

MINUTES

McCall City Council Regular Meeting Thursday June 9, 2005

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CALL TO ORDER AND ROLL CALL

Mayor Eimers called the regular meeting of the McCall City Council to order at 6:04 p.m. Council Member Bertram, Council Member Greer, Council Member Robertson, Council Member Muller and Mayor Eimers answered roll call. 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; Chris Yorgason, City Attorney; Bill Keating, Public Works Director; Rick Harvey, Airport Manager; and Dan Irwin, City Clerk.

Council Member Robertson requested that the Payment Approval List for Warrant Register dated May 14, 2005 be moved to the business agenda.

PUBLIC COMMENT

Mayor Eimers called for public comment.

Mike Johnson, 1401 Davis Ave., stated that he had recently moved to McCall from California where he was previously enrolled in adult reading classes that were sponsored by the City Library. He said that he would like the City of McCall to establish a similar program, as there are no adult reading programs available in the community. Mr. Johnson said that the Library has good programs for children and minorities but needs to add a tutoring program for adults.

Council Member Muller said that he might be able to find some existing resources that are available in the community. He requested that Mr. Johnson contact City Staff after the meeting and he would pass the information onto him.

Hearing no further comments, Mayor Eimers closed the public comment at 6:15 p.m.

CONSENT AGENDA

Council Member Robertson explained that he had provided corrections to the minutes to the City Clerk prior to the meeting.

Council Member Robertson said that Mr. Millar had previously indicated that Holladay Engineering was supposed to complete a technical analysis of the sewer system by June 1, 2005. He asked if the analysis was complete yet.

Bill Keating, Public Works Director, reported that Holladay Engineering indicated that they would complete the I&I report on the sewer system in approximately ten days.

Council Member Robertson asked if the \$512 expense to the International City Managers Association was only for Mr. Kirkpatrick's membership.

Mr. Kirkpatrick explained the payment was only for his membership in the association.

Council Member Robertson asked about the \$250 expense in the general fund for respirator certification.

Mr. Kirkpatrick stated that he would research the expense. He said that the expense appears to be related to the lead remediation project.

Council Member Robertson asked if the \$51 expense in the Community Development Department for the Blackberry service would be reoccurring monthly.

Mr. Kirkpatrick said that he would have to research the expense.

Council Member Robertson asked about the \$200 expense in the Police Department for impound forms. He said that the expense seemed to be excessive.

Mr. Kirkpatrick said that he thinks the expense was for a large quantity of the forms. He said that he would research how many forms were purchased.

Council Member Robertson asked if the expense for birdseed was coded correctly to the Library Department.

Mr. Kirkpatrick explained that the material was used for a craft item in the children's program.

Council Member Bertram asked about the \$450 expense in the golf fund that was labeled as Country Club.

Mr. Kirkpatrick explained that the expense was for a type of fertilizer.

Council Member Bertram asked about the \$549 expense in the Public Works Department for a mounted mobile radio.

Mr. Keating explained that the radio was installed in a new vehicle for the Department.

Council Member Robertson said that the overtime allocation to the Police Department seemed to be excessive for the month.

Mayor Eimers stated that the accumulation of overtime in the Department was actually lower than usual.

Council Member Robertson asked where the matching funds for the RAC grant came from.

Brock Heasley, Parks and Recreation Director, explained that the amount is an in-kind match that is based upon the current number of hours that are spent by the Parks staff controlling noxious weeds.

Council Member Robertson moved to approve the Consent Agenda as amended and authorize the Mayor to sign all necessary documents. Mayor Eimers seconded the motion. All members voted aye. The motion carried.

BUSINESS AGENDA

Payment Approval List for Warrant Register payments dated May 14, 2005

Council Member Robertson explained that he requested that the warrant register be moved to the business agenda as he and Council Member Bertram disagree with the current utility hardship payment policy.

Mayor Eimers moved to approve the payment approval list for the warrant register payments dated May 14, 2005. Council Member Muller seconded the motion. In a voice vote, Council Member Greer, Council Member Muller, and Mayor Eimers voted aye. Council Member Bertram and Council Member Robertson voted nay. The motion carried.

AB 05-112 Additional Recommendations from the Local Option Tax Commission

Dan Irwin, City Clerk, said that at the June 2, 2005 Special Council Meeting, the City Council approved \$161,309 in projects to be funded with the FY 05 Local Option Tax revenue and directed the Local Option Tax Commission to reconsider other projects for funding from the \$29,500 that was eliminated from the Chamber of Commerce's request. He said that the Commission met on June 6, 2005 and were able to arrive at a recommendation for the remaining funds. Mr. Irwin introduced Steve Gleason, Chairman of the Local Option Tax Commission, and stated that he would present the recommendation to the Council Members.

Mr. Gleason thanked the Council for their approval of the projects contained in the first recommendation from the LOT Commission. He said that the members of the Council directed the Commission to reconsider the projects that were submitted for funding requests. Mr. Gleason said that the Council specifically requested that the Commission consider recommending funding for the Chamber of Commerce Fourth of July fireworks display. He explained that after receiving the Chamber's request he personally volunteered to solicit private donations for the fireworks display rather than funding it with the Local Option Tax revenue. He stated that he had collected \$4,000 for the

display and the Local Option Tax Commission recommends funding \$5,000 of LOT revenue towards the fireworks display. Mr. Gleason stated that other projects recommended for funding include an additional \$5,000 for McPAWS, \$289.38 to McCall Transit for advertising brackets, and \$12,000 to the McCall Nordic Ski Team for grooming equipment. He explained that the recommendation to the McCall Nordic Ski Team would be subject to the amount of LOT revenue that is actually received during the fiscal year. Mr. Gleason said that the Committee took a strong look at funding the promotional DVD but eventually decided against it. He said that the Committee supports promoting the City of McCall but has concentrated their recommendations on projects that would provide amenities to the visitors. He said that the Commission concluded that the advertising of the community should rest with the Chamber of Commerce.

Mayor Eimers stated that it isn't the responsibility of the City Council or Local Option Tax Commission to organize the Chamber of Commerce.

Mr. Gleason said that the Commission isn't recommending that the City make a long-term investment in the Chamber. He said that the Commission realizes that the Chamber is being run by the dedicated volunteers and the funding is intended for the organization to reestablish themselves.

Council Member Robertson added that the Council had a good discussion at their last meeting regarding the hard work that was being performed by the volunteers to keep the Visitor's Center open.

Council Member Robertson moved to adopt the additional recommendations from the Local Option Tax Commission and authorize the mayor to sign all necessary documents. Council Member Muller seconded the motion. In a roll call vote, Council Member Robertson, Council Member Greer, Council Member Muller, Mayor Eimers, and Council Member Bertram voted aye. The motion carried.

Payment Approval List for Warrant Register payments dated June 4, 2005

Mr. Irwin explained that the additional Warrant Register was for the newly approved expenses for the Local Option Tax projects.

Council Member Robertson moved to approve the payment approval list for the warrant register payments dated June 4, 2005. Council Member Muller seconded the motion. All members voted aye. The motion carried.

AB 05-111 Nelson Subdivision Final Plat (SUB-05-9)

Mr. Kirkpatrick said that Mr. Millar was attending the Valley County Planning and Zoning Commission meeting and would be arriving later. He said that action on the agenda item could be delayed until Mr. Millar returned.

Council Member Robertson said that the applicant had previously explained the project when he requested the change in zoning designation. He stated that he was willing to approve the project.

Council Member Muller moved to adopt the draft findings and conclusions and approve the final plat of the Nelson Subdivision. Council Member Robertson seconded the motion. All members voted aye. The motion carried.

AB 05-102 Treated Water Storage Project Bid Package I – Pipeline

Mr. Keating stated that an advertisement for bid was published for the Treated Water Storage Pipeline Project. He explained that the project consists of building the pipeline from the Water Treatment Plant to the water storage tank.

Council Member Robertson asked for clarification if the project was located in the Aspen Ridge subdivision. Mr. Keating confirmed that it is.

Mr. Keating said that a pre-bid conference was held on May 12th and was attended by four contractors. He stated that the bid opening was held on June 7, 2005 and bids were received from Paul Construction in the amount of \$532,590, Owyhee Construction in the amount of \$826,000, and P&M Excavation in the amount of \$417,293. Mr. Keating stated that it was his recommendation to award the bid to P&M Excavation.

Council Member Robertson asked if Mr. Keating had previously worked with P&M Excavation. Mr. Keating confirmed that he had.

Council Member Muller moved to award the contract to P&M Excavation and authorize the Mayor to sign all necessary documents. Council Member Bertram seconded the motion. In a roll call vote, Council Member Bertram, Council Member Robertson, Council Member Muller, Mayor Eimers, and Council Member Greer voted aye. The motion carried.

Council Member Greer asked who the bonding agent for the project was.

Mr. Keating explained that the bidders were required to submit a bond to the City that is equivalent to 5% of the project cost. He said that the bonding agent is the party that issues the bond to the City on behalf of the contractor.

AB 05-110 Correction to legal description contained in Fox Ridge Annexation / Ordinance 813

Mr. Irwin stated that Ordinance No. 804 was adopted by the City Council on February 24, 2005 and approved the annexation of Fox Ridge subdivision. He explained that the Ordinance was rejected by the Idaho State Tax Commission since the legal description of the property boundaries didn't close to the proper scale. Mr. Irwin said that Kerr Surveying revised the legal description of the property and found an error in the legal

description that was provided to the City. He said that Ordinance No. 813 would correct the deficiencies contained in Ordinance No. 804 and would allow the Fox Ridge subdivision to be annexed into the City of McCall.

Council Member Robertson stated that the City has been receiving several returned annexation Ordinances back from the State Tax Commission. He asked if it was the City's responsibility for paying the costs for the additional surveying work.

Mr. Irwin said that the City doesn't incur the costs for additional surveying work. He stated that the only additional cost to the City is publishing the revised ordinance in the Star News.

Mr. Kirkpatrick stated that the revised Planning and Zoning Code would require the developer to perform a closure check of the legal description of all properties prior to submitting an application to the City.

Council Member Robertson moved to suspend the rules and read Ordinance No. 813 by title only, one time only. Mayor Eimers seconded the motion. In a roll call vote, Council Member Muller, Council Member Greer, Council Member Bertram, Mayor Eimers, and Council Member Robertson voted aye. The motion carried.

Mr. Kirkpatrick read Ordinance No. 813 by title.

Council Member Robertson moved to adopt Ordinance No. 813. Council Member Bertram seconded the motion. In a roll call vote, Council Member Muller, Council Member Greer, Council Member Bertram, Mayor Eimers, and Council Member Robertson voted aye. The motion carried.

REPORTS

Mr. Keating reported that the J-Ditch pump was turned on earlier in the day. He said that the turning on of the pump was delayed since J-U-B Engineering required additional time to complete the leak test for the pond. He said that the City should be receiving a report on the leak test within the next few weeks.

Council Member Robertson asked how full the pond was.

Mr. Keating stated that the pond was 75% of capacity based upon the height of the pond.

Council Member Muller asked how much of the pond capacity could be attributed to rain.

Mr. Keating stated that J-U-B Engineering has a method for attributing the amount of capacity caused from rain.

Council Member Robertson stated that the pond may have 50 million gallons of storage capacity available since it is only 75% of capacity.

Mr. Kirkpatrick stated that the final report from J-U-B Engineers would show how much remaining capacity of the pond is available.

Mr. Heasley reported that the baseball, softball, and hiking programs had started. He said that the t-ball and softball programs would also be beginning soon. Mr. Heasley stated that he has been working hard at securing ASA softball tournaments in the City but had been relatively unsuccessful.

Council Member Bertram asked what could be done to secure the tournaments.

Mr. Heasley said that he wasn't sure. He stated that the cost to play in McCall is less expensive than in other communities. He said that he sent over 400 invitations to teams from other city's lists but only had a minimal response.

Council Member Robertson asked if any tournaments would be held.

Mr. Heasley said that they had sufficient response to hold a tournament in late June.

Council Member Robertson stated that it would be important to ensure that the teams enjoyed their experience so they would return next year.

Council Member Bertram stated that the City may want to consider lowering the fees that are charged to the teams.

Mr. Heasley stated that the fees are lower than any other city that holds ASA tournaments. He said that he is working with Allan Morrison to offer a golf incentive package for the participants.

Mr. Heasley stated that he would like to take the Council Members on a tour of the City parks at a later date. The Council Members agreed that they would like to view the parks with Mr. Heasley.

Council Member Bertram asked about the removal of the trees at Brown Park.

Mr. Heasley explained that five trees were diseased and had to be removed from the park. He said that new trees would be planted as replacements.

Mr. Heasley stated that the Planning and Zoning Commission had completed the meeting for considering the Conditional Use Permit for the Fish Pen Docks at Brown Park.

Mr. Millar explained that the Planning and Zoning Commission approved the application with the condition that staff engages in negotiations with the adjacent property owners until July 1st to attempt to arrive at an agreement. He said that the Commission recommended approval without conducting a second public hearing.

Chris Yorgason, City Attorney, explained that he and City Staff would work with the adjacent property owners to attempt to arrive at a resolution. He stated that the application would still come before the City Council for approval if an agreement couldn't be reached by July 1st.

Mayor Eimers asked when the project needed to be completed in order to place the fish there this year.

Mr. Heasley stated that he wasn't sure if the fish could be located at the docks this year due to the weather.

Council Member Robertson requested that Mr. Heasley contact Fish and Game regarding the timing of the project and placement of the fish.

Mayor Eimers stated that when he was in Switzerland he saw a large-scale chess board at one of the parks. He said that he would like to see a similar project developed in one of the City parks.

Rick Harvey, Airport Manager, said that in his first three weeks of work he has been learning how the City works. He stated that the final elements of the airport security system were being finished and he is working on developing an airport parking lot plan that could bring in revenue. Mr. Harvey stated that the asphalt maintenance at the airport was overdue and a Request for Proposals had been published for performing the work. He said that he is in the process of trying to organize the Airport Advisory Committee for conducting the airport element of the City Engineering needs. Mr. Harvey stated that he has also been moving forward on developing a plan for land acquisition at the airport. He said that he has identified an appraiser to look at the property so the process can begin moving forward.

Mr. Millar stated that two public hearings would be scheduled for the June 2nd City Council Meeting. He explained that the first hearing would be for the Greystone Village application. He said that the Planning and Zoning Commission approved the application with several conditions. Mr. Millar stated that the second hearing is for an annexation application for the Village at Deer Forest application. He explained that the project is a 24-unit subdivision and the Planning and Zoning Commission approved the rezoning of the property and recommend Council approval of the annexation request.

Mr. Millar stated that Don Bailey from the Planning and Zoning Commission had completed the rewrite of the City Zoning Code. He said that the document is currently being reviewed by a professional codifier. Mr. Millar stated that he is looking at putting

together a sounding board advisory committee to look at the new code. He said that the plan is to include one representative from each existing committee. Mr. Millar asked if the Council would like to appoint the Committee or they would like to appoint staff with the authority to do so.

Council Member Muller said that he thought the Council should be involved in the process in some manner.

Mr. Millar said that he has proposed that the Committee consist of one person from each existing advisory committee, members of the development community, members of the building community, members of the legal community, and members of the business community. He said that the Committee could potentially have 25 members.

Council Member Robertson said that the Council would be involved in the Code rewrite during the public hearings. He recommended that staff take care of putting together the committee. The Council Members agreed to have staff put together the membership of the committee.

Mr. Millar announced that the City Planning and Zoning Commission would be conducting a joint meeting with the County Planning and Zoning Commission to discuss the Code rewrite. He explained that the County has adopted the City Code for the impact area and would need to approve any changes that are proposed by the City.

Mr. Miller said that he recently discovered that the Silver Sage Girl Scouts had built cabins at Camp Alice Pittenger without an approved Conditional Use Permit or building permit. He stated that he discovered that the Girl Scout Association had already built 10 cabins and had an additional 10 under construction. Mr. Millar stated that under the City Code the association is required to obtain building permits and a conditional use permit prior to erecting the structures. He explained that the organization is planning an upcoming retreat and he doesn't think it would be appropriate to close down the facility. He said that he is working with Cynda Herrick at the County Planning and Zoning Commission and the Fire Chief to make the situation safe and legal so the upcoming retreat can take place. He said that the County has agreed to allow the use of the existing dwellings under a temporary occupancy permit as long as the fire marshal approves the safety of the buildings. He explained that the intention is to allow the safe and legal use of the dwellings for their upcoming retreat. Mr. Millar stated that all of the parties would then meet to discuss the long-range plans for the camp.

Council Member Greer asked if there was a penalty for not getting a building permit prior to building.

Mr. Millar stated that the Code doesn't have any penalty provisions but requires all buildings to meet building standards. He explained that none of the buildings were supplied with electricity, which is required by the code.

Council Member Greer asked if the parents of the Girl Scouts would be notified of the non-approved structures before the retreat takes place.

Mr. Millar stated that the City could require that all of the parents be notified about the situation.

Council Member Robertson stated that he would like legal counsel to review the notification letter before it is sent to the parents.

Mayor Eimers asked if the City could even allow the use of the dwellings since it doesn't comply with the requirements of the City Code.

Mr. Yorgason said that it isn't uncommon for a City to issue a temporary occupancy permit for dwellings. He stated that a permit could be issued if the Fire official approved the temporary use of the buildings.

Mayor Eimers stated that he was uncomfortable allowing the use of the structures since they don't conform to the City Code.

Mr. Millar said that he wants to ensure the safety of the participants. He said that the use of the building would have to be approved by the Southern Idaho Timber Protection Agency and the Fire Chief.

Council Member Muller said that he would approve the use as long as a safety inspection is performed.

Mayor Eimers stated that he would like a letter from the City Attorney saying that the issuance of a temporary occupancy permit for the buildings is legal. He said that he doesn't think that the City Attorney would issue a letter and the camp would have to be shut down.

Mayor Eimers moved to require that the City obtain a letter from the City Attorney before allowing the camp to open. Council Member Muller seconded the motion.

Council Member Robertson said that he would like to see a report about the buildings before making a decision.

Mr. Millar said he would like time to prepare a report for a formal vote by the Council. He said that he needs to sit down with the building official to see if the structures can be made safe for occupancy.

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

Mr. Millar said that the City received seven responses to the City Engineering Request for Qualifications, and reported that he and Mr. Kirkpatrick were currently engaging in contract negotiations with the engineering firm that was determined to be the highest qualified. He said that the selection committee made the recommendation after interviewing four of the applicants. Mr. Millar stated that he hoped to finish negotiations with the firm later this week and place on the Council agenda for approval at the next regular meeting. He explained that if an acceptable rate schedule couldn't be negotiated, City staff would begin negotiating with the next highest qualified firm.

Council Member Robertson added that the selection committee reached a unanimous recommendation in their determination of the highest qualified firm.

Council Member Bertram asked if the firm would have a permanent presence somewhere in the City.

Mr. Millar said that there wouldn't be enough business to warrant the firm opening an office in the City. He said that he is exploring office space for them to hold regular office hours during the month. Mr. Millar stated that Holladay Engineering has agreed to work with the selected firm through the transition period.

Council Member Robertson asked if the Airport Advisory Committee would have an opportunity to meet with the firm.

Mr. Millar stated that he introduced Mr. Harvey to the firm via the Internet and email. He said that the City reserved the right to select another team for any given engineering component including the airport.

Council Member Bertram asked when the new firm would begin.

Mr. Millar stated that he hopes to get Council approval on June 23rd. He stated that Holladay Engineering has agreed to continue working through the transition period.

Council Member Bertram asked if Holladay Engineering would continue working on the Four Corners Project.

Mr. Millar explained that Holladay Engineering was under contract with the Idaho Transportation Department and would continue working on the project.

Council Member Bertram stated that she was disappointed with some of the elements of the Four Corner Project. She said that the design of the project isn't what was originally presented to the community.

Council Member Robertson stated that the City should be able to ask questions about the project from the project manager. He stated that Holladay Engineering promised to make a presentation to the Council about the project but hasn't.

Mr. Kirkpatrick added that City Staff also hasn't been informed about the changes to the project.

Council Member Robertson stated that the City should be able to stop the project until the contracting officer answers the concerns of the Council.

Mr. Kirkpatrick stated that the current project manager of the project is Jim Justice from the Idaho Transportation Department.

Council Member Muller said that he thinks the design of the project is too narrow at the Deinhard intersection. He asked if Mr. Keating thought large trucks would be able to negotiate the turn without driving on the sidewalk.

Mr. Keating said that he thinks the design is too narrow for large trucks to make the turn.

Mr. Kirkpatrick stated that the issue is an engineering design problem. He stated that he asked Mr. Keating and Carol Coyle to address all of the safety and design issues with Mr. Justice at ITD.

Council Member Robertson said that he would like to hear from the Idaho Transportation Department and Holladay Engineering about the design of the project.

Mr. Keating stated that any changes to the project would result in a change order. He said that Ms. Coyle expressed concerns about not having sufficient funds to cover the costs of the changes.

Mayor Eimers asked what the City could do to address the problems with the project.

Mr. Kirkpatrick stated that the City needs to review the design of the project first. He said that if the project doesn't match the design then the problems would have to be fixed. He stated that the City needs to better define the problems of the project in order to determine how to proceed.

Mr. Irwin reported that the Local Option Tax Commission has announced that they would begin receiving funding requests for the FY 06 LOT revenue. He said that the Commission would be meeting on July 5, 2005 to hear the requests and arrive at a recommendation to the Council for inclusion in the FY 06 budget.

Council Member Bertram stated that she would like to see the request from the CCC Alumni Association funded for FY 06. She said that the organization has received \$3,000 in donations but needs to raise a significantly greater amount of money in order to place the commemorative statue. She said that she would like to see the City Council support the project.

Mayor Eimers asked Mr. Irwin to prepare a funding application for the CCC statue on behalf of the City Council.

Mr. Kirkpatrick reported that the Art on Trails dedication was performed and installed on the bike path. He said that a brochure has been prepared and is being distributed as well.

Mr. Kirkpatrick stated that the FY 06 budget process is proceeding. He said that the budget open house would be held on Monday where the public would have a chance to provide their input in the process. Mr. Kirkpatrick stated that Valley County was supposed to provide the City with the new construction property tax values by June 6th. He said that the County hasn't provided the values to the City. He said that the Valley County Clerk was out of town and the office staff wasn't able to explain why the values weren't given to the City. Mr. Kirkpatrick stated that staff would contact the County to see why the values haven't been received.

Mr. Kirkpatrick stated that the City towed several vehicles at the airport a few weeks ago. He said that the City didn't follow through with the notification process and decided to refund three of the expenses.

Mr. Kirkpatrick provided the Council with a spreadsheet detailing a five-year cash analysis in the water fund. He stated that he included the top 10 projects identified in the master plan and added the typical capital costs and revenue received by the City. Mr. Kirkpatrick said that the spreadsheet was prepared in anticipation of having a future discussion with the Council about how much of the \$1.8 million DEQ loan to borrow.

Mr. Kirkpatrick reported that he would be out of the office from June 16th through July 5th. He asked how the Council would like to go about conducting the selection process of the new City Attorney.

Mayor Eimers said that he would like all of the responses sent to the members of the Council and they could decide which firms to interview. Mayor Eimers stated that the Council needs to schedule a special meeting for July 11th to discuss the responses that are received and determine which firms to interview. He said that the interviews should be held on July 14th in order to allow time to negotiate an agreement that can be approved at the July 28th regular meeting.

Council Member Muller asked if the City has an ordinance that addresses public nuisances that could create liability. He said that the Aspen Clubhouse that was destroyed in the fire is creating a safety concern and needs to be taken care of.

Mr. Yorgason said that the International Building Code has a specific section regarding dangerous buildings. He stated that the building official could declare the structure dangerous and require that it be removed. He said that if the owner fails to remove the building, the City could remove it and place a lien against the owner for the expenses.

Council Member Muller stated that he would like to begin the process of requiring the owner to take care of the building. He said that he would like the City to draft a letter to the owner requiring that the situation be remedied within 30 days.

Council Member Bertram asked if a letter had been sent to the Idaho State Parks and Recreation Director regarding the encroachments on Ponderosa State Park.

Mr. Kirkpatrick said that he spoke to Dennis Coyle about the situation but hadn't sent a letter to the Director yet.

Council Member Bertram asked if ICRMP had responded to the tort claim regarding the Mountain Lakes Sewer Backup.

Mr. Yorgason said that he hadn't received a response yet.

Council Member Robertson said that he received a letter from a King's Pines resident regarding concerns over the Whitetail entrance road.

Mr. Millar said that the Council's findings and conclusions require the Whitetail road to be approved by the County Engineer and Idaho Transportation Department to ensure safety. He stated that the roads must be approved before the final plat is presented to the Council.

Mayor Eimers asked if there was evidence that the sewer connections for the Whitetail development were previously approved by the Sewer District.

Mr. Millar said that the developers would be required to show that the connections were approved prior to September 2004.

EXECUTIVE SESSION

At 9:52 p.m., Council Member Robertson moved to go into executive session per Idaho Code 67-2345(1f) and 67-2345(1b) to consider pending litigation and personnel matters. Mayor Eimers seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Robertson, Council Member Muller, and Mayor Eimers voted aye. The motion carried.

The discussion pertained to pending litigation and personnel matters.

At 11:14 p.m., Mayor Eimers moved to come out of executive session. Council Member Robertson seconded the motion. All members voted aye. The motion carried.

ADJOURNMENT

Without further business, Mayor Eimers moved to adjourn. Council Member Bertram seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 11:15 p.m.

William A. Robertson, City Council President

ATTEST:

Dan Irwin, City Clerk