

# MINUTES

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## McCall City Council Regular Meeting Thursday April 28, 2005

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## **CALL TO ORDER AND ROLL CALL**

**Council President Robertson called the regular meeting of the McCall City Council to order at 6:06 p.m. Council Member Bertram, Council Member Greer, and Council Member Robertson answered roll call. Mayor Eimers and Council Member Muller were excused. A quorum was present.**

**City staff members present were Lindley Kirkpatrick, City Manager; Brock Heasley, Parks and Recreation Director; and Dan Irwin, City Clerk.**

## **PUBLIC COMMENT**

**Council Member Robertson called for public comment.**

Cindy Miller, 657 Koski Dr., stated that she is concerned that the open burning occurring in the community is causing health problems to the citizens. She said that wood burning has been linked to respiratory infections, numerous cancers, asthma, cataracts, strokes, and cardiac problems. She explained that the EPA estimates that wood smoke is twelve times more likely to cause cancer than tobacco smoke when inhaled in equivalent amounts. Ms. Miller stated that two classmates of her daughter have been hospitalized with potentially life threatening problems caused from complications associated with the open burning. She stated that enlightened communities across the United States have placed a ban on open burning to protect the health of citizens. She added that most cities have also placed restrictions or outright bans on wood burning stoves and fireplaces. Ms. Miller stated that the amount of burning in the community has increased proportionally with the recent growth. Ms. Miller requested that the City Council begin conducting hearings to implement a ban on open burning in the City and Impact Area. She stated that she is especially concerned with the amount of slash left behind by logging operations that is being burnt near the schools. Ms. Miller said that in addition to imposing a ban on open burning, the City should pursue various alternatives to reduce the amount of slash and yard waste that is burnt in the area by purchasing a chipper and establishing composting sites and mulch piles.

Randy St. Clair, 111 E. 40<sup>th</sup> Boise, spoke in regards to the City's \$800,000 surplus fund balance. He stated that the City has a \$6 million federal court judgment against them and believes the City should use the surplus funds to begin paying the judgment.

**Hearing no further comments, Council Member Robertson closed the public comment at 6:12 p.m.**

## CONSENT AGENDA

Council Member Robertson explained that he had previously sent corrections to the minutes to the City Clerk.

Council Member Bertram stated that she would like the content of the performance agreement with the developers of the Timbercrest Downtown Condominiums expanded in the March 30<sup>th</sup> minutes.

Council Member Bertram asked what was the expense to Office Value labeled as a return? Council Member Robertson explained that the item was part of a desk.

Council Member Bertram asked if the Parks and Recreation Department had rented or purchased the pressure washer listed in the warrant register. She stated that the McCall Improvement Committee had discussed the need to use a hotsey pressure washer for the downtown cleanup project. Brock Heasley, Parks and Recreation Director, stated that the department had purchased a cool water pressure washer.

Council Member Robertson asked if the bottle cooler purchased from the golf operations budget was for the use of the clubhouse. Mr. Kirkpatrick confirmed that it was.

Council Member Robertson asked about the box rent to the Post Office from the golf department. Mr. Kirkpatrick explained that the golf pro used the post office box for tournament applications under a former arrangement. He stated that he discussed the arrangement with Allan Morrison and it was decided that the use of the post office box would be discontinued in six months and all correspondence relating to the golf course will be sent directly to the City Hall address.

Council Member Bertram asked about the description associated with the LID #2 bond payment. Mr. Kirkpatrick explained that the payment was titled with the bondholder's name.

Council Member Robertson explained that an additional warrant register was added to the Consent Agenda.

Council Member Robertson commended the Police Department for reducing the amount of overtime hours that have been accumulated.

Council Member Robertson clarified that the beer and wine license for Common Ground Café is a new license. He stated that they have previously been issued catering permits to serve alcohol at the facility.

Council Member Robertson stated that Torf Environmental Management has done a good job in assisting with the lead remediation project at City Hall.

**Council Member Greer moved to approve the Consent Agenda as modified and authorize the Council President to sign all necessary documents. Council Member Bertram seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, and Council Member Robertson voted aye. The motion carried.**

## **BUSINESS AGENDA**

### **AB 05-84 Special Use Permit for Cheap Thrills Rentals**

Brock Heasley, Parks and Recreation Director, stated that Cheap Thrills would like to use the City of McCall's Boat Launch Docks to conduct Boat and Jet Ski Rentals on Payette Lake. He stated that in accordance with McCall City Code 8-14-4, Cheap Thrills is requesting approval for a Special Use Permit to allow the use of the southerly face of the southernmost dock at the Municipal boat launching ramp near west end of Fir Street, to pick up and drop off passengers. Mr. Heasley stated that the Parks and Recreation Advisory Committee has reviewed the request and recommends approval. He explained that the use agreement for Cheap Thrills includes a hold harmless clause and requires them to provide the City with a Certificate of Liability Insurance with the City named as an additional insured in an amount not less than \$500,000 per occurrence.

Council Member Robertson asked if the terms of the use agreement had been changed from what was executed in the past.

Mr. Heasley stated that a special use permit had never been issued with Cheap Thrills in the past. He said that the City has an ordinance that requires a special use permit be issued for commercial operations at the dock, and he is ensuring that the requirement is met.

Council Member Robertson stated that Ray Dupree had originally planned to attend the meeting in support of issuing the special use permit to Cheap Thrills. He stated that Mr. Dupree was also planning on voicing concerns about motoring jet skis onto the beach. Council Member Robertson explained that the practice creates berms on the beach. He stated that the City should expand the City dock to allow for an alternative means of operation for the equipment rather than powering the craft up on the beach.

Council Member Greer asked about item #2 of the use agreement. He suggested that the wording be changed to require the user to comply with the terms of the special use permit.

The Council agreed that the wording of the agreement should be changed.

**Council Member Bertram moved to approve the issuance of 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 authorize the City Council President to sign the use agreement as changed. Council Member Greer seconded the motion. In a roll call vote, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried.**

#### **AB 05-85 Appointments to the Airport Advisory Committee**

Mr. Kirkpatrick explained that two seats on the Airport Advisory Committee previously held by Lori MacNichol and Jerry McCauley were up for renewal. He stated that the positions were advertised and four letters of interest had been received from Lori MacNichol, Jerry McCauley, Dan Scott and Oris Dunham. He said that the Airport Advisory Committee reviewed the applications at their meeting on April 14 and Lori MacNichol subsequently withdrew her name from consideration. Mr. Kirkpatrick stated that the Committee unanimously recommended that Dan Scott and Jerry McCauley be appointed to the Committee to terms that expire on March 28, 2008.

**Council Member Greer moved to direct the Mayor to appoint Dan Scott to the Airport Advisory Committee to a term expiring on March 28, 2008. Council Member Bertram seconded the motion. All Council Members voted aye. The motion carried.**

**Council Member Greer moved to direct the Mayor to appoint Jerry McCauley to the Airport Advisory Committee to a term expiring on March 28, 2008. Council Member Bertram seconded the motion. All Council Members voted aye. The motion carried.**

Council Member Robertson stated that the resumes submitted for the Committee vacancies were very impressive.

#### **AB 05-87 Donation of Equipment to Heartland Gymnastics / Resolution 05-04**

Mr. Kirkpatrick announced that a letter had been received since the Council packets were prepared.

Mr. Heasley stated that that the agenda bill was for the donation of equipment to the Heartland Gymnastics Recreation and Learning Center. He said that since receiving the letter, which indicates that Heartland Gymnastics is thinking of selling the recreation center, he has changed his recommended action to the Council. Mr. Heasley said that he now recommends that the Council wait until the decision by Heartland Gymnastics board of directors is made.

Mr. Kirkpatrick stated that Mike Vooris of the Heartland Gymnastics Board of Directors had approached him yesterday about the plans to sell the center. He stated that he appreciates the honesty of the Heartland Board in informing the City of their plans.

Council Member Greer asked if a delay in approving the donation of equipment would present any problems.

Mr. Kirkpatrick stated that the contract the City had with Heartland Gymnastics specifies that the equipment be settled if the contract is terminated. He said that a delay wouldn't present a problem since the contract was actually terminated a long time ago.

Council Member Bertram stated that she feels the equipment should be donated since the City eliminated the funding to the group and the equipment isn't needed by the Parks and Recreation Department.

Tammy Zokan, City Attorney, stated that she viewed the proposed action as a donation to a non-profit organization. She stated that she would be uncomfortable approving the donation to a private company. Ms. Zokan suggested that the City put the equipment out to bid to allow an equal opportunity for private companies to acquire the equipment.

Council Member Robertson stated that it might be wise to allow time for the sale of the Center to proceed.

Council Member Bertram stated that she supports the donation of the equipment to Heartland Gymnastics. She stated that the equipment has no use to the City and has little resale value. She said that the equipment is currently located in the Heartland facility and used by the program.

**Council Member Bertram moved to adopt Resolution 05-04 approving the donation of the equipment to Heartland Gymnastics Recreation and Learning Center. Council Member Greer seconded the motion.**

Council Member Robertson asked for clarification if the equipment has always been in the possession of Heartland Gymnastics.

Mr. Heasley confirmed that the equipment has been in the possession of Heartland Gymnastics since the contract was executed.

Council Member Robertson stated that the action would clear up the ownership of the equipment. He stated that he would like to encourage the program to continue regardless if it is privately owned or operated by a non-profit agency.

Lisa Landers, Heartland Gymnastics Board of Directions, stated that the board requested an inventory of equipment from the City a few months ago due to the uncertainty of the program's future. She explained that the board only received an interest from an outside party to acquire the program and formal negotiations haven't

been pursued. Ms. Landers stated that Board is having difficulties in sustaining the program and are discussing the possibility of pursuing the interest. She said that the Board felt it was important to establish an inventory list. She explained that the sale could be made with or without the City's equipment. Ms. Landers said that any overage from the sale would be held with a 501(C)3 to possibly buy it back if the private entity was unable to continue the program. She explained that the funds would also be used for future scholarships for the gymnastics program.

Council Member Bertram stated that she would feel differently if the sale were already in escrow. She stated that it could be several months until it is determined if the sale is going to be finalized or not.

**In a roll call vote, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried.**

Lyle Olson suggested that the City add a conditional term to the acceptance clause that would hold the City harmless for the future use of the equipment by Heartland Gymnastics or any subsequent owner.

**Council Member Greer moved to amend Section 4 of the resolution to include a hold harmless clause. Council Member Bertram seconded the motion. All Council Members voted aye. The motion carried.**

Council Member Greer asked if the City has a proper inventory of City equipment.

Mr. Kirkpatrick stated that the City has a good inventory of capital assets and certain departments have a good inventory of small equipment.

Council Member Robertson suggested that the City Clerk establish an inventory program for all departments.

Council Member Bertram stated that McCall Improvement Committee has planned an initiative to establish a day to clean up the City. She requested that a representative from the City Staff be designated to assist in the project.

### **AB 05-88 Mile High Marina LLC Lease Agreement**

Dan Irwin, City Clerk, stated that Mile High Marina has purchased the Marina from Harry's Dry Dock. He explained that the new owners have been working with City Staff to negotiate a new lease with the City for the land that adjoins the Marina building. He stated that a lease agreement with the City needs to be executed in order for Mile High Marina LLC to be issued a Beer and Wine License from the State of Idaho.

Council Member Bertram asked if the lessee is required to maintain the docks under the terms in the lease.

Mr. Kirkpatrick explained that the lease is for the land that is located next to the building. He stated that the lessee has a separate lease with the State Department of Lands for the building and docks. He stated that the land allows them to access the building that is located below the high water mark.

Council Member Bertram stated that the condition of the docks are in extremely poor shape and present a safety hazard to the public. She stated that she is surprised that somebody hasn't contacted the Department of Lands about the poor condition of the docks.

Mr. Kirkpatrick stated that Mr. Gerblich and his attorney indicated to him that they intend to replace all of the docks at the facility.

Council Member Bertram asked if language could be added to the lease that would require Mile High Marina LLC to maintain the docks in a safe manner. She stated that the City has a vested interest to ensure the docks are safe.

Mr. Kirkpatrick stated that as the landowner, the City could negotiate a clause to require that the facilities associated with the leased lands to be maintained in a safe condition.

Council Member Robertson stated that he understands that the new owner intends to replace the docks but it might take them more than one year. He suggested adding terms to the lease, which will require them to present their plans for the replacement of the docks and to add language that would require them to adequately maintain them.

Council Member Bertram stated that she isn't sure if they should be allowed to phase in the repairs over a five-year period. She said that they are renting unsafe slips to the public and should be required to bring them up to an acceptable standard immediately. Council Member Bertram stated that Mile High Marina LLC purchased the marina knowing of the problems with docks. She would like language added to the lease that ensures that the docks are made safe to the public before they open for the season.

Mr. Kirkpatrick suggested that the Council table the item for a future meeting.

Council Member Robertson stated that many of the problems were due to the poor maintenance by the former owner. He stated that it is important for the Council to learn about the new owner's plans for the marina.

Mr. Kirkpatrick asked for the Council's input on the amount of payment required from Mile High Marina LLC under the lease. He explained that the annual payment of the lease is tied to the annual rent charged for three slips at the marina.

Council Member Bertram asked what payment was arrangement in the past.

Mr. Kirkpatrick stated that the former lease payment was \$1 per year.

**The Council agreed to table the item for a future Council meeting.**

## **REPORTS**

Council Member Bertram stated that she would like to see the advisory committee minutes provided to the Council on a more regular basis.

Mr. Irwin stated that 35 applications have been received for consideration by the Local Option Tax Committee. He stated that the Committee would be meeting on April 4, 2005 to hear presentations from the groups and organizations that submitted applications.

Mr. Kirkpatrick stated that at the last meeting the Council authorized the City Manager to authorize the filing of an appeal in the Wausau/St. Clair litigation. He stated that the notice of appeal would be filed on the following day.

Mr. Kirkpatrick stated that a conditional offer of employment had been extended to Rick Harvey for the Airport Manager position. He stated that Council confirmation of the appointment would be scheduled for the May 12<sup>th</sup> meeting.

Mr. Kirkpatrick stated that he would be attending the Governor's Conference on economic development and tourism in Idaho Falls during the next week.

Mr. Kirkpatrick stated that Jerry Palmerton began his employment as Golf Course Superintendent. He stated that he is working very hard to establish the greens to a playable condition. Mr. Kirkpatrick stated that the golf course is planning on first opening the nine holes on the Cedar course on May 9<sup>th</sup> and the original 18 at a later time.

Council Member Bertram asked when the Council would be discussing the new rates for the golf course.

Mr. Kirkpatrick stated that a public notice was placed in the Star News for the proposed changes to the golf fee and building permit schedule. He stated that the Council would be taking action on the proposals at the May 12<sup>th</sup> meeting.

Mr. Kirkpatrick stated that City Hall lead abatement project is being finalized and carpet will be installed next week.

Mr. Kirkpatrick stated that he spent the day in Boise at the AIC spring district meeting. He stated that he brought back information explaining the new legislative requirements that will take effect July 1.

Jenny Ruemmele, McCall Arts and Humanities Council, apologized for not being present when the Council accepted the public art donation. She presented an artist's rendering of the trail markers that will be erected on the public trails. She stated that the markers would include mapping and mileage information about the trail system and something about the specific site. Ms. Ruemmele stated that Amy West is the artist for the project and they will be installed on June 4<sup>th</sup> in recognition of Public Trails Day.

Council Member asked for Ms. Ruemmele to provide an update on the art walk project.

Ms. Ruemmele stated that it has become more difficult than planned to secure artists for the art walk project. She stated that they are attempting to secure ten artists to establish the program and only have commitments from five.

Council Member Bertram stated that the McCall Improvement Committee met with Karl Augustine and conducted the needs assessment survey for southern corridor. She said that four groups surveyed the area between Deinhard Lane to Railroad Avenue. She stated that the Council would need to proclaim a blight designation for the area by the last meeting in May in order to apply for a Community Development Block Grant in November.

Council Member Bertram requested that Peggy Whitescarver explain the idea she proposed for the promotion of McCall.

Peggy Whitescarver stated that she has been doing volunteer work for the Chamber of Commerce. She said that the Chamber has proposed a festival of lights program for the community that would extend from November through March. Ms. Whitescarver stated that the program would attempt to establish a million lights in the community especially in the commercial areas. She stated that the Chamber has also requested funding from the Local Option Tax Commission to obtain new decorations for the light posts in town. Ms. Whitescarver stated that tourists expect the town to be decorated during the holiday season and hopes the program will bring the community together.

Council Member Robertson stated that the City needs to budget to rent a cherry picker during the holiday season to assist with the initiative. He stated that the cherry picker could be used by local businesses for putting up the holiday lights. He stated that he would like to see the initiative published and a sign up sheet established for local businesses to use the cherry picker at no charge.

Council Member Robertson announced that City Staff would be planting a tree in Brown Park at 11:00 p.m. on Arbor Day and encouraged everyone to attend the event.

## **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 7:41 p.m.**

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Kirk L. Eimers, Mayor

**ATTEST:**

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Dan Irwin, City Clerk