

MINUTES

McCall City Council Regular Meeting Thursday July 28, 2005

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ADJOURNMENT

CALL TO ORDER AND ROLL CALL

Council President Robertson called the regular meeting of the McCall City Council to order at 6:08 p.m. Council Member Greer, Council Member Bertram, Council Member Muller, and Council Member Robertson answered roll call. Mayor Eimers was excused. A quorum was present.

City staff members present were Lindley Kirkpatrick, City Manager; Roger Millar, Community Development Director/Deputy City Manager; Brock Heasley, Parks and Recreation Director; Anne Kantola, Library Director; Amanda Townsend, City Treasurer; David Krueck, City Attorney; and Dan Irwin, City Clerk.

PUBLIC COMMENT

Council Member Robertson called for public comment.

Kevin O'Leary, McCall RV Resort, said that he is frustrated with nuisance properties located at Riverside Subdivision. He said that he provided the City with materials to expedite the enforcement of the new nuisance ordinance but he is seeing a lack of enforcement. Mr. O'Leary said that he realizes the predicament of the Police Department and staffing but he has identified 5-7 property owners who are violating the terms of the ordinance. He stated that poor upkeep of properties reflects poorly on the City. Mr. O'Leary stated that enforcement of the ordinance isn't working in the area as only one property owner responded to the eight letters that were sent out by the Police Department. He requested the assistance of the City Council to ensure the enforcement of the nuisance ordinance occurs.

Charlie Taber, 815 Pinedale, said that he lives in the Lardo District and that he had previously spoken in regards to the wastewater policy. Mr. Taber stated that he is troubled as he has found that he is falling victim to his own enthusiasm. Mr. Taber stated that he lives on a large one acre property that is surrounded by City streets. He said that he was told that he can't develop his property which is zoned B residential to its capacity because of the moratorium. Mr. Taber stated that the highest and best use of his land is to have nice dwellings constructed on the lot. He said that he wants the Council to consider establishing priorities because he shouldn't fall into the same category as a developer. He stated that the City should allow infill development to occur.

Hearing no further comments, Council Member Robertson closed the public comment at 6:16 p.m.

CONSENT AGENDA

Council Member Bertram asked if a letter had been sent to the Aspen Condos regarding the dangerous building as reflected in the June 9th minutes.

Council Member Robertson stated that he spoke with the neighbors who informed him that they would be demolishing the building soon.

Council Member Bertram asked if a letter had been sent out to the Idaho Director of the State Parks and Recreation regarding Ponderosa Park and the encroachment of the City road.

Lindley Kirkpatrick, City Manager, stated that he spoke with Dennis Coyle but hadn't sent out a letter.

Council Member Bertram asked if ICRMP had paid the full amount for the Mountain Lakes Realty claim.

Dan Irwin, City Clerk, confirmed that they paid the entire claim amount.

Council Member Robertson asked about the \$1500 expense in the Library Fund to Sagebrush.

Anne Kantola, Library Director, explained the expense was for a handheld inventory system. She stated that the Library would be conducting an inventory count in October and the equipment would prove to be invaluable.

Council Member Bertram asked about the expense to Toothman-Orton that is labeled J-Ditch. She asked if the Council would be receiving a report.

Council Member Robertson said that the work was being done in conjunction with Trout, Weeks, and Nemecc.

Mr. Kirkpatrick confirmed that it was. He said that he anticipates receiving a report.

Council Member Bertram asked if the City participated in the Valley County All Hazards Mitigation study.

Mr. Kirkpatrick stated that the Fire District participated in the process and the City had limited participation when the study began. He said that the words "City of McCall" can be stricken from the resolution.

Council Member Robertson said that item five of Resolution 05-16 says that the City must accept the grant award prior to March 1, 2005 unless prescribed otherwise in writing by the State. He asked if the City had received anything in writing.

Mr. Kirkpatrick said that he wasn't sure if anything had been received in writing. He explained that the Airport Manager has been in contact with the State.

Council Member Robertson said that the City should memorialize the written approval in the acceptance clause of the resolution.

Council Member Robertson moved to approve the Consent Agenda as amended and authorize the Mayor to sign all necessary documents. Council Member Muller seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Robertson and Council Member Muller voted aye. The motion carried 4-0-0.

BUSINESS AGENDA

AB 05-147 Special Use Permit for McCall Power Sport Rentals

Brock Heasley, Parks and Recreation Director, stated that McCall Power Sport Rentals is requesting a Special Use Permit that would allow the use of the City of McCall's Boat Launch Docks and a portion of City Beach to conduct Boat and Jet Ski Rentals on the Payette Lake. He explained that the Parks & Recreation Advisory Committee met with McCall Power Sport Rentals on July 12th, and the Committee felt that they did not have adequate information to make a recommendation. He said that staff met with representatives of McCall Power Sport Rentals and Cheap Thrills on July 20 and developed a recommendation to effectively use the beach adjacent to the boat launch ramp. He explained that the attached sketch shows the agreed-upon location for each permit holder. Mr. Heasley said in addition to a special use permit, McCall City Code (8-14-4) requires the business to submit a hold-harmless agreement and insurance in favor of the City in order to pick up and drop off passengers at the southerly face of the southernmost dock at the boat launching ramp. He said that a draft use agreement between the City and McCall Power Sport Rentals had been developed for approval by the Council.

Council Member Muller asked what would be installed to designate the boundaries.

Mr. Heasley said that he would be meeting with the applicants at the site to explain and designate the boundaries.

Council Member Muller asked how the City was planning on enforcing the permits and space allocation at the beach.

Mr. Heasley said that enforcement would be done through the McCall Police Department. He said that he hopes both business owners would accept the arrangement and the problems would cease.

Council Member Muller said that the City needs to publish in the paper the public's ability to use the park. He stated that the arrangement is a good solution but the City needs to develop an enforcement plan.

Council Member Bertram asked if Mr. Heasley foresaw the same problems occurring in other parks in the future.

Mr. Heasley said that he believes the problem with commercial access to the lake would continue. He explained that the arrangement is only for this year, and the Parks and Recreation Committee would be meeting to come up with a better solution for next season.

Council Member Robertson said that funding for a Code Enforcement Officer position was discussed during the budget planning workshop but was eliminated. He said that the City may want to reconsider putting the position back into the budget.

Council Member Robertson moved to authorize the City Clerk to issue a Special Use Permit to McCall Power Sport Rentals for the use of the southerly face of the southernmost dock at the Municipal boat launching ramp near the west end of Fir Street and a portion of the City Beach, contingent upon McCall Power Sport Rentals execution of a hold harmless agreement and provision of insurance in favor of the City. Council Member Bertram seconded the motion. In a voice vote, the motion carried 4-0-0.

AB 05-148 Special Use Permit for Cheap Thrills

Mr. Heasley stated that on April 28, 2005 Cheap Thrills was issued a Special Use Permit to conduct Boat and Jet Ski Rentals on the Payette Lake. He said that the Special Use Permit did not clearly authorize their use of the beach adjacent to the boat launch ramp. Mr. Heasley explained that staff met with representatives of Cheap Thrills and McCall Power Sport Rentals on July 20 and developed a recommendation to effectively use the beach adjacent to the boat launch ramp. He said that Cheap Thrills has already entered into a use agreement and provided insurance to the City, as required when the original special use permit was issued in April.

Council Member Bertram asked if the business owners were in agreement with the arrangement.

Mr. Heasley confirmed that they were.

Council Member Robertson asked if Cheap Thrills was getting twice the space at the beach because they had more equipment.

Mr. Heasley indicated that it was the reasoning behind the arrangement.

Council Member Robertson moved to authorize the City Clerk to issue an amended Special Use Permit to Cheap Thrills for the use of the southerly face of the southernmost dock at the Municipal boat launching ramp near the west end of Fir Street and a portion of the City Beach that replaces the permit that issued on April 28, 2005. Council Member Bertram seconded the motion. In a voice vote, the motion carried 4-0-0.

AB 05-140 Wastewater Policy / Resolution 05-15

Mr. Kirkpatrick stated that Rick Bishop and Betsy Roberts from CH2MHILL were present to give a presentation regarding their findings to the wastewater system capacity. He said that Mr. Millar would address Resolution 05-15 to propose the systematic allocation of building permits. Mr. Kirkpatrick stated that the Payette Lakes Recreational Water and Sewer District had submitted a written letter to the Council members regarding the issue.

Rick Bishop, CH2MHILL, said that the wastewater management system consists of four elements. He explained that those elements consist of collection, treatment, winter storage, and land application. Mr. Bishop stated that CH2MHILL has been engaged to address the concerns that exist in the four components. He said that Holladay Engineering had conducted a study and documented that extraneous water exists in the system through inflow and infiltration. He stated that the treatment plant is successfully treating the community's waste and the only concern is the possibility of sludge build-up. He said that there is currently a leak in the winter storage pond that exceeds the standards established by the Department of Environmental Quality. He said that all of the treated effluent is currently being delivered to the farmers for land application. Mr. Bishop stated that the firm is addressing the collection component by analyzing the I&I study performed by Holladay Engineering and beginning to propose the "adopt a sewer" program. He stated that the firm would address treatment by analyzing the capacity and looking for any potential bottlenecks. Mr. Bishop stated that the leakage in the storage pond has to be addressed but can only occur when the pond is nearly empty. He said that for land application, CH2MHILL would begin to identify additional lands that could be used for the application of blended or unblended effluent and to look at the possibility of extending the irrigation season. He stated that a long term plan would need to be developed for all four components of the system. Mr. Bishop stated that the firm's initial analysis was to determine the actual design capacity. He explained that the smallest component of the system dictates the overall capacity, which is the land application component in the design. Mr. Bishop stated that the because of the limitations of the land application component, the firm has determined that only 170 equivalent dwelling unit hookups remain available for the system capacity. He stated that it was only an initial analysis based on the data collection of others and the firm would be doing further research over the next sixty days.

Mr. Kirkpatrick asked Mr. Bishop to clarify the date range of the analysis.

Mr. Bishop stated that the analysis included the data that had been collected through December 31, 2004.

Mr. Millar stated that 117 building permits have been issued in 2005.

Mr. Bishop stated that the issues with system require the need to develop a long term plan to address the capacity of the system. He explained that numerous elements are involved to define a plan and it would take an approximate eight year period to complete a long term solution.

Council Member Robertson asked if a design build approach would shorten the time period.

Mr. Bishop said that it would.

Council Member Muller asked if the firm would be pursuing another land application type system since DEQ would not allow the City to discharge effluent into the river.

Mr. Bishop said that the firm would explore all possibilities that could provide a solution. He said that the City needs to keep an open mind as to what might be potentially allowed.

Council Member Robertson asked if the eight year period would allow enough time to address all four components of the system.

Mr. Bishop stated that it would.

Mr. Millar stated that Resolution 05-15 proposes to systematically allocate building permits based upon the capacity of the system and the time required to complete a long range solution. He explained that the Resolution assumes that the remaining capacity of the system is 1401 EDUs based upon the winter storage pond. He explained that the resolution proposes to allocate 175 building permits per year for eight years. Mr. Millar said that the average number of building permits issued by the City that required a sewer hookup from 2001 to 2004 was 128. He stated that the City had issued 117 such permits so far in 2005.

Council Member Bertram asked what would happen if the City estimated that a long term solution could be developed in six years.

Mr. Millar explained that the allocation would be expanded as the proposal simply divides the capacity by the time needed to complete a new system. He stated that the City has choices on how to address the capacity issues of the system. He explained that the City can keep issuing building permits under the current method until capacity is

met and completely stop development, or the remaining number of hookups can be distributed overtime.

Council Member Robertson clarified that the allocation method would only be an acceptable solution if the issues with the land application component can be remedied.

Mr. Millar said that the Resolution was developed under the belief that the problems with the land application can be remedied soon. He said that staff is viewing the winter storage pond as the component that restricts capacity in the overall system.

Mr. Millar stated that if the Council decides to restrict the number of building permits that are issued per year, a system needs to be developed that would allocate the permits. He explained that he prepared a memo that proposes to distribute the building permits each month based upon the historical monthly percentages. He said that the methodology proposes to require all building permit applications to be submitted to the City by the 15th day of every month. He explained that the applications would then be reviewed by staff who would rank the applications based upon a system that scores the applications. Mr. Millar explained that the proposed scoring system was developed based upon the goals and objectives that were identified in the City's comprehensive plan. He said that he went through the plan and identified every goal that could be used in a ranking system. Mr. Millar said that the monthly allocation of building permits would be issued to the highest scoring applications. He stated that those applications that weren't chosen would be placed back in the pool for consideration in the next month's distribution. Mr. Millar stated that the applicants would be required to pay for their permit by the 1st of every month and if anyone failed to pick it up the next highest ranked application would receive the permit.

Council Member Robertson asked for clarification if the methodology would only be used for building permits that required a sewer connection.

Mr. Millar stated that the process would only be applicable for building permits requiring new sewer hookups to the system. He said that those permits not needing a sewer hookup would be issued in the current manner.

Council Member Bertram asked if the proposal takes the Payette Lakes Recreational Water and Sewer District into account.

Mr. Millar explained that the methodology would treat all customers in the same manner. He explained that Mr. Taber who spoke during the Public Comment period can't receive a will serve letter because of the existing policy. He said that the adoption of the resolution would change the policy and treat all customers seeking a building permit the same.

Council Member Robertson stated that the District's letter voiced concern of their 1/3 allocation of the system. He said that building permit customers seeking hookup into

the Sewer District has traditionally been higher than 30% of the total yearly distribution. He said that the allocation would be met through the adoption of the policy.

Council Member Bertram asked if the Resolution would replace the old agreement with the Sewer District.

Mr. Millar explained that it wouldn't. He stated that the policy is only for the distribution of building permits and would treat every customer equally.

Council Member Robertson said that he is supportive of the proposal but is nervous about the current issues with the land application component.

Mr. Millar explained that the policy can be revised at any time if the City discovers that the land application problem can't be solved.

Council Member Robertson said that the City would be bombarded with building permit applications tomorrow if no action is taken. He said that the Council can adopt the policy and adjust it if any issues arise.

Council Member Bertram said that she thinks it would more fair to issue more permits at this time and incrementally decrease the annual amount over the eight year period.

Mr. Millar stated that the current proposal is to distribute the permits over a straight time period. He said that the resolution could be changed to distribute more permits initially. He explained that the proposal would meter the number of permits to ensure that the capacity of system isn't eliminated before a long term solution is constructed.

Council Member Bertram said that she doesn't have any issues with the scoring matrix but is concerned about only issuing 175 building permits per year.

Mr. Kirkpatrick stated that 175 building permits are more than what was issued in 2003. He explained that it was only in the past two years that the City issued more than 175 building permits that required a sewer hookup.

Council Member Muller asked what would be done if permits are issued and the City Engineer discovers that the capacity of the system has been met.

Mr. Millar said that the issuance of permits would cease and the City would have to address any specific bottlenecks in the system.

Council Member Muller stated that the City needs to proceed with the planning, design, and construction of a new facility.

Mr. Millar said that Resolution 05-15 directs staff to proceed with the design of a new facility.

Council Member Robertson said that the City has discovered that a lack of irrigation capacity exists in the J-Ditch canal. He said that he is comfortable with the Resolution as long as the City can continue emptying the winter treatment pond.

Mr. Millar added that another problem is when the plant opened in 1998, the growth of the area was predicted to be very low.

Mr. Kirkpatrick stated that specific task orders have been issued to CH2MHILL to address each element of the treatment process.

Council Member Muller said that he hasn't reviewed any of the work that has been performed by CH2MHILL, but that the City needs to meet with DEQ early in the process of the design.

Council Member Robertson said that he, the Mayor, and Mr. Kirkpatrick met with representatives of DEQ and were informed that the City would not be allowed to discharge treated sewage into the river unless all of the phosphorus is removed. He stated that such a level of treatment would be very expensive to obtain.

Council Member Greer said that he is concerned that an application to construct a school would only rate 40 points.

Mr. Millar said that the allocation method was designed so that a forty point application would be a very competitive score in the allocation of permits.

Council Member Greer stated that he likes the additional points that awarded for sustainability.

Council Member Bertram said that the City just increased the cost for building permits. She asked if Mr. Millar was conducting any studies for any additional costs that could be added based on the future costs that would be borne by the City.

Mr. Millar said that the City Engineer is currently putting together several Master Plans for the implementation in an impact fee study. He stated that the cost for a building permit must be linked to the City's costs of doing business. Mr. Millar stated that future costs must be collected through impact fees and that a legal nexus must be developed to justify those fees.

Council Member Robertson said that he likes the proposal as it doesn't give any advantage or disadvantage to projects being served by the City or the Sewer District. He stated that the building permit allocations would be distributed based upon the merits of the project and the goals of the comprehensive plan.

Mr. Kirkpatrick said that the resolution would be revised in section 9 and section 2 to reflect the Council's direction.

Mr. Millar said that the methodology for allocation is based upon the comprehensive plan. He said that the methodology could be changed at any time by the desire of the Council.

Council Member Robertson moved to adopt Resolution 05-15 as amended and to approve the proposed building permit ranking allocation methodology. Council Member Greer seconded the motion. In a roll call vote, Council Member Muller, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried 4-0-0.

A break was taken from 8:00 p.m. to 8:12 p.m.

AB 05-142 SUB-04-10 River Ranch Phase 1A Final Plat and Development Agreement

Mr. Millar explained the agenda item was for the final plat approval of Phase 1 of the River Ranch subdivision. He said that the Planning and Zoning Commission had recommended approval of the final plat. Mr. Millar stated that the development agreement had been reviewed by the City Attorney and City staff. He said that it is the staff's recommendation for the Council to approve the final plat and development agreement.

Council Member Muller said that he doesn't like gated communities but understands that the approval was granted in the past. He said that he would like the developers to remove the plans for the gates from the development.

Council Member Greer asked how the Mission Street dip was going to be repaired.

Brian O'Morrow, applicant, stated that the existing culvert would be removed and replaced with a larger one and fill would be added. He explained that Mission St. would be shifted slightly for the placement of the bike path.

Council Member Robertson moved to adopt the draft Findings & Conclusions and approve the Final Plat for SUB-04-10, River Ranch Phase 1A and to approve the related Development Agreement and authorize the Mayor to sign. Council Member Bertram seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Robertson, and Council Member Muller voted aye. The motion carried 4-0-0.

AB 05-143 CUP-05-2 Lot 12, Ridgeview Subdivision

Mr. Millar stated that the application requests a Conditional Use Permit to construct a duplex at 1464 Boydston Loop. He explained that the Planning and Zoning Commission requested an engineering review of the wetland area and it was determined that the project doesn't affect the wetland area. He said that the Planning and Zoning has recommended approval of the Conditional Use Permit.

Council Member Robertson moved to adopt the draft Findings & Conclusions for CUP-05-2 and authorize the Mayor to sign. Council Member Bertram seconded the motion. In a voice vote, the motion carried 4-0-0.

AB 05-144 CUP-05-6 Brundage Bungalows

Mr. Millar explained that the application requests a Conditional Use Permit to construct a duplex at 306 E. Lake St. He said that there is currently a cabin on blocks at the location and the proposal would link it with another cabin via a carport to make it a duplex. He explained that the applicant received Scenic Route approval for the project last year.

Council Member Robertson said that the agenda bill indicates that the project is located in the medium residential B zone but the findings and conclusions indicate that it is in the low density residential A zone.

Mr. Millar clarified that the agenda bill was referencing the incorrect zoning designation and that the findings and conclusions were correct.

Council Member Bertram moved to adopt the draft Findings & Conclusions for CUP-05-6 and authorize the Mayor to sign. Council Member Robertson seconded the motion. In a voice vote, the motion carried 4-0-0.

AB 05-145 CUP-05-9 Crystal Blue Waters Apartments

Mr. Millar explained that the applicant was unable to attend the meeting because of a conflict. He said that the applicant has been working with the Urban Renewal Agency on creating affordable housing units in the community. Mr. Millar said that the applicant submitted an application to construct some condominiums but was precluded from doing so because of the moratorium. He said that the applicant revised the application to propose the construction of apartments that are allowable by a Conditional Use Permit under the City Code. He stated that the applicant would retrofit the apartments to condominiums at a later time. Mr. Millar stated that the Planning and Zoning Commission recommended that the Council approve the Conditional Use Permit without conducting an additional public hearing.

Council Member Muller said that he didn't believe there was adequate space in the project for snow storage. He asked if anything could be changed to avoid any problems.

Mr. Millar said that the snow storage design must conform to the engineer's specifications. He said that the homeowners would bear any responsibility after that.

Council Member Bertram asked if the Urban Renewal Agency should be referenced in the conditions of approval.

Mr. Millar said that applicant has already executed an agreement with the Urban Renewal Agency and that an additional condition of approval could be added.

Council Member Robertson moved to adopt the draft Findings & Conclusions for CUP-05-9 as amended and authorize the Mayor to sign. Council Member Bertram seconded the motion. In a voice vote, the motion carried 4-0-0.

AB 05-149 Eastside Water Storage Tank Financing

Mr. Kirkpatrick explained that during the last year the City pursued Judicial Confirmation process to borrow \$1.8 million from DEQ for the Eastside Water Storage Tank financing. He explained that the 2002 water master plan identifies improvements to the system to be completed over a multi-year period. Mr. Kirkpatrick said that he prepared three spreadsheets to show the possibilities of the City funding the projects using all of the loan, a portion of the loan, or none of the loan. He explained that the City currently has \$2.8 million

Council Member Muller said that he doesn't want to use the loan since the money is available.

Council Member Bertram stated that borrowing from the loan would go against her business sense. She said that the expense would cost more later but the City can extract the money at that time. She said that the City might end up having to borrow the money at a later time.

Council Member Greer stated that the costs for project would be passed onto the taxpayer regardless of when it is done. He said that he supports borrowing the loan money to lower the total project cost.

Council Member Robertson said that the Spring Mountain Ranch line should happen in 2005 instead of 2006. He said that he would hate to see the road built if it only has to be torn up for the placement of the line. He said that there would be a total difference of \$900,000 by not borrowing the money. Council Member Robertson said that he doesn't support the idea of having excess cash available in any of the City funds. He said that the City should only seek loans when they are needed.

Mr. Kirkpatrick explained that the cost of the loan would be replaced with appropriated fund balance in the current and next fiscal year. He stated that there would be no impact this fiscal year.

Mrs. Townsend said that the City may want to consider funding part of the project in the second budget amendment.

Mr. Kirkpatrick said that he agrees that excess money shouldn't be left sitting in any of the City of funds which is the reason for accelerating the plans for the westside storage tank. He explained that the completion of the project can be accelerated under the agreement.

Council Member Robertson stated that he believes there are too many unknowns to justify borrowing money at this time. He said that the City can pursue the judicial confirmation process again if needed in the future.

Council Member Robertson moved to direct staff not to borrow any of the \$1.8 million loan for the Eastside Water Storage Tank Financing and to notify DEQ of the City's intention to relinquish the approved loan. Council Member Muller seconded the motion. In a voice vote the motion carried 3-1-0.

AB 05-125 Treated Water Storage Tank Project Bid Package III

Brad Bjerke, Pharmer Engineering, said that they were able to complete the bidding process for the Water Storage Tank. He explained that the bidding process was delayed because of the time it took the Department of Environmental Quality to review the project. Mr. Bjerke explained that four companies submitted bids for the project and the lowest bid was received from Record Steel and Construction. He said that the bid was lower than the engineering estimate and the company would attempt to complete the project this year.

Council Member Robertson asked if any of the other bidders would be able to finish the project sooner.

Mr. Bjerke explained that the companies submitted bids based on value engineering. He said that any of the companies could complete the project before winter but the cost would come at a premium price.

Council Member Robertson asked if there was anything that could be done to expedite the service to Aspen Ridge subdivision.

Mr. Bjerke said that he and Bill Keating had reviewed the project and they have proposed to serve the subdivision with one of the dedicated pumps that would eventually service the water tank.

Council Member Muller asked if the project would improve the water pressure throughout the community.

Mr. Bjerke said that the project wouldn't affect the water pressure in the community.

Council Member Muller moved to award the contract to the Record Steel and Construction Inc. and authorize the Mayor to sign necessary documents. Council Member Robertson seconded the motion. In a roll call vote, Council Member

Bertram, Council Member Greer, Council Member Robertson, and Council Member Muller voted aye. The motion carried 4-0-0.

Council Member Bertram asked about the sewer project that is going to be conducted on Lake Street. She asked if it the contractors who are going to be performing the work had any experience in undertaking such a project.

Mr. Keating explained that Chad Olsen was going to be performing the work. He said that he understands that they have hired a crew to install the new piping. He said that the work would be inspected as they progress with the project.

Council Member Robertson said that the Idaho Transportation Department has requested that the dedication of the Four Corners Project be done in conjunction with the East-West Loop. He asked if the bridge would be completed in time.

Mr. Keating said that the bridge should be ready at the end of August.

AB 05-150 City Attorney Contract

Mr. Kirkpatrick stated that the draft contract with White Peterson had been finalized. He said that Mr. Krueck had reviewed the contract and approved its form. He explained that the contract was consistent with the proposal submitted by the firm and provides for a fixed \$5,000 retainer per month for typical services and additional services are charged at an hourly rate. Mr. Kirkpatrick explained the \$5,000 per month would include attendance at 24 Council meetings per year, work on City ordinances, resolutions, and contracts, review of planning and zoning actions, participation in Association of Idaho Cities legislation, and personnel issues. He explained that the contract would take effect August 1st and is very similar to what was executed with Moore, Smith, Buxton and Turcke.

Council Member Robertson asked who was responsible for reviewing the billable hours.

Mr. Kirkpatrick stated that he reviewed the City Attorney bills monthly and passes them onto the other departments if applicable. He explained that when reviewing the bills he looks for reasonableness and content. He said that he attempts to bill the services to the actual fund.

Mr. Krueck said that attorneys have an ethical duty to only bill for the hours of work that are provided. He said that he is confident that the City would have a good working relationship with White Peterson.

Council Member Greer moved to approve the contract with White Peterson for City Attorney services and authorize the Mayor to sign all necessary documents. Council Member Bertram seconded the motion. In a roll call vote, Council Member Muller, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried 4-0-0.

REPORTS

Council Member Bertram said that the Council needs to discuss the Court Services Agreement with Valley County.

Mr. Kirkpatrick stated that he had just become aware that a potential problem exists. He said that staff needs time to figure out the problem and come up with a solution.

Council Member Bertram stated that Lee Heinrich had told her and Council Member Robertson that all court services would be moved to Cascade. She said that the agreement needs to be reviewed by the attorney. She said that she thought that Valley County was under a court order to provide services to the City of McCall and it was a big reason of why the bond for the annex was approved.

Mr. Kirkpatrick said that he would research the issue and report back to the Council.

Amanda Townsend, City Treasurer, said that Mr. Keating had originally proposed an additional administrative assistant in his Fiscal Year 06 budget. She said that after staff discussion it was agreed that the Utility Billing Specialist would be moved to Public Works to assist with workload. Mrs. Kirkpatrick stated that the current Utility Billing Specialist accepted the Senior Administrative Assistant position in the Public Works Department and the position is now open. She explained that the arrangement to have the Utility Billing Specialist located in the Public Works Building should work out for everyone.

Mr. Kirkpatrick stated that Library District Committee had asked if the Council had made a decision on their request for the building and contents.

Council Member Robertson requested that the item be scheduled for the August 11th meeting for discussion.

Mr. Kirkpatrick reported that Pete Rittenger had returned to work for the Police Department as a corporal. He said that Rodney Wolverton had resigned to take an officer position with the City of Moscow. Mr. Kirkpatrick stated that the search for a new Police Chief was progressing.

Council Member Robertson asked where the City was advertising for the Police Chief position.

Mr. Kirkpatrick said that the position was currently being advertised locally but would be expanded in coming week.

Council Member Greer asked if there was any concern or violation with Secesh Engineering spraying orange paint on lathe in the morning.

Mr. Kirkpatrick said that he would discuss the issue with Mr. Keating.

Council Member Greer asked about the boat trailer parking at the airport.

Mr. Kirkpatrick explained that the parking was occurring at the area that is leased by Manchester. He said that he would have the Airport Manager confirm that it is an appropriate use of area according to the terms of the lease.

Council Member Bertram said that there seems to be a problem with the irrigation system at the Four Corners Project. She asked if the Parks Department would be responsible for maintaining the area after it is established.

Mr. Kirkpatrick confirmed that they would.

Council Member Robertson stated he would like to see the incremental cost of adding a Code Enforcement Officer in the next step of the budget process.

EXECUTIVE SESSION

At 9:55 p.m., Council Member Robertson moved to go into executive session per Idaho Code 67-2345(1f) and Idaho Code 67-2345(1c) to consider litigation and property acquisition. Council Member Bertram seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Robertson and Council Member Muller voted aye. The motion carried.

The discussion pertained to pending litigation and property acquisition.

The Council reconvened to open session at 10:45 p.m.

ADJOURNMENT

Without further business, Council Member Greer moved to adjourn. Council Member Robertson seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 10:46 p.m.

Kirk L. Eimers, Mayor

ATTEST:

Dan Irwin, City Clerk