

MINUTES

McCall City Council Special Meeting Thursday, May 4, 2004

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Call to Order and Roll Call

Pledge of Allegiance

Business

- AB 04-42 Sale of LID 3 parcels
- AB 04-65 Resolution 04-4, establishing the date of a public hearing regarding a petition for judicial confirmation of water system improvements as an ordinary and necessary expense

CALL TO ORDER AND ROLL CALL

Mayor Eimers called the special meeting of the McCall City Council to order at 5:40 p.m. Council Member Eimers, Council Member Bertram, Council Member Greer, and Council Member Muller answered roll call. A quorum was present. City staff members present were City Attorney Tammy Zokan, City Manager/City Clerk Robert Strope, Community Development Director/Deputy City Manager Lindley Kirkpatrick, and Assistant to the City Manager Tina Clark.

Council Member Eimers led the Council in the Pledge of Allegiance

Robert Strope added an executive session to the agenda to discuss litigation.

BUSINESS

AB 04-42 Sale of LID 3 parcels

Lindley Kirkpatrick said the City received two offers, from Silvertip L.L.C. and Vision Land Management LLC. He explained that the Silvertip offer is for a total purchase price of \$1,251,000.00 with an earnest money deposit of \$10,000.00, and the balance

due at closing. Silvertip is requesting that the City pay title insurance and half of the closing fees, with a due diligence period running until June 25 and closing on or before July 9. He explained that the Vision Land Management offer is for a total purchase price of \$1,001,000.00, with an earnest money deposit of \$25,000.00 and the balance due at closing. Vision Land Management is requesting that the City pay half of the closing costs, appraisal fees, and flood certification, with closing set for 90 days from acceptance of the offer. Vision Land Management is also asking that the City build the sewer lift station and provide water and sewer services by June 30, 2005 or sooner and the buyer will pay to the City \$1,650.00 for each building lot at the time of platting. Mr. Kirkpatrick reviewed pay-off amounts for several days, stating that the payoff includes the outstanding principal, all the interest, penalties, fees, and future year of interest.

Steve Jones, representing Silvertip L.L.C. explained closing costs and the due diligence process to the Council. Tammy Zokan made sure that Mr. Jones was aware that Silvertip is responsible for any remaining obligations on the property.

Council Member Eimers moved to accept the purchase offer as presented by Silvertip LLC for the property identified as Parcels K, L and M of LID #3; authorize the Mayor and Clerk to sign deeds; and authorize the Mayor to sign all other necessary documents. Council Member Muller seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Muller, and Council Member Eimers voted aye. The motion carried.

AB 04-65 Resolution 04-4 judicial confirmation of water system improvements as an ordinary and necessary expense

Robert Strobe explained that the public notice for this type of hearing requires a unique notice format and that the original notice did not meet the requirements. This Resolution sets a new hearing date, which will be noticed correctly. Council Member Greer asked if there was any legal requirement to complete the proposed water system improvements. Mr. Strobe replied that the City should construct the water tank drain and fill lines, pressure reducing valves (PRVs), and booster station prior to the completion of Aspen Ridge Phase 2. Mr. Kirkpatrick added that the booster station and PRVs are required as part of the Water System Agreement with the Spring Mountain Ranch Development.

Council Members discussed the options of publishing the Resolution in the paper again, and the cost of the required water system improvements.

Council Member Greer moved to adopt Resolution 04-4. Council Member Bertram seconded the motion. All Council Members voted aye. The motion carried.

EXECUTIVE SESSION

At 6:45 p.m., Council Member Eimers moved to go into executive session per Idaho Code 67-2345(1f) to consider pending litigation. Council Member Muller seconded the motion. At a roll call vote, Council Member Bertram, Council Member Greer, Council Member Muller, and Council Member Eimers voted aye. The motion carried.

At 7:30 p.m., Council Member Eimers moved to come out of executive session. Council Member Muller seconded the motion. All Council Members voted aye. The motion carried.

ADJOURNMENT

Without further business, Council Member Eimers moved to adjourn. Council Member Muller seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 7:35 p.m.

Kirk L. Eimers, Mayor

ATTEST:

Tina A. Clark, Deputy City Clerk