

MINUTES

McCall City Council Regular Meeting September 25, 2008

Agenda

Call to Order and Roll Call
Council Work Session
Public Hearing
Public Comment
Consent Agenda
Business Agenda
Committee Minutes
Executive Session
Adjournment

CALL TO ORDER AND ROLL CALL

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

In addition to the Council Members, present were Lindley Kirkpatrick, City Manager; City Attorney Bill Nichols; Walter Eisenstein, Public Works Director; Michelle Groenevelt, Community Development Director; Brock Heasley, Parks and Recreation Director, Jerry Summers, Chief of Police; Linda Stokes, Acting Treasurer; Carol Coyle, Grant Coordinator; and BessieJo Wagner, Deputy City Clerk /Administrative Assistant.

COUNCIL WORK SESSION

AB 08-195 Draft Wastewater Reuse: Rapid Infiltration Site Investigation Plan

Troy Thrall with CH2M Hill presented an evaluation of the suitability of soils near the City of McCall for the reuse of treated wastewater through rapid infiltration. The purpose of the project is to identify an appropriate site the City could purchase to install a rapid infiltration system. Rapid infiltration was identified in the 2007 Wastewater Facility Plan as a potential effluent disposal method. There are currently thirteen sites of interest.

50-60 acres is the amount of anticipated land needed for a Rapid Infiltration site. There is no determination of longevity of a site. There was some discussion of clarification of the location of the sites. Betsy Roberts of CH2M Hill asked for direction from the Council on where they should

focus their efforts. Discussion on cost: included in the cost would be the land, a pump station and a pipeline; the cost does not include the cost of building the rapid infiltration system.

Discussion on the climate issues, infiltration systems work in snow and icy climates.

The Council came to a general consensus to start with the Payette Lakes Water and Sewer District site and possibly an additional area. The next step for CH2MHill is to talk with the District to see if they are interested in going forward.

Mayor Kulesza led the audience in the Pledge of Allegiance at 6:05 p.m.

PUBLIC HEARING

AB 08-189 Resolution 08-19: Adoption of Public Transportation Human Services Coordination Plan

Pete Wessel, GIS Technician, gave a quick overview of the Public Transportation Human Services Coordination plan. It is a plan specifically designed for the elderly and disabled. The City of McCall received funding in 2007 from the Federal Transit Administration for a new carport at the McCall Senior Center. The FTA funding requires the development of a public transportation plan for elderly and disabled persons in the McCall area. The plan has been developed with input from the community, and an open house was held on September 10, 2008 to distribute the plan. There were no attendees at the public hearing; however, the City did receive a letter from the Senior Center. The Transportation Advisory Committee (TAC) considered the plan and did support the plan. The primary outcome in the needs section is what they were looking for. The community feels that there needs to be more of a “dial-a-ride” response needed.

Mayor Kulesza clarified that the Public Transportation Human Services Coordination plan goes in hand with meeting a grant requirement. Council Member Delaney would like to figure out how to increase ridership. On Wednesday, October 22, 2008 the TAC is going on a bus tour and is inviting the City Council to come along. Council Member Witte stated that a map downtown would be beneficial. There was some discussion to expand service.

Mayor Kulesza opened the public hearing at 6:16 p.m.

Hearing no comments, Mayor Kulesza closed the public Hearing at 6:16 p.m.

Council Member Scott moved to Adopt Resolution 08-19, adopting the Public Transportation Human Services Coordination Plan. Council Member Delaney seconded the motion and in a roll call vote, all members voted aye and the motion passed.

PUBLIC COMMENT

Mayor Kulesza called for public comment at 6:17 p.m.

Hearing no comments, Mayor Kulesza closed the public comment at 6:17 p.m.

CONSENT AGENDA

Staff recommended approval of the following items:

- Warrant Register printed on September 19 & 24, 2008
- Payroll Report for Period ending September 5, 2008
- AB 08-190 Certified Local Government grant for nomination of Assistant Fire Warden's house and Old McCall Jail to National Register of Historic Places
- AB 08-187 Alcohol Beverage Catering Permits
- AB 08-193 New Airport Lease Agreement, Webster 210 B
- AB 08-188 Idaho Power Company Increase in Franchise Fees

Some discussion took place to clarify the warrant register and the Airport Lease agreement. Council Member Delaney suggested that in future discussions, the City should consider airport lease rates every five years as opposed to 10 years.

Council Member Delaney moved to approve the Consent Agenda with corrections made to Airport Lease Agreement to correct typographical errors. Council Member Scott seconded the motion and in a roll call vote, all members voted aye and the motion passed.

Business Agenda order change request. The new order is:

AB 08-185 Parks and Recreation Advisory Committee Annual Report

AB 08-186 Payette National Forest Land Purchase

AB 08-196 POST Executive Certification for Chief Summers

BUSINESS AGENDA

AB 08-185 Parks and Recreation Advisory Committee Annual Report

Jim Clarke, Chairman, and Jenny Ruemmele, Vice Chairman, of the McCall Parks and Recreation Advisory Committee updated the City Council on its accomplishments, future goals and identified needs. Mr. Clarke recognized Brock Heasley and Joe Standar for a job well done with recreation. The Parks department has done a tremendous amount of work during the past twelve months.

The Advisory Committee would like some direction for Davis Beach. There have been some negotiations with signage as there is some confusion as to where the eastern most boundary of the park is. People are not sure where the boundaries are between private property and the City Beach. The Advisory Committee would like to work with the City's GIS Technician to determine that boundary. Then it can be more clearly defined for the public with some kind of marker, whether it be a short fence, shrubs or boulders.

There are many "No Parking" signs, in the area of Davis Park, some of which are not put up by the City. Mr. Clarke would like to limit the amount of no parking signs. Some of the homes in the same area have encroached as much as 15 feet into the 50 foot wide roadway. Some of the roadway is restricted to 35' and could be unsafe. Some of the "No Parking" signs may be illegally posted. The Advisory Committee is asking the Council and staff for direction to get this corrected by next summer.

AB 08-186 Payette National Forest Land Purchase

Mr. Kirkpatrick briefed the Council on the status of the USFS direct purchase process for the parcel adjacent to Riverfront Park. A draft Notice of Intent for A Direct Sale and draft timeline were provided. The next step would be to approve the purchase of the appraisal at the next Council Meeting. Next spring, the Council would consider the purchase and sale agreement with a closing date to the actual sale in FY 2010. This allows the City to spread the cost out over two years. This time table works well for both the Forest Service and the City.

Shane Jeffries with the Payette National Forest stated that originally the Notice of Intent for a Direct Sale was to be drafted after the first of the year; however there is no requirement for additional testing at the test wells that have been drilled at the site. The draft Notice of Intent represents a commitment by the City to purchase this Land. A proposal to the national office to directly convey this property to the City of McCall needs to be sent within the next few weeks. The City can back out up to the time of the appraisal.

Council Member Bailey asked for a better picture of the property. There will be opportunity to interact with the appraiser. Council Member Scott wanted to ensure that all Council Members were up with the reason of the purchase, to be part of the River Front Park.

Mayor Kulesza recognized the great relationship the City has had with the Forest Service through Shane Jeffries and his commitment to the community through his service on the Planning and Zoning Commission and being involved as an active citizen.

AB 08-196 POST Executive Certification for Chief Summers

Director Black of POST Academy presented the Executive Certificate to Chief Summers. Director Black stated that the POST Academy represents 143 different agencies in the state of Idaho. They train and certify ten different disciplines in the State of Idaho. The highest award an individual can earn is the Executive Certificate and is reserved for Chiefs and Sheriffs, in the State of Idaho, who have gone above and beyond in their educational requirements.

AB 08-197 Updated Strategic Plan for the Library

Anne Kantola, Library Director, gave an update to the original Strategic Plan that was created by the Library Board in 2002. There was a revision created in 2005, after the districting effort failed. The board feels that a new direction needs to be taken by an active library, and the following updated Strategic Plan is now being presented.

There are 6 goals now instead of 5:

1. Improve the facility
2. Improve the service to the needs of patrons
3. Increasing awareness of resources – publicity
4. Continue to improve organizational effectiveness and outreach
5. Plan and construct a new library staying within the City of McCall Campus
6. To establish a library district

Council Member Bailey would like to be sure that the design of the new building for the Library be a “green” design. Ms. Kantola has asked the Library Board to create a “wish list” for the new library and she has now included the City Council to also contribute to that list.

Council Member Bailey moved to accept the McCall Public Library Strategic Plan. Council Member Witte seconded the motion and in a voice vote, all members voted aye and the motion passed.

AB 08-192 Airport Through-the-Fence Status Report

Walt Lee, Chairman of the Airport Advisory Committee, gave a history on Through the Fence project.

- August 7, 2008 the applicants, also known as the Through the Fence Licensee, gave a thorough briefing to the Advisory Committee to include the size and scope of the project.
- September 4, 2008 the Advisory Committee decided that they had not spent enough individual time to analyze the project. They agreed to accelerate their time spent on the analysis of the project.
- September 18, 2008 The Advisory Committee met and went through the draft document line by line and then presented to the applicant recommended changes prior to coming to the Council.
- October 2, The Advisory Committee foresees at that time to come up with a final agreement to present to Council along with their recommendation.

Mr. Lee presented some background to the project. There is an advisory circular from the Federal Aviation Administration (FAA) titled *Minimum Standards for Commercial Aeronautical Activities*. This circular covers some requirements of doing this kind of project. The FAA does not usually support a Through the Fence project. The Advisory Committee has worked with the applicants to cover all the requirements of the FAA. One area where they have not come to agreement with the applicant is the access fee. There is question on the correct amount to charge and how to figure it, so the process is being reviewed.

It was confirmed that the minimum standards for the project had been sent to the FAA. It is expected that this proposal would add a wide spectrum of jobs to McCall. The fee assessment is figured through the property taxes of personal property, not the land. The next steps are to discuss the lease rates and the agreement, and then the Advisory Committee would give their recommendations whether they are in support or opposition of the project. The original agreement was patterned from an agreement that the FAA agreed with and was added to by John Anderson and Brian O'Morrow. Mr. Anderson stated that he had put in statements to the agreement that clarified that from the beginning of the project there is no water and sewer and the City does not agree that they will put those services in.

It was suggested that it would be helpful to hear some information from other Through-the-Fence agreements, some that worked and some that did not work. Council Member Delaney would like to understand the concept better and get more information from other communities.

Mr. Kirkpatrick stated that applicants are putting together a proposal for annexation and Business Park. The Council was invited to the October 7, 2008 Planning & Zoning meeting for the pre-application meeting. The Council may also be invited to visit the proposal site at a later date. It was also suggested that when the Council starts looking at the annexation proposals they may want to look at possibly expanding the boundary of the annexations. The same invitation that was extended to the Council was also extended to the Airport Advisory Committee.

It was agreed that this is a large community issue and community involvement is essential in developing the project.

Council Member Bailey suggested that a possible third party be brought in to help with the determination of setting rates, possibly an economic advisor. The City will look to see if there is someone within the community that could provide that kind of service.

AB 08-194 Agreement between the McCall Mall and the City of McCall

Ms. Groenevelt gave a brief explanation of this agreement. The Planning and Zoning Commission approved DR-07-36 on October 5, 2007 with the condition that "The applicant shall submit and receive approval for the trash enclosure plan." A design review application for an enclosure (DR-08-07) was submitted on March 24, 2008 for the McCall Mall. It was discovered through a City survey that the proposed location for the enclosure is located on City property. (A portion of the building is located on City property.) The Commission has continued the design review application several times pending the approval of an agreement between the applicant, McCall Mall owner Vicki Wade, and the City.

The agreement allows the McCall Mall to construct a trash enclosure on City property, adjacent to the eastern part of the McCall Mall building, as part of the solid waste strategy for the businesses. In exchange, the applicant will grant a license to the City for public access to the pathway along the lake to connect to the existing pathway in the Park. The license to use the City property for the enclosure is valid for the existing building but does not transfer with the redevelopment of the site.

The City would like to see a pathway developed from Brown Park to the Grand Payette. To have a public access agreement with the current owner could mean that if and when there is a new building with a new owner there will need to be a new agreement.

Council Member Bailey finds the agreement unacceptable to the license for a public pathway; he felt it should be an easement. The City should not be responsible for items 2, 3, & 4 under paragraph C of the agreement. There was some discussion about the City wanting the pathway and who should be responsible for the up keep of the pathway.

Steve Millemann, representing the McCall Mall, commented that in the process of the sign design review for the Great Escape and in the process of Planning and Zoning, Urban Renewal would like to see the current trash enclosure go away. With the improvements to Legacy Park, it has prohibited any truck access to the trash enclosure and there needs to be access. He stated that the City is getting as much value as they are giving in this agreement. The term of both is as long as the building is there. The McCall Mall sees a permanent easement an issue. They are willing to give access along the lake. With this agreement both parties have rights for the same amount of time. There is significant amount of liability associated with public right of way. The owner cannot withdraw the permission.

Mr. Millemann stated it not unfair to ask the City to maintain the pathway that is connected to the Park. There are areas for potential contention in the agreement; however the structure of the agreement is balanced. The structure of where the applicant used to keep the trash is no longer available; the applicant will bury the propane tank on her own property. The applicant will also agree to have the tree come out. The lower property that will house the propane tank will have landscaping to hide the tank.

It was stated that there needs work to be done to stabilize the corner of the property. The contractor needs direction as to what needs to be done down there.

Mr. Nichols in summary stated two issues:

1. value of permanent easement
2. potential liability

He stated that a pathway has recreational immunity, meaning that when a landowner makes available land for recreation activity, in this case a pathway, today and in the future it is eligible for recreational immunity and eliminates liability to the property owner.

Maintenance and upkeep of the pathway is a different issue.

Discussion took place on the pros and cons of who would be responsible to maintaining the pathway. It was stated that it is in the best interest of the community to the have the access to the pathway.

Mr. Millemann stated that it has been a struggle to ridiculous proportions to get this agreement settled by both parties and thinks it is a win-win for both parties and a fair balance.

Continued discussion came to a consensus of a cost estimate to repair the pathway and look into some grant opportunity for funding.

Council Member Delaney recused herself from the vote.

Council Member Scott moved to approve the attached agreement between the City of McCall and the McCall Mall and authorize the Mayor to sign all necessary documents. Council Member Witte seconded the motion and in a Roll vote, Council Member Scott, Council Member Witte, Council Member Bailey and Mayor Kulesza voted aye and the motion passed.

Amendments to the agreement are where as formally private now public property from Legacy Park to the end of the mall property. In paragraph K take out the word **not**, and on the last page take out the reference to the removal of existing steps.

Council Discussion

Council Member Scott would like to have a stop sign at Roosevelt and Pine due to a daycare being there.

Council Member Bailey would like the Council to think about what other land should be included in the annexation south east of the airport. There may be additional land to annex for future development and it would be advantageous for the City to plan ahead.

Mayor Kulesza stated that there is a meeting on October 6 by the Valley County proponents about the proposal of the airport moving to Donnelly and the City needs to have representation at the meeting. Mr. Kirkpatrick stated that staff will be there.

Mayor Kulesza stated that he has received emails from citizens on the noise from Common Ground and Crusty's. He suggested that the City look at a Noise Ordinance to possibly address the issue.

COMMITTEE MINUTES

The Council received copies of the following minutes:

- McCall Improvement Committee – August 14, 2008
- Planning and Zoning Commission – August 5, & 19, 2008
- Library Board of Trustees – July 14, 2008

EXECUTIVE SESSION

At 9:08 p.m. Council Member Bailey moved to go into Executive Session for litigation pursuant to Idaho Code §67-2345(1)(f). Council Member Delaney seconded the motion and in a roll call vote, all members voted aye and the motion passed.

ADJOURNMENT

Without further business, the meeting was adjourned at 10:15 p.m.


Bert Kulesza, Mayor

ATTEST:


Brenna Chaloupka, Acting City Clerk