues; and
4. Establish a functional website with current information and resources on the affordable housing (including updates on the Affordable Apartment Project.)

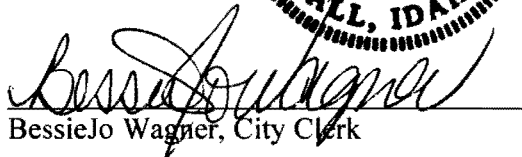
Council Member Scott moved to approve funding for \$3,750 for the Second Quarter and Third Quarter should be based on satisfactory completion of the outlined tasks above. Council Member Kulesza seconded the motion. In a roll call vote Council Member Scott, Council Member Kulesza, Mayor Bailey, and Council Member Witte, all voted aye, Council Member Delaney voted no and the motion passed.

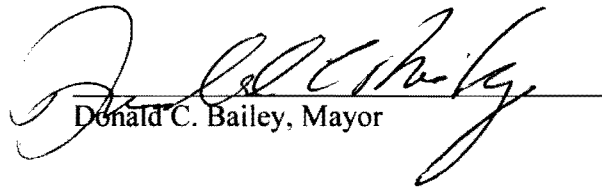
ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 8:07 p.m.



ATTEST:


BessieJo Wagner, City Clerk


Donald C. Bailey, Mayor

MINUTES

McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
January 14, 2010

The Executive Session portion of the January 14, 2010 minutes were amended on April 22, 2010 to ensure compliance with the requirements of IC §67-2344 (2).

EXECUTIVE SESSION

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 Kulesza seconded the motion.


Discussion on the Motion

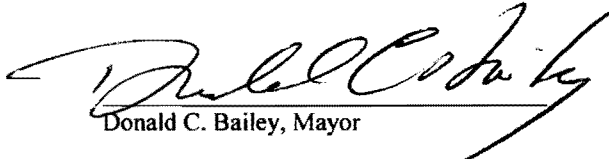
There was discussion whether to add Executive Session for personnel in regard to the group Ethics in Idaho's accusations against City Prosecutor Matt Williams. The Council was not interested in pursuing termination or any kind of corrective action on alleged issues. Council stated that if the City Manager had concerns and evidence to support the allegations then he could recommend further action. Lindley Kirkpatrick stated that at this time he did not and would not recommend any further Council action be taken at this time.

The Motion stood, in a roll call vote Council Member Delaney, Council Member Kulesza, 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.

The meeting returned to Open Session at 5:20 p.m. and recessed until 5:30 p.m.

ATTEST

Bessie Jo Wagner
City Clerk


Donald C. Bailey, Mayor