

MINUTES

McCall City Council Special Meeting Wednesday, December 15, 2004

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Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Eimers called the special meeting of the McCall City Council to order at 6:06 P.M. Mayor Eimers, Council Member Bertram, Council Member Greer, Council Member Muller and Council Member Robertson answered roll call. A quorum was present.

City staff members present were Bill Keating, Public Works Director; Amanda Townsend, Treasurer; Ralph Appa, Police Chief; Shawn Kohtz, City Engineer; Tammy Zoken, City Attorney; Lindley Kirkpatrick, City Manager; and Dan Irwin, City Clerk.

Lindley Kirkpatrick announced that the Rotary Club will be donating a flag to the McCall Golf Course.

PUBLIC COMMENT

Mayor Eimers called for public comment. There were no public comments made.

CONSENT AGENDA

Council Member Robertson provided several corrections to the minutes to be made prior to the Mayor signing them.

Council Member Robertson asked if Mr. Kirkpatrick had reviewed the 911 tape per the request of Louie Howard. Mr. Kirkpatrick stated that he reviewed the tape, and thought he had sent an update via email to the Council Members. He stated that after listening to the recordings and reading the report from the Police Department, he believes there was sufficient evidence to warrant an investigation of a possible crime.

Council Member Robertson asked why the Parks and Recreation Department was purchasing diesel fuel. Bill Keating, Public Works Director, stated that the department has a diesel tractor which they use to plow sidewalks with.

Council Member Robertson asked about the expense paid to Simplot Partners for fertilizer and fungicide. Mr. Kirkpatrick stated that the materials were purchased for a fall application on the golf course.

Council Member Robertson stated that the Warrant Register shows a sewer fund expense for engineering services to Moore Smith Buxton & Turcke and believes it may be a coding issue. Amanda Townsend, Treasurer, stated that she would research it.

Council Member Robertson stated that he has a problem with the City using J-U-B for engineering services. He believes there is a conflict of interest since they are the engineer for the Payette Lakes Recreational Water and Sewer District.

Mr. Kirkpatrick asked if it was the Council's desire to continue using J-U-B for the land application project. He believes they are being used since they were the lead engineers on phase one of the J-Ditch project.

Mayor Eimers stated that he would like Mr. Kirkpatrick to research J-U-B's work and make a recommendation to Council if their services should be retained.

Mayor Eimers stated that J-U-B has been working on the 1:1 land application concept for two years. He stated that after that amount of time the firm shouldn't be surprised that the farmers are opposed to the concept.

Council Member Robertson stated that he believes the 1996 facility plan prepared by J-U-B was deficient in assessing the assumptions of the growth in the area and its impact on the sewer system.

Council Member Muller stated that in the 1996 facility plan, J-U-B calculated that 370 million gallons of effluent per year could be used in the sewer delivery system, but it can't currently support the discharge of 270 million gallons per year. He believes there must be a large disparity between what the engineers have estimated and what the farmers actually use for irrigation.

Council Member Robertson stated that he believes the monthly cost for outsourcing the utility billing to Advanced Info Systems would be better spent in-house. Ms. Townsend stated that she would provide a cost breakdown of how much the cost is for billing the utility payments in-house compared to using Advanced Info Systems.

Council Member Bertram asked if the payment to Advanced Info Systems included postage. Ms. Townsend stated that the payment is for the billing statements and printing. Her staff is currently working with the company to find added cost savings such as not sending bills to customers that are on automatic payment.

Council Member Robertson asked about the \$900 expense paid to Aspen Village. Ms. Townsend stated that the expense was for the swimming pool rental for the fall swimming lessons.

Council Member Robertson asked about the payment made to Glass Pro Inc. He asked if there was any coverage for windshield replacement from our insurance company. Ms. Townsend stated that the City's insurance has a \$500 deductible so the expense was paid entirely out of pocket.

Mayor Eimers asked the Police Chief about the increase in overtime hours for his department. Chief Appa stated that the City has been inundated with several crimes

and emergencies recently including two cases of vandalism, the fire at Aspen Village, and the ongoing Chamber of Commerce investigation.

Council Member Bertram stated that the City should take a stand and voice its support of the Police Department in their investigation of the Chamber.

Council Member Greer stated that he has heard several positive comments from the community who are in full support of the Police Department's investigation of the former Executive Director of the Chamber of Commerce.

Council Member Bertram stated that she hopes the Chamber heeds the advice of the Police Department and begins conducting background checks on potential employees.

Council Member Robertson stated that he is not comfortable approving the utility hardship adjustment since the name is redacted on the application.

Council Member Bertram stated that the County adjourns to closed session when discussing indigent matters. She asked the City Attorney if the Council would be able to go into Executive Session to discuss the matter.

Ms. Zoken stated that she would research the legality of discussing the hardship applications in executive session.

Mr. Kirkpatrick recommended pulling AB-191 from the agenda until staff is able to research if the matter can be discussed in Executive Session.

The Council agreed to pull AB-191 from the agenda.

Council Member Muller stated that the Council may want to consider increasing the amount of the exemption awarded in hardship cases.

Council Member Robertson asked if the Greystone development had been issued a will serve letter from the City for sewer service. Mr. Kirkpatrick confirmed that the development had been issued a will serve letter. Council Member Robertson asked that staff cite whether will serve letters have been issued to the development when future final plat approvals are brought before the Council.

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

BUSINESS AGENDA

AB 04-185 Transportation Advisory Committee Appointment

Bill Keating, Public Works Director, stated that there has been a vacancy on the Transportation Advisory Committee for quite some time. He stated that Dwight Utz has submitted a letter of interest for serving on the committee. The Transportation Advisory Committee met with Mr. Utz and has unanimously recommended that he be appointed by the City Council to serve a two year term on the committee.

Council Member Greer asked if Mr. Utz had any financial interests in any development occurring in the City. Mr. Utz stated that he did not.

Council Member Muller moved to approve the appointment of Dwight Utz to serve a two year term on the Transportation Advisory Committee. Council Member Robertson seconded the motion. In a voice vote, all Council Members voted aye. The motion carried.

AB 04-187 Water Storage Tank RFP

Mr. Keating stated that a request for qualifications for the engineering and construction management of the water storage tank was issued in November. Pharmer Engineering Inc. and J-U-B Engineers submitted proposals in regards to the project. Based upon the criteria established by staff to determine the most qualified firm, Pharmer Engineering Inc. was determined to be the highest ranked qualified firm. Mr. Keating stated that staff is seeking Council permission to negotiate a contract with the highest ranked qualified firm for completion of the project.

Council Member Bertram asked if Pharmer Engineering Inc. was the lowest bidder. Mr. Keating stated that the project award is based on the qualifications of the firms rather than the expense. After the qualified firms are ranked, a contract is negotiated with the highest ranked firm at a reasonable price based upon the value, scope, complexity, and nature of the services required.

Mr. Kirkpatrick stated that the City has the ability to negotiate a total project cost, a not to exceed amount, or an hourly figure with the selected firm. He stated that the final proposed contract will be presented to the Council for their approval.

Council Member Robertson moved to direct staff to negotiate a contract agreement with Pharmer Engineering Inc. to perform engineering and construction management services for the Water Storage Tank. Council Member Bertram seconded the motion. In a voice vote, all Council Members voted aye. The motion carried.

AB 04-189 SMR Regional Lift Station Sewer Easement Acquisition

Mr. Keating stated that he had negotiated an easement with the property owner of lot 20 in Timberlost IV subdivision. The easement will allow for the construction of an underground sewer line to be extended to the golf course. Mr. Keating stated that the property owner had agreed to a fair price for deeding the easement to the City.

Council Member Robertson asked why the purchase amount of the easement wasn't indicated in the Resolution.

Ms. Zoken stated that she purposely omitted the amount of the purchase from the Resolution to save leverage for future easements negotiated by the City. She recommended that the Mayor shouldn't sign the easement agreement until it is received from the grantor.

Council Member Greer asked if the restrictions placed on the easement agreement are sufficient to allow the City to use it for the intended purpose.

Mr. Keating stated that the property owner is only restricted in placing a permanent structure on the easement.

Ms. Zoken stated that the contract specifies that the grantor has to pay for any replacements to the improvements they make on the easement.

Council Member Robertson moved to adopt Resolution 04-19 and authorize the Mayor to sign all necessary documents. Council Member Bertram seconded the motion. In a roll call vote, Council Member Robertson, Council Member Bertram, Mayor Eimers, Council Member Muller, and Council Member Greer voted aye. The motion carried.

AB 04-190 City Council Regular Meeting Time

Dan Irwin, City Clerk, stated that at the December 2, 2004 Council Meeting, the Council had expressed their desire to change the regular meeting time of the City Council to 6:00 P.M. In order to do so, the Council must pass an Ordinance to amend the McCall City Code.

Council Member Muller stated that he doesn't support changing the regular meeting time to 6:00 P.M. He feels that an extra hour will be added to the meeting rather than allowing for an earlier adjournment. He stated that he has attended several meetings which have deliberated until 3:00 A.M. Council Member Muller stated that nobody plans on meeting for that long of a time, but sometimes the topics on the agenda require doing so.

Council Member Greer moved to suspend the rules and read Ordinance No. 801 by title only, one time only. Council Member Robertson seconded the motion. In

a roll call vote, Council Member Bertram, Council Member Robertson, Council Member Greer, and Mayor Eimers voted aye, Council Member Muller voted nay. The motion carried.

Mr. Kirkpatrick read Ordinance No. 801 by title only.

Council Member Greer moved to adopt Ordinance No. 801. Council Member Robertson seconded the motion. In a roll call vote, Mayor Eimers, Council Member Bertram, Council Member Robertson, and Council Member Greer voted aye, Council Member Muller voted nay. The motion carried.

AB 04-186 Wheel Loader Lease Extension

Mr. Keating stated that in 1999, the City entered into a lease purchase agreement with First Security Bank for the acquisition of a Wheel Loader. He stated that funds have been budgeted in the FY 04-05 budget to refinance the remaining \$47,456 due under the lease purchase agreement. Wells Fargo has prepared documents that would refinance the Loader for three years at a rate of 3.60%.

Council Member Robertson asked if the budget was prepared in consideration of refinancing the Loader and if the idea was discussed with the Council.

Ms. Townsend stated that she wasn't sure if the proposal was discussed in the budget meetings, but it was written in the budget documents.

Council Member Robertson stated that it would have been a better financial decision to pay the \$48,000 due under the initial agreement rather than paying additional interest by refinancing. He stated that he doesn't remember the proposal being discussed with the Council during the budget process and feels it was a ploy to reduce the overall budget. Council Member Robertson stated that he feels the expense was hidden in the budget and now the City Council doesn't have any choice but to approve the refinance of the loader. He stated that it was possible that the Council could have found a way to make the last payment for the loader if it had been brought to their attention.

Mr. Kirkpatrick stated that the City does have other alternatives rather than refinancing the loader. He stated that the Council could approve the final payment in the amount of \$47,456, or it could be simply returned to the dealer.

Council Member Robertson stated that the alternatives aren't acceptable since the loader is needed by the Public Works Department and the expense is too large to authorize a budget adjustment. He stated that he wants assurance from the City Staff that all information will be thoroughly discussed with the City Council during the budget process.

Council Member Robertson moved to adopt Resolution 04-18 and authorize the Mayor to sign the necessary documents. Mayor Eimers seconded the motion. In

a roll call vote, Mayor Eimers, Council Member Bertram, Council Member Muller, Council Member Greer, and Council Member Robertson voted aye. The motion carried.

REPORTS

Council Member Robertson stated that he has noticed several important items in the various advisory committee minutes which he feels should be addressed with the City Council in a more timely fashion. He stated that the Council is just now seeing the minutes from the Transportation Advisory Committee where the alternate entrance proposal at Ponderosa State Park was discussed. Mr. Kirkpatrick stated that a draft copy of the minutes was provided as an attachment to the Agenda Bill when the Council discussed the idea.

Council Member Robertson stated that the City Council should have been informed of the public comment made by Pat Phillips about the hazardous road conditions as reflected in the Transportation Advisory Committee minutes. Mr. Kirkpatrick stated that the problem was rectified by the Public Works Department two days after the Committee meeting.

Council Member Robertson stated that the minutes from the Library Board of Trustees indicated that the board had signed a letter to the City Council encouraging them to enter into an agreement with Mountain House Inc. for the sale of prints made from historical photos. He asked when the proposed agreement would be presented to the Council. Mr. Kirkpatrick stated that the proposal would be scheduled for business on the January 13th City Council agenda.

Council Member Robertson stated that much of the information contained in the consolidated Department report was dated and didn't serve as a benefit to the Council. Council Member Robertson asked Mr. Kirkpatrick to explore a method of filtering the information so it is more useful to the City Council.

Council Member Bertram asked for clarification in regards to the City not issuing will serve letters for sewer service, and its effect on development in infill areas. She asked if a developer could be issued a will serve letter if they were proposing a medium density residential lot that was already zoned appropriately.

Mr. Kirkpatrick stated that the project could continue as long as the Department of Environmental Quality didn't require a will serve letter to be issued. He stated that DEQ would require the letter to be issued if the project required the extension of water and sewer lines to the development. Mr. Kirkpatrick stated that the administrative decision to stop issuing will serve letters will allow the City to take a brief break in order to determine what the problem in the sewer delivery system is. He stated that the City

Council needs to examine the problem to see if a solution can be found or issue a moratorium if there are no viable solutions.

Mayor Eimers stated that he isn't sure if the questions about the sewer system can be answered in only a few weeks. In order for the Council to make an informed decision they need answers about the effectiveness of the City's I&I removal projects and solutions in regards to the lack of land application.

Council Member Robertson stated that the City has performed I&I reduction to the sewer system but the most imminent problem is with the land application of the effluent. He would like to be able to cite an exact number of gallons that the city puts into the system as he questions how the Payette Lakes Recreational Water and Sewer District can determine what the City and District separately contribute to system. He requested that Ms. Townsend provide the Council with the number of sewer customers per year for the past five years.

Mayor Eimers stated that a five year list of sewer customers would provide a good estimate of what the City's usage really is.

Council Member Muller stated that he wants Holladay Engineering to study the system in order to confirm or refute the numbers that have been provided by the Payette Lakes Recreational Water and Sewer District. He stated that it is essential that the City be able to rely on its own numbers in order to examine the problem.

Council Member Bertram stated that the Payette Lakes Recreational Water and Sewer District claims that if the City would repair its numerous leaking manholes the problem would be fixed. She asked if the claim was accurate.

Mr. Kirkpatrick stated that at the joint meeting with the District Board, Holladay Engineering provided information that showed the City has performed substantial I&I reduction projects to the sewer system and there isn't as big of a problem as the Sewer District had indicated. He stated that additional I&I reduction to the system would be beneficial, but the City hasn't ignored the leaking manholes to the degree cited by the District.

Council Member Greer suggested that it might be a good idea to bring in an independent party to evaluate the sewer system and determine what the accurate capacity numbers for each party really are.

Mayor Eimers stated that it is important for the City to obtain accurate data of the system's usage rather than the District's estimation. He stated that the only way to arrive at accurate numbers is to install flow meters. He stated that the Council can't make a decision on the issue until they are able to evaluate the problem using accurate data.

Mr. Kirkpatrick stated that the Joint Powers Board would be meeting on the next day. He stated that it is important that the City move forward in a positive direction with the District.

Mr. Kirkpatrick stated that development is still occurring despite the fact that the City isn't issuing will serve letters. He stated that nothing has changed in the number of building permits being issued per month and there are still 500+ lots currently approved for sewer hookups. Mr. Kirkpatrick stated that proposals for new development aren't slowing down either. In the past week, Whitetail has submitted plans for a 240 lot subdivision, Silvertip LLC has submitted an application for a 89 lot subdivision on the K, L, & M parcels, Scott Findlay has submitted an application for annexation and zoning approval of 57 acres on the south side of Lick Creek Road, and Stanley Consultants has submitted an application for 18 condominium units on 2.31 acres at Rowland and Pinedale Streets.

Council Member Bertram stated that she wouldn't have a problem denying sewer connections to new developments seeking annexation, but doesn't want to see denials being made to existing properties where the sewer lines would have to be extended or where the lines aren't adequately sized.

Mr. Kirkpatrick stated that he and Mr. Kohtz had met with a developer who is proposing to perform I&I reduction in exchange for approval of their project. Mayor Eimers stated that such a proposal is a great idea for arriving at a solution to the problem. He stated that such innovative ideas must be pursued in order for the problem to be solved.

Council Member Robertson stated that in order to count the number of part time residents in the City, the Council may want to explore scheduling a part-time resident rate when the sewer study is done and the rates are adjusted.

Mr. Kirkpatrick stated that at the last regular Council meeting, it was mentioned that the Council would like to conduct a joint meeting with the Police Advisory Committee. He stated that the next meeting for the Committee is scheduled for January 11th at 4:00 p.m.

It was determined by the Council to change the Police Advisory Committee meeting to January 12th at 4:00 p.m. in order to accommodate everyone's schedule.

Council Member Robertson stated that he thinks two meetings should be scheduled with the Committee. He suggested that one meeting be scheduled so the Council can listen to the current issues facing the Committee, and another meeting for an in-depth discussion with the Council about what the Committee is all about.

Mr. Kirkpatrick stated that the City is in need of obtaining additional storage in order to avoid having to pay the expense of renting storage units. He stated that the old shooting range could serve as a viable solution but there are problems with possible lead contamination. Mr. Kirkpatrick stated that it would cost \$3500 to perform a lead

assessment, but the expense for the project wasn't budgeted. He asked if the Council would approve payment from Council Contingency to perform the assessment.

Council Member Robertson stated that he supports the project, as the City may be able to utilize the old shooting range as additional office space as well as for additional storage. Council Member Bertram stated that she approves the idea as well.

Mr. Kirkpatrick stated that in July, the City Council approved the concept of developing a cross country ski program at the golf course. The program was to be operated by Allan Morrison, McCall Golf Professional, and the Council agreed to contribute \$3000 for lighting and signage in the initial two years of the project. Mr. Kirkpatrick stated that the idea of the program was based on the fact that the City had a snowmobile that could provide for the grooming of the trails, but it was discovered last month that the snowmobile was no longer functional. Mr. Kirkpatrick stated that Mr. Morrison has requested that the City purchase a snowmobile with the \$3000 contribution rather than using it for lighting and signage. Mr. Kirkpatrick also stated that although the idea of the program was approved, it was never clarified where such funding would come from. He stated that since it wasn't a budgeted item the expense would need to come from the Council contingency fund.

Ralph Appa, Police Chief, suggested that Mr. Morrison could use the Police Department's snowmobile for grooming the trails.

Council Member Robertson stated that since Mr. Morrison has only committed to operating the cross country trails through the end of the month, he would like the Police Department to allow Mr. Morrison to use their snowmobile for the next two weeks. He stated that if Mr. Morrison then decides to extend the program for a longer period of time another solution could be devised.

Council Member Bertram asked when the Local Option Tax Committee would be developed. Dan Irwin, City Clerk, stated that a notice for the formation of the Committee would be placed in the Star News next week. The seven person committee will consist of two members of existing City advisory committee members, four at-large residents, and one senior citizen. At the informational meeting held with the accommodators, a lot of interest was expressed in regards to the committee membership. As a result, each place of business will also be sent a letter informing them of the Committee development.

Mayor Eimers asked Ms. Townsend how close the City was to receiving a final audit report. Ms. Townsend stated that the work performed by the auditors is being monitored by the field office supervisor, so a final report should be close to being prepared.

Council Member Bertram stated that last week she received several complaints about the snow plowing at the airport and asked if the problem was solved.

Mr. Kirkpatrick stated that complaints stemmed from the amount of snow which accumulated, the fact that the airport had a new employee plowing, and because the Airport Manager was ill. Mr. Kirkpatrick stated that he doesn't foresee any more problems at the facility.

Bill Keating, Public Works Director, stated that he thought the Airport did a good job in keeping the runway and taxiways open. He stated that it was the other areas of the airport which needed attention.

Council Member Robertson stated that during a recent trip he was impressed by the user friendliness of the City of Sun Valley. He stated that he would like the City of McCall to follow their example.

Council Member Robertson stated that the Airport Advisory Committee conducted a tremendous public meeting to receive input about the triangle project. He stated that it was determined that the project needed to be slowed down and probably will not be completed this year. He stated that at the meeting Mike Anderson presented the cost for the construction of a T-Hangar. He stated that the cost for such construction isn't as affordable as many in the public thought. Council Member Robertson stated that there was a large demand for the availability of all utilities to be available at the airport.

Council Member Bertram asked that the puppy be removed from the Airport office.

ADJOURNMENT

Without further business, Mayor Eimers moved to adjourn. Council Member Robertson seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 9:34 P.M.

Kirk L. Eimers, Mayor

ATTEST:

Dan Irwin, City Clerk