

# MINUTES

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## McCall City Council Regular Meeting Thursday, January 8, 2004

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

Mayor Colton called the regular meeting of the McCall City Council to order at 7:02 p.m. Mayor Colton, Council Member Arp, Council Member Bertram (by telephone), Council Member Eimers, and Council Member Muller answered roll call. A quorum was present. Council Elect present were Jerry Greer and Bill Robertson. City staff members present were City Attorney Susan Buxton, City Manager/City Clerk Robert Strope, Community Development Director Lindley Kirkpatrick, Treasurer Amanda Townsend, Police Chief Ralph Appa, Parks and Recreation Director Brock Heasley, Airport Manager Kevin Delaney, and Deputy City Clerk Shirley Overton

Mayor Colton announced that there would be an executive session at the end of the meeting and that consent item AB 04-03 Ordinance 790, Aspen Ridge subdivision (SUB-02-1), Phase One Final Plat would be removed from this agenda.

During the meeting, one break was taken from 8:14 pm to 8:18pm.

## **CONSENT AGENDA – OLD BUSINESS**

Mayor Colton called for any corrections for the Consent Agenda – Old Business.

Council Member Arp asked what all the system adjustments were in the Warrant Register.

Treasurer Townsend stated that it was due to a software update that required that adjustments be made.

Council Member Eimers commended Police Chief Appa on a good job cutting the overtime in the payroll.

**Mayor Colton moved to approve the Old Business Consent Agenda. Council Member Arp seconded the motion. All Council Members voted aye. The motion carried.**

## **OATHS OF OFFICE**

Just prior to administering the Oaths of Office, City Manager Robert Strope made presentations to outgoing Council Members Ralph Colton and Marilyn Arp. Each

received a plaque in appreciation of 10 years of outstanding service to the City of McCall and a framed picture.

Ms. Arp expressed that it has been a good ten years and that she has learned a lot, and wanted to express particular appreciation for the fine City Staff.

Mr. Colton also expressed appreciation for the fine City Staff.

City Manager and City Clerk Robert Strobe administered the oath of office for Bonnie Bertram, Jerry Greer, and Bill Robertson who were sworn in as members of the McCall City Council.

## **ELECTION OF MAYOR**

Council Member Eimers called for a motion to nominate a Council Member for Mayor.

**Council Member Robertson moved to nominate Council Member Kirk Eimers to be Mayor of the City of McCall, Idaho for a two year term. Council Member Muller seconded the motion. All Council Members voted aye. The motion carried.**

## **ELECTION OF COUNCIL PRESIDENT**

**Mayor Eimers moved to nominate Council Member Bill Robertson to serve as Council President for a two year term. Council Member Muller seconded the motion. All Council Members voted aye. The motion carried.**

## **PUBLIC COMMENT**

**Mayor Eimers called for public comment.**

Mr. Strobe asked that any comment about the Forester's agenda item wait until that portion of the agenda.

Robert Lyons of McCall, and President of the Chamber of Commerce, had some comments about a Winter Carnival issue. After handing out some information on the subject, he addressed the issue of the closure of a section of East Lake Street, as has been done for the past three years, for the State Championship Snow Sculptures. He feels that is the best place for the sculpture contest, but notes that there are some businesses that oppose the closure because it affects their business. Mr. Lyons referred to a letter from City Manager Strobe in July, 2003 stating that an East Lake Street closure would not be approved in the future without unanimous, signed consent

of all the impacted businesses, and Mr. Lyons does not think that is fair. He also feels that at this late date the road should be closed this year, and then not next year so there could be a comparison.

Mayor Eimers suggested that the businesses involved wouldn't oppose the closure if there was no effect on their business.

Council Member Bertram and Council Member Muller both suggested that there might be alternative locations.

Mr. Strobe noted that the Chamber was notified in July that one hundred percent agreement would be needed for the road closure, yet it waited until now to bring it to Council. He stated a preference that this issue be brought back as an agenda item at the January 15, 2004 City Council Work Session for council action to allow the impacted businesses to present their views in person. He also noted that he had discussed adding the issue to the January 22<sup>nd</sup> meeting with Mr. Lyons, and that Mr. Lyons opted to come forward at this time..

Covey Ruyle of Northern Exposures on Lake Street said he would like to cooperate and is willing to work with some modifications, but that the closure does affect his business.

Mayor Eimers noted that the requirement to have unanimous consent was the Council's idea.

The item will be added as a business item for the January 15, 2004 Council Meeting.

**With no further comment, Mayor Eimers closed the Public Comment section of the Agenda.**

## **CONSENT AGENDA – NEW BUSINESS**

Mayor Eimers asked if a final plat can be done on the Consent Agenda.

City Attorney Susan Buxton said that if there are no issues a final plat can be done on the Consent Agenda as a ministerial act. In this case, AB 04-03 has already been stricken from the Agenda, and will be addressed at a future meeting.

Mayor Eimers also asked if the Malcolm Scott rezoning agenda item (AB 04-04) with an ordinance should be on the Consent Agenda.

City Attorney Buxton agreed that AB 04-04 with a rezoning ordinance should be taken off the Consent Agenda.

City Manager Strobe suggested and it was agreed that AB 04-04 be moved to the end of the Business Agenda.

Council Member Robertson asked why one of the vehicles in AB 04-05 Ford Explorer Lease Agreement was to be used by Community Development.

Mr. Strobe and Mr. Kirkpatrick answered that the Building Inspector was driving a 1980 Toyota, and that the new vehicle was to be a replacement for that vehicle.

Council Member Muller asked if AB 04-05 lease agreement and AB 04-10 budget transfer coincided with each other.

Mr. Strobe confirmed that they did, and that AB 04-10 addresses the requirement that all lease proceeds must be recorded as a revenue first, and the actual cost impact for the current year is covered in the approved budget.

Council Member Muller asked about AB 04-07 saying that it does not seem reasonable to add the position of Deputy City Manager if the need for it will only be a one time occurrence. He also wondered how it would affect the budget.

Mr. Strobe answered that the need for an acting City Manager is ongoing, that Lindley already has been acting in that capacity, that this also captures other job functions and more accurately reflects what that job is currently. He also stated that it is not a substantial change in the pay rate and the current budget will cover it.

Council Member Muller and Council Member Robertson both noted that the current job description does not include all of the new requirements, and that it needs to be modified to accurately reflect the changes. City Manager Strobe stated he would provide an updated job description to the Council for their information.

Council Member Robertson raised the question of procedure for AB 04-09 Jorgensen Lease Amendment, saying that it should have gone to the Airport Advisory Committee first.

Mr. Strobe answered that it would normally go to the Advisory Committee first. However, the meeting this month was cancelled, and being a timely matter, and considering that to his knowledge the review of an assignment is not required by the Charter, and he does not think it would have been appropriate to postpone the item for a month.

**Council Member Robertson moved to approve the New Business Consent Agenda and authorize the Mayor to sign all necessary documents. Council Member Greer seconded the motion. In a roll call vote, Council Member Robertson, Council Member Greer, Council Member Muller, and Mayor Eimers voted aye and Council Member Bertram abstained. The motion carried.**

## **Mayor Eimers closed the Consent Agenda – New Business segment of the Agenda**

### **BUSINESS**

#### **AB 04-08 Forester's Club Liquor License**

City Manager Strobe stated that when the council packet was prepared, the agenda bill on the Forester's Club Liquor License was included. Subsequent to that, the Forester's Club Legal Counsel requested additional time to prepare a response to the City Council. Mr. Strobe also refuted a false rumor that has been circulating, concerning the City Manager's possible desire to close all bars, and stated that his intent in this matter is that establishments in the community should adhere to the State and City requirements. After consulting with the City Attorney, Mr. Strobe recommends that this item be tabled until the January 22, 2004 City Council Meeting.

Council Member Muller stated that he would not be here on January 22, 2004, but he would like to submit a response in writing. He is also concerned that the State of Idaho has not acted on the cited violations and therefore has passed the decision on to the City.

City Attorney Buxton said she has some documentation that she will give to the Forester's Attorney for their review.

Mr. Coulter, Legal Counsel for Forester's, said that meeting on January 22, 2004 would create a very tight window but they would work within that time frame if necessary. He would prefer waiting until the meeting on February 12, 2004.

**Council Member Greer moved to table AB 04-08 until the February 12, 2004 McCall City Council meeting in order to give the Forester's Attorney a chance to review the material, and to direct the City Manager to issue a temporary Liquor License to Forester's Club to expire at 11:59pm on Friday, February 13, 2004. Mayor Eimers seconded the motion.**

After discussion about whether or not to allow public comment at this time, Attorney Buxton said that she would like to hold the comments until the February 12, 2004 meeting and that there should be no ex-party contact until that time. Both she and Mr. Coulter agreed that they should follow the procedure outlined in Title 67-52-42 to allow parties an opportunity to respond and present evidence and argument on the issues involved and to allow non parties to present oral or written statements, at which time the parties could be cross examined as well.

**With no further discussion, Mayor Eimers called for a vote. All Council Members voted aye. The motion carried.**

**AB 04-04 Ordinance No. 789, ZON-03-2 Malcolm Scott rezoning from A Residential to B Residential, 817 & 819 Reedy Lane**

Community Development Director distributed the back-up information for AB 04-04 including Ordinance No. 789 and a draft of the findings and conclusions of the Council. The Planning & Zoning Commission has reviewed and approved a request to rezone a 1.07 acre property at 817 & 819 Reedy Lane from A Residential to B Residential. The property in question is bounded on two sides by A Residential and on two sides by B Residential. The Planning and Zoning Commission held a public hearing and on November 6, 2003, the Commission recommended that the City Council approve the requested rezoning. Ordinance No. 789 implements the map amendment.

**Council Member Bill Robertson moved that Council approve the rezoning of 817 & 819 Reedy Lane from A Residential to B Residential. Mayor Eimers seconded the motion. All Council Members voted aye. The motion carried.**

**Council Member Bill Robertson moved to waive the rules and read Ordinance 789 by title only, one time only. Mayor Eimers seconded the motion. In a roll call vote, Council Member Robertson, Mayor Eimers, Council Member Bertram, Council Member Muller, and Council Member Greer voted aye. The motion carried**

**City Manager Strope read Ordinance No. 789 by title only, one time only.**

**Council Member Robertson moved to adopt Ordinance 789; and authorize the Mayor to sign all necessary documents. Mayor Eimers seconded the motion. All Council Members voted aye. The motion carried.**

Mr. Kirkpatrick asked that AB 04-03, which was removed from this meeting, could be put on the agenda for the Council Work Session on January 15, 2004 instead of waiting for two weeks.

After much discussion, it was determined that if everything is ready, it can be added to the work session on January 15, 2004 and if not it can wait until January 22, 2004.

**Mayor Eimers closed the Business section of the Agenda.**

## **REPORTS**

### **City Manager/City Clerk – Robert Strope**

City Manager Robert Strope said that unless there was an objection, he would like to use the 1995 Ford Taurus unmarked Police patrol car, which is a surplus vehicle, for his use to travel to and from home as well as for business travel. Council Member

Robertson asked if this car could be sold and what was its current value. Mr. Strope stated the car has a value of \$3,000, but Police Chief Appa said the city would only realize about \$500. Council Member Robertson stated the personal use of traveling to and from home might be a taxable benefit to Mr. Strope. Council did not object to Mr. Strope's use of the car.

#### **Council Member – Allan Muller**

Council Member Muller requested that information about the convention center be made available to the Council.

#### **Council Member – Bill Robertson**

Council Member Robertson requested that the Council get a flag for the Legion Hall and say the Pledge of Allegiance at the beginning of their meetings. He also requested that the speaker be made loud enough for the people in the back of the hall to hear.

#### **Mayor – Kirk Eimers**

Mayor Eimers requested that the committees the Council sits on be discussed and reassigned at the February 5, 2004 City Council meeting. Included are the committees Marilyn Arp and Ralph Colton are on.

### **EXECUTIVE SESSION**

**At 9:00p.m., Council Member Muller moved to go into executive session per Idaho Code 67-2345(1f) to consider threatened litigation. Mayor Eimers seconded the motion. In a roll call vote, Council Member Muller, Mayor Eimers, Council Member Bertram, Council Member Robertson, and Council Member Greer voted aye. The motion carried.**

The discussion concerned threatened litigation.

**Concurrently coming out of Executive Session, Mayor Eimers moved to authorize the City Attorney to sign the stipulation as presented. Council Member Greer seconded the motion. All Council members voted aye. The motion carried.**

## ADJOURNMENT

Without further business, Council Member Muller moved to adjourn. Mayor Eimers seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 10:23 p.m.

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Kirk L. Eimers, Mayor

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Date

**ATTEST:**

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Shirley K. Overton, Deputy City Clerk