

MINUTES

McCall City Council Regular Meeting June 12, 2008

Agenda

Call to Order and Roll Call
Council Work Session
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. Council Member Bailey, Council Member Delaney, Mayor Kulesza, and Council Member Witte answered roll call. A quorum was present. Council Member Scott joined the meeting at 5:34 p.m.

In addition to the Council Members, present were Lindley Kirkpatrick, City Manager; City Attorney Bill Nichols; Eric McCormick, Golf Course Superintendent; Walt Eisenstein, Deputy City Manager/Infrastructure & Community Development; John Anderson, Airport Manager; David Simmonds, Information Technology Director; Linda Stokes, Acting Treasurer; Michelle Groenevelt, Planning Manager; Brock Heasley, Parks and Recreation Director; and BessieJo Wagner, Deputy City Clerk / Administrative Assistant.

COUNCIL WORKSESSION

City Manager Report

Mr. Kirkpatrick addressed some scheduling issues for next year's budget development. The next step is an open house for the public next week, Wednesday, June 18, 2008 in the Legion Hall, is at the staff level for the public and Council Members are not required to attend. It is an opportunity for the public to see a draft of the budget and answer any questions and accept feedback prior to the formal Public Hearing. The next step for Council Members is a budget work session scheduled on Friday June 20, 2008 8:00 a.m. to 5:00 p.m. and Monday June 23, 2008 at 5:30 p.m. The Monday meeting being tentative based on need.

Mr. Kirkpatrick gave a J-ditch update, irrigation has not been started as farmers have not requested it due to the cold, wet weather. Council Member Scott asked about the water level being six feet higher than this time last year, does it relate at all to the I&I problem. Mr. Eisenstein responded that there was a lot of I&I problem that needs to be corrected however the level is not directly affected from ground snow melt as much as it is from direct snow melt that was in the pond and the late irrigation start. Mr. Kirkpatrick pointed out that this time last year is non-comparable due to the late start for irrigation. The other issue that came up with the J-ditch is that a leak test has to be performed every year and it is always a big deal to perform. This year there was a problem at the end of the process where the contractor made a mistake with the probe. The City has to determine if they have the ability to redo the test or if they can work out something with DEQ. Council Member Bailey thought that the same issue happened last year and Mr. Kirkpatrick clarified that in previous years the problem was that there were freezing temperatures that impeded the process of measuring evaporation.

Mr. Kirkpatrick explained that Arbor Day is celebrated late in McCall, due to weather. The Arbor Day observance is happening on June 17, in Veterans Park from 3:00 – 5:00. With some funds provided by the state, the City was able to plant a couple of trees on McCall Ave in honor of Arbor Day.

Mr. Kirkpatrick stated that the Council needs to select a representative to WICAP, to serve on their Advisory Committee. The Committee meets once a month in Donnelly. Mayor Kulesza volunteered to serve on this committee. WICAP would also like someone to volunteer to serve on their Board of Directors; however the expectation is only for the Advisory Committee.

Mr. Kirkpatrick reported that the MD High School Environmental Science Class does some field work every year. This year they did some water quality testing to see if they could find any measureable impact from the Golf Course. They went to Shiner Creek that goes through the Golf Course and drains into Big Payette Lake and to Wagon Creek that goes through an undeveloped area that also drains into Big Payette Lake. One of the items they looked for were nitrates. The nitrates found in Wagon Creek were greater than the nitrates found in Shiner Creek.

Mr. Kirkpatrick scheduled the tour the Golf Course for June 20, 2008, at which time Mr. McCormick can go over what kind of things he is doing to be green friendly. He also reminded them of the joint work shop for the Council with the Planning and Zoning Commission. On July 28, 2008 Jerry Mason will conduct the work shop on land use law and what process to use for good land use decisions. Elected officials and P&Z members from Donnelly, Cascade, and New Meadows and Valley County may also be asked to come and participate.

Mr. Kirkpatrick brought up the Council Retreat that needs to be scheduled. The Council decided on Thursday July 17, 2008 at 5:30 p.m. The location will be determined at a later time.

Mr. Kirkpatrick brought to the Council's attention the letter from John SeEVERS stating his resignation from the Airport Advisory Committee.

The Consolidated Department Head Report

Council Member Delaney asked Mr. Eisenstein about the East Lake Street vertical alignment, from the City Engineers Report, which stated there was an error on the part of CH2MHill and they were going to fix it at their cost. The report states there should be no noticeable cost to the project. What does the engineer mean by noticeable, when they are supposed to fix it at their cost? Mr. Eisenstein stated that the costs should be less as the error resulted in doing less excavation.

Council Member Bailey asked about the Airport Zone Review Committee minutes? Ms. Groenevelt responded that she takes notes rather than formal minutes, as this is not an official committee.

Mayor Kulesza asked about the stuck valve in the J-ditch pond and if the City has considered sending a diver down and release it. Mr. Eisenstein responded that they may indeed need to send down a diver to fix the valve.

Council Member Bailey asked if the recycle center has come up with a design for their building yet. Ms. Groenevelt stated that the only thing that she knows of is what they presented at LOT. Council Member Bailey also asked about the bike lane on Roosevelt St. Ms. Groenevelt explained that the City is looking at expanding the paved section of bike lane on Roosevelt St an additional five feet, and removing the poles on the opposite side of the street. Council Member Bailey stated that the Urban Renewal Agency has some input on this idea.

Council Member Scott had a question for Community Development concerning Ordinances and Community Housing incentives. Ms. Groenevelt responded that there is a separate committee that is looking into this issue. At this time they are waiting for the refund policy to be cleared up before going forward with any Ordinances.

Council Member Bailey asked if there are new tenants in the Fields & Hopkins Real Estate office, Ms. Groenevelt confirmed there are new owners and that the new owners have agreed to look at all the conditions that were not met by the prior owners. Council Member Bailey asked about the status of Crystal Blue Waters. The bank wanted to finish the project so that they could sell it.

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

PUBLIC COMMENT

Mayor Kulesza called for public comment at 6:05 p.m.

Jason Clay – He stated that he had attended a previous Council Meeting and expressed his opinion on the community housing fees refund policy. Mr. Clay reiterated that he did not feel that this was a voluntary fee. He also stated that Blaine County went through similar issue, that went through the court system and Blaine County lost. He distributed copies of that court decision.

Thea Beleez – She brought issues of Code violations at 815 Pinedale. She brought visuals of these violations; one being a large pile of dirt that she believes is the City’s responsibility for removing. This mound was a result of the excavation project on Boydstun. The second issue is on the Hammel property, next to her property, which consists of at least five old travel trailers, an old bus, cranes, and scrap metal. Ms. Beleez stated that she spoke with Kenny Francis and he stated that Hammel will receive a letter giving him thirty days to clean it up. She stated that she has read the ordinance and if Hammel does not comply in thirty days the City Council has the authority to say that he will clean it up or the City will and bill him.

Bridgid Wiking– Brought in concerns of Code violations of property that need to be cleaned up. She brought in pictures of a piece of property at Davis and Wooley, that shows a lot of debris in the yard and carport that has fallen down. She also had a picture of property by Davis Beach. She feels code enforcement needs to be done.

Patrick Phillips – His concern is that he lives on Carmen Drive, a gravel road. He requested that Carmen Drive be paved. Mr. Phillips had another concern with the one way streets in town. He feels that they are creating more problems than they are solving. Then on a positive note he stated that he was pleased to see a city attorney present at the City Council Meetings. He feels that the City attorney is a real asset to have as he can answer questions on the spot.

James Bock – His concern is with the Community Housing fee. He thought it was a choice at the time then realized when he went to get a building permit that there was no choice.

Hearing no comments, Mayor Kulesza closed the public comment at 6:21 p.m.

CONSENT AGENDA

Staff recommended approval of the following items:

- Minutes from May 22, 2008
Council Member Bailey pointed out that on page six , on the second line at the top, should read “the **City** has a sharing commitment”, adding the word City.

- Warrant Register printed on June 5 & 6, 2008
- Payroll Report for Period ending May 30, 2008
- AB 08-113 Metro Ethernet Agreement – Frontier Communications
- AB 08-114 Copier lease - Ikon Office Solutions
- AB 08-116 Alcohol Beverage Catering Permits
- AB 08-117 Hangar 541 Lease Assignment
- AB 08-119 Hangar 607 Lease Name Change

Council Member Delaney asked if the City wrote the Hangar leases or if the individuals wrote them as they are two different leases. She also wanted to know if there are standardized

lease agreements in place now. It was stated that now there is a standardized lease agreement form. Mr. Anderson gave a brief lease agreement explanation that Hangar 541 lease and Hangar 607 lease are lease assumptions and the terms remain unchanged. Council Member Delaney questioned why these leases were not considered new leases therefore subject to the new interest rates. The policy would have to be changed in order to charge a new rate for the lease assumptions. There was much discussion regarding the lease rates and at this point, for these leases, the process cannot be changed; however there could be a change made for future lease assumptions. It was decided that a future discussion of the airport leasing policy and whether the rates could be change, and would it be legal, needed to happen. Mr. Nichols stated that if the lessee has a property interest in the lease, the interest rate cannot be changed during the term of the lease. Further discussion took place as to the current status of these leases and that the City would not be able to change the lease rates at this time for these leases.

- AB 08-118 FAA Grant Offer for McCall Municipal Airport; McCall, Idaho, AIP Project Number 3-16-0023-013 (AIP 13)

Moved to Business Agenda

- AB 08-120 Lease Amendments D.E.W. Aircraft and Granite Holdings (Salmon Hangar)

Moved to Business Agenda

Council Member Bailey moved to approve the Minutes as amended. Council Member Scott seconded the motion and Council Member Witte and Council Member Delaney abstained and in a voice vote, all remaining members voted aye and the motion passed.

Council Member Scott moved to modify and approve the Consent Agenda to exclude the minutes and AB 08-120 Lease Amendments D.E.W. Aircraft and Granite Holdings and AB 08-118 FAA Grant Offer for McCall Municipal Airport; McCall, Idaho, AIP Project Number 3-16-0023-013 (AIP 13); and authorize the Mayor to sign all remaining necessary documents. Council Member Bailey seconded the motion and in a voice vote, all members voted aye and the motion passed.

BUSINESS AGENDA

AB 08-121 Masters World Cup Committee Recognition

Mayor Kulesza recognized the Committee's work on the Masters World Cup event and presented each member with a Certificate of Appreciation. He acknowledged that there were 24 countries represented during the Masters World Cup event and that it was a great boost to the City of McCall. Mayor Kulesza also recognized that there were many others throughout the City that were instrumental in the success of the event.

AB 08-122 Local Option Tax Commission Recommendation for FY08-09 Funds

Steve Gleason, Chair of the Local Option Tax Commission, introduced the LOT Commission members to the Council. He then went through the Commission's recommended approvals for FY09 relaying the highlights for each project.

- FY09: The total recommended budget amount for the FY09 revenues and allocations was \$300,000. Mr. Gleason presented to Council the prioritized list of the LOT Commission's recommendations for FY09 allocations. He also discussed with Council additional recommended allocations in the event that the FY08 revenue exceeded \$300,000.
- There was much discussion with the Council Members about some of the recommended allocations and some general guidance from the Council to the Commission.

Council recognized the good work that the LOT Commission is doing.

AB 08-124 Impact Fee Ordinance and Capital Improvement Plan

Council Member Delaney recused herself.

Anne Wescott went over the revisions of the Development Impact Fee Study and Capital Improvement Plans. The Council engaged in much discussion about the impact fees. Concerns were brought forward with the amount of the fees that would go to parks development and where those fees would come from. Council Member Scott asked how these impact fees and park acreage per resident compared to impact fees and park acreage per resident in other cities in Idaho. Ms. Wescott responded that one community can't be compared against another, because local needs and standards are so different. However, she stated that the proposed numbers for McCall are in about the middle of the range. A suggestion of going through the study again and schedule a special work session was agreed upon. Mr. Nichols commented that if the Council is looking at adjustments, to look at percentages rather than to go through and change each number.

Council Member Delaney returned to the meeting at 8:53.

AB 08-115 Transportation Advisory Committee Appointment

Ms. Groenevelt gave a brief description of the Transportation Advisory Committee which has been inactive since 2006. Pete Wessel will be the staff person assigned to this committee. She recommended the appointment of Ed Robinson, Jackie Turnipseed-Aymon, and Richard Coontz to the Transportation Advisory Committee to a three year term expiring on June 12, 2011.

Council Member Witte moved to approve appointment of Ed Robinson, Jackie Turnipseed-Aymon, and Richard Coontz to the Transportation Advisory Committee to a three year term expiring on June 12, 2011. Council Member Delaney seconded the motion and in a voice vote, all members voted aye and the motion passed.

AB 08-112 Resolution 08-16: State Local Agreement for Safe Routes to School funding (Key No. 11502) for pathway at Payette Lakes Middle School

Carol Coyle addressed the Council with an overview of the State Local Agreement for Safe Routes to School funding. She stated that in February, the City applied for Safe Routes to School

funding through the Idaho Transportation Department and was awarded \$80,063. This funding will complete the pathway from the Woodlands to the corner of Samson Trail and Deinhard. Ms. Coyle stated that the City is also looking for funding in the future to extend the pathway from Samson Trail, along Deinhard to Four Corners.

Council Member Delaney moved to approve the State/Local agreement for Safe Routes to School (Key No. 11502), pass Resolution 08-16, and authorize the Mayor to sign all necessary documents. Council Member Scott seconded the motion and in a roll call vote, all members voted aye and the motion passed.

AB 08-111 Re-adoption of Ordinances 851 & 852

No discussion took place on this Ordinance at this time; the discussion took place at the previous Council meeting.

Council Member Scott moved to suspend the rules and read Ordinance No. 851 by title only, second and third reading. Council Member Bailey seconded the motion and in a roll call vote, all members voted aye and the motion passed.

Ordinance 851 was read by title only, second and third reading by Mrs. Wagner.

Council Member Bailey moved to adopt Ordinance 851. Council Member Scott seconded the motion and in a roll call vote, all members voted aye and the motion passed.

Council Member Scott moved to suspend the rules and read Ordinance No. 852 by title only, second and third reading. Council Member Bailey seconded the motion and in a roll call vote, all members voted aye and the motion passed.

Ordinance 852 was read by title only, second and third reading by Mrs. Wagner.

Council Member Scott moved to adopt Ordinance 852. Council Member Bailey seconded the motion and in a roll call vote, all members voted aye and the motion passed.

AB 08-123 City Manager Residency Requirements

Mr. Kirkpatrick addressed the Council and quoted the City code that states that at the time of appointment the City manager must reside in the city limits, unless the council determines to waive the requirement. At this time Mr. Kirkpatrick requested a waiver to the residency requirement so he can move to the Carefree Subdivision. The property is located approximately 3.4 miles from the city limits, approximately 2.2 miles from the current Impact Area and approximately 1.4 miles from the proposed Impact Area boundary. This property would fit the needs of Mr. Kirkpatrick and his family. This property is still part of the community.

Mayor Kulesza stated he is more concerned with the job Mr. Kirkpatrick does, than with where he lives. Mayor Kulesza stated that the location is still within the community and would not have an issue with his move.

Council Member Delaney stated that the City Manager is very influential with who is hired and what issues are brought to the Council and feels that he needs to live in the City to have a true handle on what is going on in the City. She had concern with the fact that it has been stated that the City leaders want to make the City of McCall a livable city, where people want to live in the city limits. Council Member Delaney believes that the City Manger needs to be in the City he manages.

Council Member Scott stated that there may not be a home available within the city limits that will meet his family's needs. Her only angst is that Mr. Kirkpatrick would not be paying the city taxes by living outside the city limits. Mayor Kulesza stated that the requirement was established so that there is not someone who would commute from a different community to manage the City.

Council Member Witte feels that it is different for a city manager that has lived and worked for nine years within the City versus a new city manager who has never lived in the city limits.

Council Member Bailey stated that if that it where Mr. Kirkpatrick chooses to live, even though it will cost him more money in the long run, he can't argue with it. He also stated that it is a problem to find an affordable place to live.

Council Member Delaney would like to see that there is more discussion on how to create incentives to build more family friendly places instead of jamming condos onto every available lot in the future. This could be used as a catalyst for such a discussion.

Council Member Kulesza moved to allow the City Manager to reside outside the City limits, not to exceed five miles from the City's boundary, per McCall City Code 1-7-020. Council Member Bailey seconded the motion and in a voice vote, four members voted aye and one member voted no and the motion passed.

AB 08-118 FAA Grant Offer for McCall Municipal Airport; McCall, Idaho, AIP Project Number 3-16-0023-013 (AIP 13)

Council Member Delaney stated that she requested that this item be pulled from the Consent Agenda to discuss whether the City is able to afford to accept this grant at this time or could it be put off until next year. John Anderson addressed the Council with the urgency of accepting the Grant. This is the only money the City will get from FAA. The Grant offer has been made in good faith that the City would accept it. This grant covers a safety item that needs to be addressed. The airport brings in many tourists to the City, considering that at the present time there are at least a dozen aircraft at the airport from all over the country. Many of them stay for a week, renting hotel rooms and eating at the local restaurants. This environmental assessment has to be done prior to being able to purchase the land that needs to be purchased to address these safety issues.

Council Member Delaney stated that she wanted to ensure that from a financial standpoint, it made sense to do this project now as apposed to waiting a year. That was the point of having the

discussion was to have an understanding as to the urgency of the Grant offer. Mr. Kirkpatrick clarified that from a financial standpoint it is affordable and it is a good return on the City's investment.

Council Member Bailey moved to accept the FAA Grant Offer for McCall Municipal Airport; McCall, Idaho, AIP Project Number 3-16-0023-013 (AIP 13) and authorize the Mayor to sign all necessary documents, and authorize the City Attorney to certify the Mayor's acceptance. Council Member Scott seconded the motion and in a roll call vote, all members voted aye and the motion passed.

AB 08-120 Lease Amendments D.E.W. Aircraft and Granite Holdings (Salmon Hangar)

Council Member Bailey requested that this item be moved from the consent agenda to the business agenda for several reasons. The Council has looked at this twice before and the last time being in September at the same meeting the Council approved the rezoning of the airport. The Council at the time felt that there were some deficiencies with the proposed layout of the easements. Those concerns have been addressed, however the new boundaries goes outside of the boundary of the airport. Council Member Bailey expressed that he is not comfortable with the new lease boundary lines and that the new boundary lines show a substantially larger area than what was on the original lease. Council Member Bailey proposed that it may be premature to allow these changes now considering that some code changes may be considered for this area.

Council engaged in much discussion about this lease agreement and the boundary changes. It was determined that this lease amendment will be tabled at this time due to the Council wanting a clear legal description of the what is currently on the lease, to wait until the outcome is known from the committee looking at the rezoning of the airport, and possibly negotiate with both tenants rates and charges of the lease amendments.

Council Member Scott brought up two facts to consider, the first being that there is an access road onto the field, and if something big is built there, there is a potential for congestion and safety issues in that narrow space, and this is not in compliance with the airport master plan; secondly this lease holder has two subleases which are suppose to be approved by the City, and Mr. Anderson has tried to reach out to him to work through that approval process and he has not responded to emails or calls. Council Member Scott stated that the lease holder needs to be in compliance with his existing lease before his new request is considered.

Council Member Bailey moved to table the Lease Amendments of D.E.W. Aircraft and Granite Holdings (Salmon Hangar). Council Member Witte seconded the motion and in a roll call vote, all members voted aye and the motion passed.

Other Discussion

Council Member Scott brought up the property code issues and what needs to be done to ensure that they are enforced. Mr. Kirkpatrick stated that pile of materials left by the contractors on Boydstun would be removed by July 1, 2008. Mr. Kirkpatrick stated that he is not currently familiar with the other code enforcement issues, but he will have Mr. Summers report on the monthly report as to what is happening with these issues. Council Member Delaney wanted

clarification as to whether or not the City has the resources to work on this code enforcement. Mr. Kirkpatrick affirmed that yes there are resources available, and restated that he will get a status report to Council on these code issues.

COMMITTEE MINUTES

The Council received copies of the following minutes:

- McCall Public Library Board of Trustees – March 12, and April 9, 2008
- McCall Improvement Committee– May 8, 2008
- McCall Historic Preservation Commission – March 18, and April 15, 2008

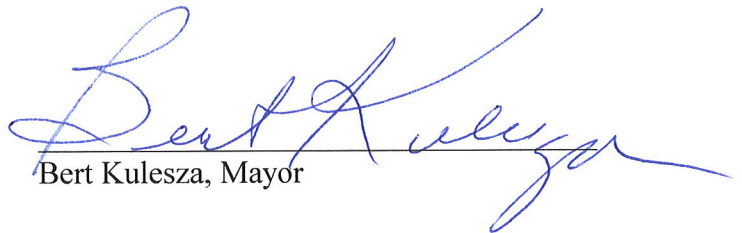
EXECUTIVE SESSION

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

Executive Session started at 10:09 P.M.

ADJOURNMENT

Without further business, the meeting was adjourned at 11:40 p.m.



Bert Kulesza, Mayor

ATTEST:



Brenna Chaloupka, Acting City Clerk