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ADJOURNMENT

CALL TO ORDER AND ROLL CALL

Mayor Eimers called the regular meeting of the McCall City Council to order at 6:07 p.m. Council Member Bertram, Council Member Greer, Council Member Robertson, and Mayor Eimers answered roll call. A quorum was present. Council Member Muller was excused.

City staff members present were Lindley Kirkpatrick, City Manager; Roger Millar Community Development Director/Deputy City Manager; Tammy Zokan, City Attorney; Jerry Summers, Acting Police Chief; Bill Keating, Public Works Director; Rick Harvey, Airport Manager; Brock Heasley, Parks and Recreation Director; Anne Kantola, Library Director; Carol Coyle, Grant Writer/Community Planner; Jerry Palmerton, Golf Course Superintendent; Allan Morrison, Golf Professional; and Dan Irwin, City Clerk.

Mayor Eimers led the pledge of allegiance.

PUBLIC HEARING

AB 05-132 Brown Park Fish Pen Docks (CUP-05-3) / Resolution 05-13

Roger Millar, Community Development Director, explained that the application is a conditional use permit for the Brown Park fish pen docks and an accompanying agreement with the Mill Park homeowners association. He said that the application had been approved by the Planning and Zoning Commission on June 27, 2005. Mr. Millar explained that the Commission approved the conditional use permit with the conditions that the applicant conclude negotiations with the adjacent property owners prior to placing the application on the City Council agenda for consideration unless an agreement couldn't be met by July 1, 2005, and to install a swim ladder at the location. He said that the applicant completed negotiating an agreement with the Mill Park Property Owners Association prior to July 1, 2005 and had it signed by the Association's president. Mr. Millar said that the Council has three options to consider. He said that they could deny the conditional use permit application, approve the conditional use permit application and not sign the agreement, or approve the conditional use permit application and sign the agreement. Mr. Millar said that a lawsuit from the Mill Park property owners against the City would probably result if the Council approves the conditional use permit but doesn't approve the agreement. He said that if the Council approves the conditional use permit and agreement, the docks couldn't be placed in the lake until after Labor Day and after the applicant receives a permit from the Idaho Department of Lands. Mr. Millar stated that applicant did a good job involving the public in the process.

Mayor Eimers asked what would be entailed in the potential lawsuit.

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Mr. Millar said that the Mill Park property owners have voiced opposition of the dock being placed at the north end of the park where the permanent structure currently exists. He said that they have indicated that they would file suit against the City if it remains in the current location. Mr. Millar stated that regardless of a court outcome, the action would result in a significant delay in getting the dock placed. He said that the southern location identified by the applicant would achieve the same functional outcome.

Council Member Bertram asked how long the dock existed at its current location.

Ron Rooth, 115 Idaho St., said that he believes the original net pens were installed in 1994 under a joint effort of Trout Unlimited, Idaho Department of Fish and Game, and the City of McCall. He stated that the docks existed in the location for eight years but became damaged during the winter and haven't been in use for the past four years. Mr. Rooth said that it was determined by the Fish and Game Department and City Parks Department that the prior location was no longer suitable and recommended that the docks be placed 200 yards away in the Brown Park area.

Brock Heasley, Parks and Recreation Director, said that Mr. Millar had summarized the project and would be present to answer any questions from the Council.

Council Member Robertson said that the City has acquired a signed agreement from the President of the Mill Park Homeowners Association. He asked if the City had the legal requirement to ensure that the President was authorized to sign the agreement on behalf of the Association.

Tammy Zokan, City Attorney, said that she understood that Deborah Nelson, Givens Pursley LLP, was the legal representative for the entire homeowners association.

Mayor Eimers opened the public hearing to public testimony at 6:18 p.m.

Judy Dinwiddie, W. Lake St., said that she is the property manager for the Mill Park Condos. She stated that she met with Mr. Heasley for the first time on July 6, 2005, which is the only contact she had with the City since the conditional use application process began. She said that the Mill Park Condos are located directly behind Brown Park.

Ms. Dinwiddie said that the Mill Park Condo Association first raised concerns about the location of the docks after receiving a letter from the Department of Lands on August 21, 2003. She said that the Association replied to the letter asking the Department of Lands why the location was chosen, if the dock would be day or night use, if additional parking would be added and enforced, if additional trailer parking would be added and enforced, and if a security nightlight would be added. Ms. Dinwiddie said that Jay Sila from the Department of Lands referred the Association's concerns to Dan Pillard, the former Golf Operations Director. She said that Mr. Pillard responded back to the Association addressing most of the concerns by citing City Ordinances. Ms. Dinwiddie

said that the Association received a second letter from the IDL on December 17, 2003 with an application to construct a floating dock at the Brown Park location, which the Condo Association again responded in writing with their concerns. She said that the Association didn't receive any more letters or notices until receiving a public hearing notice in May 2005. Ms. Dinwiddie said that a letter was submitted to the City at that time addressing the same concerns from the condo owners. She said that the impact to the condo owners would become increased due to the amount of condo development that is occurring on the surrounding blocks and the need for vehicle and trailer parking. Ms. Dinwiddie said that the configuration of the docks has changed during the process. She said that the current plan would place the docks less than 50 yards from the old mill pilings, rocks, and the Mill Park private dock. She said that the number of boats using the private dock are currently limited due to the amount of debris that surrounds it during the low water months. Ms. Dinwiddie said that she feels there has been a serious lack of communication between the City and the condo homeowners. She asked who would be in charge of maintaining the integrity of the project. Ms. Dinwiddie said that the letter submitted to the Planning and Zoning Commission was never passed along to the Parks Department so the concerns of the Condo owners could be addressed. She stated that the Mill Park Condo Owners Association opposes the placement of the Fish Pen Dock project since the City hasn't considered or addressed their concerns in writing and because the Idaho Department of Lands has indicated that the north location would be a better location for the project.

Council Member Robertson asked which association had signed the proposed agreement with the City.

Ms. Dinwiddie explained the agreement was signed by the Mill Village Association and not the Mill Park Condo Owner's Association.

Mr. Millar clarified that the agreement had been signed by the property owners association located in the subdivision north of the condominiums. He said that the Mill Park Condo Owners were provided with the conditional use permit application and staff report for the project. He stated that the answers to their concerns were answered in the application and staff report and a separate letter wasn't sent to them. Mr. Millar said that the letter from the Mill Park Condo Owner's Association was made a part of the record during the Planning and Zoning Commission's public hearing and was passed along to the applicant.

Mr. Kirkpatrick suggested that the Council follow the more traditional public hearing format to avoid having debate among those who oppose and support the application.

Mayor Eimers requested that Mr. Heasley respond to Ms. Dinwiddie's accusation that the City failed to respond to the concerns of the condo owners.

Mr. Heasley said that he dropped off the CUP application at City Hall, which was picked up by Ms. Dinwiddie.

Sherryl Graham, McCall, stated that the area from Brown Park to the Marina is the ugliest eyesore on the lake. She said that the City already has a fish hatchery and the area should be reserved for a public beach.

David Huber, McCall Avenue, stated that he was representing the Mill Park Village Homeowners Association.

Mayor Eimers explained that it was the intention of the Council to have those opposed to the Conditional Use Permit to come forward first, followed by those in support of the proposal. He asked Mr. Huber to clarify if he was speaking in opposition to the issue.

Mr. Huber said that he had two points of view on the issue. He stated that he opposed the proposal because it doesn't add to the beauty of the lake and because it is not consistent with residential development in either the north or south location. Mr. Huber said that the Mill Park Homeowners Association would rather have the dock placed at the south location because of the same reasons mentioned by the Mill Park Condo Owners. He said that the City has a fish hatchery that is just a few blocks away and the proposal isn't consistent with residential development and doesn't add to the beauty of the area. He stated that the City should remove the old piers from the area if they want to make the area more attractive. Mr. Huber said that the Mill Park Homeowners Association worked for a long period of time to try to obtain a compromise and thought they had an agreement with the City.

Gary Slade, Mill Park Condo Unit #4, said that he is the president of the Mill Park Condo Owner's Association. He said that he also hasn't been personally contacted by Mr. Heasley or other representatives of the City. He said that the Association has concerns about the fish pen docks because of the congestion of parking, public use of the Mill Park private dock, and the personal health and hygiene of swimmers because of the concentration of fish in the area. Mr. Slade said that the Mill Park Condo Association is adamantly opposed to the placement of the dock at the south location of the park and are also willing to engage in litigation over the issue. He stated that he would like the project to be stopped until a full impact study can be completed and all parties can come to a satisfying resolution.

Dody Mertz, Mill Park Condo Unit #1, said that she is the secretary of the Mill Park Condo Homeowner's Association. She said that the Association has expressed concern to the City in writing since September 2003 about using Brown Park as the location for the fish pens and dock. She stated that those concerns include vehicle and trailer parking, traffic, trespassing over private property, monitoring the use of the dock, and care of the fish pens. She said that concerns are valid and deserve adequate planning and mitigation measures that haven't been addressed in writing by the City. She said that the location of the dock and fish pens were changed at the last Planning and Zoning meeting. Ms. Mertz said that the change in location requires an environmental impact study to address the impact it would have on the picnic and play areas, the improved beach, adjoining private properties, private Mill Park dock, swimmer safety, and water purity. She said the study needs to also address the impact

of the new housing developments on Hemlock Street and Davis Avenue and of the increased water sport activity at the improved marina. She stated that the project is adding more congestion to an already congested area and is creating a situation that is hazardous environmentally to the land and lake. Ms. Mertz said that she supports the Council tabling the application and considering other alternatives such as moving the dock to a new location like Ponderosa State Park. She stated that the City reached the agreement with the Mill Park Homeowners Association in secret. She said that the City has an obligation to be responsive and responsible and haven't been so in this instance.

Judd DeBoer, 115 W. Lake St., said that he is representing the Brundage Mountain Company, which is an adjoining property owner to the proposed facility. He said that he also submitted written comments to the City Council as well. Mr. DeBoer stated that he owns the three parcels closest to the proposed docks and has never been contacted. He stated that it is disturbing to see the City putting the homeowner associations against each other. Mr. DeBoer said that all of the property owners should be treated fair and equally. He said that the comments from Mr. Slade and Ms. Mertz were fair and the City should reconsider the proposal. He stated that the park was meant to be a nice quiet family park. Mr. DeBoer said that he thinks Ponderosa State Park would be an ideal location for the dock and fish pens.

Mr. Huber stated that he would like to add one more thing to the record on behalf of the Mill Park Village Homeowners Association. He stated that the Association has concerns of any location of the fish pen docks being in Brown Park because of the proximity of the swimming area and boat dock at the location. He said that the placement of the dock would create a very hazardous situation. Mr. Huber said that he is also concerned about the amount of debris located at both the north and south of the park. He explained that the old iron, cables, tree trunks, and old pilings would create a dangerous situation for people swimming and getting in and out of boats at the location. Mr. Huber stated that he doesn't think that there is support from the community to put such a facility in a residential area. He said that the condominium residents would be adversely affected by the docks because of the lack of parking for the area. He said that the docks are very incompatible with the location.

Ms. Dinwiddie said that the original intent of the fish pens was to provide another dock for recreational activities. She said that the placement of a sign closing the dock at 10:00 p.m. doesn't work. Ms. Dinwiddie stated that the Mill Park Condo Association has to spend many hours trying to remove the abandoned boat trailers from their property during the summer. She said that the fish pen docks would also result in the public encroaching onto the property.

Mayor Eimers asked those in favor of the project to come forward.

Mr. Rooth stated that he supports the project and explained that the fish pen docks were originally placed by the hard work of volunteers of City residents. Mr. Rooth stated that McCall is still a small town and he would like to see problems resolved by talking instead of threatening or engaging in litigation. He said that he would like for the people

of the community to talk through the issues. Mr. Rooth said that people shouldn't complain of the City infringing upon their lakefront view when they purchase property that is in front of a City park.

Ms. Mertz said that the Mill Park Condo Owner's Association has tried to talk the situation through with the City. She said that the association has written their concerns to the City, and the staff report should have been forwarded to them if it answered their questions. She said that the Association doesn't want to sue the City; they only want to have a discussion and a response. Ms. Mertz said that the Association began voicing their concerns to the City about the use of the net pen at Brown Park two years ago. She stated that Brown Park was originally dedicated to the City as a passive family park. She said that the change in the use of the park requires the City to answer the concerns of the park.

Mr. Millar stated that the affidavit of mailing from the Community Development Department shows that notification of the Planning and Zoning Commission public hearing was mailed to the owners located within 300' of the project including Ms. Mertz, Mr. Slee, and Brundage Mountain Company. He said that two separate notices of the meeting were published in the Star News and a notice of the hearing was physically posted at the location. Mr. Millar said that the City made every effort for public involvement in the process and doesn't have the resources available to respond in writing to every concern. He said that all of the materials were available for review at City Hall and believes that the City did a good job involving the public in the process with the available resources.

Mr. Heasley said that the Parks Department is in the process of finding ways to clean up the area between Brown Park and the marina. He said that he was informed that Ms. Dinwiddie was the representative of the Condo Association and provided her with the CUP application materials to answer their questions. Mr. Heasley said that he spent eight hours with Ms. Huber to address her concerns about the dock. He stated that the City held two public hearings and proper notification occurred based upon the records of the title company, including two notices to the office of Brundage Mountain Resort. Mr. Heasley said that moving the dock to Ponderosa State Park would result in the same environmental concerns the residents supposedly have for Brown Park. He said that Park employees are present in the park on a daily basis and would be able to monitor and maintain the docks. He said that the Department of Fish and Game would be responsible for monitoring the fish pens and fish. He added that monitoring devices would be installed to check the water quality at the location. Mr. Heasley said that he is willing to place signs at the park to assist with the problems of trespassing.

Mayor Eimers closed the public hearing to public testimony at 6:50 p.m.

Mayor Eimers said that he was president of Trout Unlimited when the fish pens were originally installed. He said that it is discouraging to see members of the public fight about the placement of a fun amenity. Mayor Eimers said that he enjoyed the dock at

its original location and feeding the fish. He said that it would be sad to see a good thing for the community stopped because of the opposition of the neighbors.

Council Member Robertson stated that the City has gone through the Conditional Use Permit process that is required under the City Code. He said that the State of Idaho would have the responsibility of monitoring the lake quality from the project. Council Member Robertson said that the public did bring up valid concerns about the underwater hidden dangers located in the lake. He said that he has safety concerns about swimming and boating in the area but likes the fish pen project. Council Member Robertson said that the City has parking problems around the Lake and doesn't have the financial resources to purchase land and clear it for public parking. He said that the lack of parking needs to be addressed as a City-wide problem. Council Member Robertson said that the Department of Fish and Game would be responsible for monitoring the lake quality and the concentration of the fish. He said that the City may need to address the City's existing agreement with Inland Marine. He said that the County needs to address the milfoil in the lake and the City should begin removing the lost poles. Council Member Robertson said that he supports the fish pens but believes the other issues need to be discussed.

Council Member Greer asked if the City became involved in the project solely because of the City park aspect.

Mr. Millar said that he was unsure. He stated that a conditional use permit is required to place a public dock in the Central Business District zone.

Mayor Eimers explained that the City historically participated in the project as the docks were originally installed to provide a tourist amenity to the public.

Council Member Greer asked who would be responsible for administering the fish pens.

Mr. Heasley explained that the Department of Fish and Game administered the fish pens.

Council Member Bertram stated that the docks were never a huge tourist attraction and were used primarily by local residents and children who knew about them. Council Member Bertram stated that the placement of the docks would not significantly affect the parking problems in the area. She said that the docks existed before many of the new homes in the area, and the homeowners around the lake should realize that there are jet skis and other amenities in the lake that doesn't ensure 24-hour tranquility. She said that the Parks staff does a tremendous job with a limited staff. Council Member Bertram said that the people and children of the community should have the benefit of the fish pen docks. She stated that pollution isn't a problem where the fish pens exist in other communities, and doesn't think that an environmental impact study is warranted or needed. She said that people who have moved by the lake should realize the many uses of the lake. She stated that fish pen docks have existed previously and should be reinstalled to for the benefit of the community. Council Member Bertram said that the

net pens would not negatively impact the neighborhood, as only a few visitors would use the amenity. She stated that Brown Park isn't a neighborhood park it is a community park for all of the public to enjoy. She asked if boat mooring was an original use of the dock.

Mr. Millar said that the conditional use permit is specifically for a boat dock and refers to the fish pens. He said that the application refers to the comprehensive plan's goals to preserve and enhance the quality of the lake through recreational activity.

Council Member Bertram stated that the City Council has heard for months that more public docks and public access to the lake is needed. She said that the proposal would add a public amenity to the community.

Mayor Eimers said that there are other docks in the area including the private dock for the Mill Park property and condo owners.

Council Member Robertson said that the Council shouldn't support the neighboring homeowner's objections that aren't based upon any logic. He said that they appear to be opposed to the project without providing any valid reasons.

Council Member Bertram said that it is nice to have a community amenity that is accessible by the public. She said that she supports assisting the homeowners by posting signs to protect their private property.

Mayor Eimers said that he is supportive of approving the conditional use permit. He said that he is confident that everyone was properly notified about the proposed use and had an opportunity to be involved in the process.

Council Member Greer said that he appreciates the testimony given in regards to the application. He said that it is unfortunate when a compromise can't be reached. He said that he is supportive of allowing public access to public land but is also supportive of private property rights. Council Member Greer said that he is supportive of preserving public access and protecting the amenity of a public park to the members of the community in this case.

Mr. Kirkpatrick said that during the public testimony, the Council heard the possibility of placing the docks at either the northern location or the southern location within the park. He said that the City's existing Department of Lands Encroachment Permit gives the City permission to place the dock at the northern location and would enable the docks to be put in the water more quickly. Mr. Kirkpatrick said that the agreement from the Mill Park Village Property Owner's Association states that they would not oppose the City's efforts to site the dock at the southern location, but Mr. Huber, a representative of the Mill Park Village Property Owners Association, testified that he opposes the dock location anywhere within the park. Mr. Kirkpatrick said that as a result of Mr. Huber's comments, the Council shouldn't feel bound by the terms of that agreement.

Mayor Eimers asked for clarification of what was approved by the Planning and Zoning Commission.

Mr. Millar explained that the Planning and Zoning Commission approved a Conditional Use Permit for a dock in the park. He clarified that the approval didn't specify a geographical location for placement. Mr. Millar said that the conditional use permit requirements do not require a specifically engineered location.

Council Member Robertson asked if the project could be accomplished this summer if it was placed at the northern location.

Mr. Heasley explained that the docks could be placed in the water this year but the fish couldn't be added until next year.

Council Member Bertram said that the Council should approve the conditional use permit but not authorize the Mayor to sign an agreement with any of the property owners.

Council Member Robertson moved to adopt the draft findings & conclusions for CUP-05-3. Mayor Eimers seconded the motion.

Mr. Millar said that point number 9 of the findings and conclusions should be removed to ensure they reflect the Council's intention.

Council Member Robertson amended the motion to include the deletion of point number 9 and renumbering point number 10. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Robertson, and Mayor Eimers voted aye. The motion carried.

Council Member Robertson thanked the members of the public for testifying at the hearing.

Ms. Dinwiddie asked for clarification as to what was contained in point 9 of the findings and conclusions.

Council Member Robertson explained that the Council approved the conditional use permit with the omission of point #9 of the findings and conclusions. He clarified that the Mayor wasn't authorized to sign the agreement with the Mill Park Village Homeowners Association.

PUBLIC COMMENT

Mayor Eimers called for public comment.

Boyd Paulson, 314 CeCe Way, said that the City needs to do something about the problem with boat trailer parking in McCall. He said that he regularly uses the lake early in the week when there are no boats on the lake, but the trailer parking area remains full. Mr. Paulson said that he proposes that the City make the trailer parking area a day use only parking lot. He said that people who live on the lake park their trailers in the parking area throughout the whole season and take up valuable parking space. He said that very few people need to utilize overnight parking and a change to day use only would satisfy the needs of 99% of the public.

Council Member Robertson said that the acting Police Chief would be making a formal recommendation to the City Council about what can be done with the boat trailer parking.

Mr. Paulson said that he would also like to see the City finally pave CeCe Way.

Daryl Cobb, 230 Moonridge Dr., stated that he is trying to obtain a conditional use permit from the City for launching boats and jet skis at the public ramp. He said that he is concerned about the anti-competitive behavior demonstrated towards his business by the city committees and members. Mr. Cobb said that the City needs to have a fair playing field for both new and existing businesses. He said that he fell in love with the community when he started coming to McCall in 1992 and decided to start a motor sports rental business in the City. Mr. Cobb said that the anti-competitive behavior towards his business began in the Planning and Zoning process when his competitor voiced concerns about their proposed business. He said that members of the Planning and Zoning Commission sided with the competitor and the approval for the project was delayed as a result. Mr. Cobb said that his competitor received a conditional use permit for the ramp a few weeks prior to the Fourth of July. Mr. Cobb said that when he came into City Hall he was told that he only needed a business license and wasn't informed of any other requirements to use the ramp and beach area. He said that his competitor began yelling at his son on July 2, 2005 and said that they were the only business allowed on the beach. Mr. Cobb said that he began the process of obtaining a conditional use permit with the Parks and Recreation Advisory Committee. He said that his competitor informed the committee that there wasn't enough space to allow an additional commercial use of the beach. Mr. Cobb stated that the Parks and Recreation Advisory Committee then decided that the issue of commercial operations at the beach needed to be reviewed and could take up to six months before he was issued a permit. He stated that he wants a fair and balanced approach for issuing conditional use permits at the lake. Mr. Cobb said that he would like the City to come to a quick resolution that doesn't adversely affect his business.

Mayor Eimers said that he understood that staff came up with a resolution so Mr. Cobb could operate his business during the Fourth of July.

Mr. Cobb explained that the arrangement is only temporary and is difficult to operate a business under the arrangement.

Ron Rooth, 115 Idaho St., said that the Park and Recreation Advisory Committee were just notified on July 12, 2005 that a problem existed. He said he is uncomfortable with the commercial activity that is occurring just north of Legacy Park. He explained that the Committee recommended the approval of a conditional use permit for Mr. Cobb's competitor but didn't understand what was actually occurring in the area. He said that he visited the area on July 13, 2005 and discovered that 20 jet skis were parked on the beach. He said that the issuance of another conditional use permit for the area would create problems with the area. Mr. Rooth provided the Council with photographs of the activity occurring on the beach.

Mayor Eimers said that the Planning and Zoning Commission is the City's vehicle for approving conditional use permits.

Mr. Kirkpatrick clarified that a business is seeking a special use permit for commercial operations at the beach and not a conditional use permit. He explained that the process is for the applicant to present the request to the Parks and Recreation Advisory Committee who forwards a recommendation to the City Council for consideration.

Council Member Robertson said that the State of Idaho has an exclusive vendor contract on the North Beach, but the City has never taken the stance of an exclusive contract. He said that the City needs to treat both businesses equally.

Council Member Bertram asked if the special use permit to Cheap Thrills specifies how many pieces of equipment can be placed on the beach.

Mr. Kirkpatrick said that the special use permit to Cheap Thrills only authorizes the use of the dock and not the beach. He said that he met with Mr. Cobb and informed him that it wouldn't take the City six months to resolve the issue. He said that staff and the Parks and Recreation Advisory Committee need to bring a recommendation for the management of the beach to the City Council for consideration.

Council Member Robertson said that both owners have invested in their businesses under the belief that they would be able use the beach area. He said that the City should either allow both businesses to operate or not allow any commercial usage of the beach.

Mr. Kirkpatrick apologized to Mr. Cobb for receiving incorrect information from City employees about what was required to operate his rental equipment business. He said that Mr. Cobb spoke with several staff members but wasn't referred to the Parks and Recreation Director who is responsible for overseeing commercial activities in public parks.

Council Member Robertson stated that he doesn't think the City should deny Mr. Cobb's request for a special use permit. He said that both businesses should be allowed to operate during this season while the City needs to examine how to manage the area in the long term.

Council Member Bertram asked if the special use permit issued to Cheap Thrills gave them the exclusive right to operate at the beach.

Mr. Millar said that the permit didn't authorize the exclusive use of the beach by Cheap Thrills.

Jan Kangas, 499 Moon Dr., said that she is concerned about the City's dissention of allowing a new business in the community. She stated that McCall is a tourist-based city that needs to embrace free enterprise. Ms. Kangas said that it would be wrong for the City to provide an exclusive contract.

Hearing no further comments, Mayor Eimers closed the public comment at 7:53 p.m.

CONSENT AGENDA

Council Member Robertson said that he had previously reviewed the minutes and provided the City Clerk with corrections.

Council Member Robertson stated that he thinks the \$257 expense for the quarterly postage meter rental should be expensed to the water fund.

Council Member Robertson asked about the expense to Paul's from the Police Department for refreshments.

Jerry Summers, Acting Police Chief, explained that food was provided for the officers who assisted the Department during the Fourth of July Weekend. He said that a meat tray was provided each day.

Council Member Bertram asked if the expense in the water fund was a new water truck for the Public Works Department.

Bill Keating, Public Works Director, explained that the purchase was a new pickup for the Water Department.

Council Member Robertson asked about the expense to the City's audit firm in the sewer fund.

Mr. Kirkpatrick explained that the firm performed special assistance related to the Wausau appeal.

Council Member Robertson asked about the changes to the assumption and assignment of the airport lease.

Dan Irwin, City Clerk, explained that the original documents in the Council packets contained the wrong hangar number. He said that the additional handout corrected the error.

Council Member Bertram stated that the City needs to ensure that Mr. Summers is reimbursed properly for the time he is spending as acting Police Chief.

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

BUSINESS AGENDA

Mr. Kirkpatrick said that the presenter of the Historic Property Report would be delayed as he has been stuck in traffic because of the chip seal project on Highway 55.

AB 05-131 Library District Request

Christie Gorsline, Valley County Library District Committee Chairperson, said that the Committee has presented a petition to the County Commissioners to place the Library Districting proposal on the November ballot. She explained that the Valley County Commissioners would conduct a hearing in August to determine whether the proposition should be included in the election. Ms. Gorsline said that the Committee is requesting that the City Councils of the City of Cascade and the City of McCall formulate a letter of intent that they would transfer the ownership of the current library buildings and their contents to the District if the measure is successfully passed by the voters. She added that the Committee is also requesting that the City's continue funding the current library's at the current level of service until the tax revenue is received by the District.

Council Member Robertson said that the memorandum that was prepared for the Council members referred to the library property as 6000 sq. feet. He asked if that was the measurement of the building or the property, which it is located on.

Anne Kantola, Library Director, explained that it referenced the size of the land that the building is currently placed on.

Council Member Robertson asked when the title of ownership to the Library District would occur if the proposal is adopted in November. He asked if the current library staff would continue to receive benefits from the City of McCall.

Mr. Kirkpatrick explained that the title of ownership of the building or land would transfer to the Library District upon resolution of the City Council. He said that the library staff would remain as employees of the City of McCall until the following fiscal year.

Ms. Gorsline said that it is the intention of the Committee to have the current City libraries operate as they have in the past.

Council Member Robertson said that the Library department has proposed eliminating non-resident cards and computer usage fees in the upcoming budget as would be done with the districting proposal.

Mr. Kirkpatrick stated that the non-resident library cards and usage fees were placed back in the department's budget to ensure that the same level of library service could continue in the upcoming fiscal year.

Ms. Gorsline said that it is the goal to have the foundation of a good library district established within six months if the proposal is approved.

Council Member Bertram asked if the City of Cascade agreed to grant the existing library and contents to the District.

Robin Mayfield, City of Cascade Library Director, said that the City of Cascade agreed to grant the contents of the building but decided that they would lease the building to the District for three years at one dollar per year.

Council Member Bertram said that it is important that the public understands that the City would be giving the building, property, and contents to another taxing district, which the City would have no control over. She said that if the City honors the request, it would be a significant grant to the district and citizens of Valley County.

Council Member Robertson said that the final request from the district is for the City of McCall to donate the remaining fund balance in the Library fund to the district. He said that he thought that the department requested all of the remaining fund balance in the first budget amendment.

Mr. Kirkpatrick explained that there is no remaining surplus funds in the department fund. He said that the fund balance must still remain pursuant the City's fund balance resolution.

Council Member Bertram asked if the members for the library district would be at-large or if districts would be established.

Ms. Gorsline said that the decision would be made by the first appointees to the Library District Board. She explained that in order to continue with the efforts, the Library Districting Committee would like the City Council to write a letter of intent that they would agree to transfer the ownership of the existing McCall Public Library, its contents,

and the land it is presently on to the district if the voters of Valley County pass the proposal, agree to fund the library at its existing level for the fiscal year of 2006 to keep the library a productive and popular place with approximately the same funds, agree to lower the taxes of the citizens of the city in the fiscal year 2007 by the amount that was funding the library when the library was within the city's tax structure, and to publicize this fact to the general public, agree to transfer the remaining fund balance of \$62,000 to the district in October of 2007, and allow the Library to retain premises identified in the facility needs study for the city public offices.

Council Member Bertram asked who would be responsible for appointing the first Board of the Library District if it is approved.

Ms. Gorsline stated that the appointments would be made by the Valley County Commissioners.

Council Member Robertson said that he would like to delay making a decision on the request until all of the Council Members are in attendance to discuss the proposal.

It was agreed by the Council Members to discuss the request when the full Council was present.

A break was taken from 8:17 p.m. to 8:23 p.m.

AB 05-127 Historic Property Report

Carol Coyle, Grant Writer/Community Planner, introduced Pat Ames(sp?), Marlene Bailey, and Jill Meyer from the Historical Preservation Commission. She explained that last fall the City submitted a grant for assisting with a historical property survey. She said that the grant was awarded and the Committee was able to hire Dan Everhart, an architectural historian, to perform the study. Ms. Coyle said that Mr. Everhart was required to give a final presentation to the Commission as part of the contract, and the members of the Committee felt that presentation should be made to the Council as well.

Dan Everhart presented a multimedia slide show to the Council Members regarding the survey. He explained that he was asked to provide guidance to the Historical Preservation Commission on what programs could be initiated in the City of McCall. He said that McCall is seeing a lot of growth, which often results in the loss of historical properties if left unchecked. Mr. Everhart said that he conducted a car tour of the City with Ms. Eames(sp?) and Ms. Bailey over a two day period. He provided an overview of the areas that were toured and the potential for historical recognition. Mr. Everhart said that his first recommendation is to establish a local recognition program for historical properties. He explained that these programs could take the shape of many forms. His second recommendation was for the Commission to develop a schedule to nominate properties for inclusion on the national registry. Mr. Everhart said that properties listed on the registry are eligible for tax incentives. He said that the City could nominate individual properties, an entire district enclosed by specific boundaries, or a

discontinuous district for placement on the national registry. He added that a nomination to the registry could also include multiple properties that are linked by a common theme. He said that there is a potential for the possibility to nominate a group of recreational themed properties in McCall for placement on the register. Mr. Everhart said that the City could establish a locally zoned historical district that could protect the historical buildings. He explained that listing on the national register doesn't protect buildings from demolition.

Mr. Kirkpatrick asked about the involvement of federal money with historical properties.

Mr. Everhart explained that if federal money were involved, then mediation would occur through the State before demolition could occur. He said that a local zoned district is the only way to protect historical properties. He provided a map to the Council Members that identified properties that were possibly eligible for placement on the historical register. Mr. Everhart said that a locally zoned historic district could place several restrictions on the property to protect it.

Mayor Eimers asked if local recognition of historical properties requires the concurrence of the property owner.

Mr. Everhart said that placement on the national register would require the permission of the property owner but a local program wouldn't have to.

AB 05-130 Inflow and Infiltration Report

Shawn Kohtz, Holladay Engineering, said that Holladay Engineering has been conducting a study on inflow and infiltration over the past several months at the request of the City. He explained that infiltration is water entering the sewer system from the ground, and inflow is storm water that directly enters the system from various sources such as drains. Mr. Kohtz stated that the purpose of the study was to quantify the amount of inflow and infiltration in the sewer system to use as a basis to analyze the effect it has on the capacity of the wastewater treatment and disposal system, to use as a basis for establishing the City's adopt a sewer program, and to provide an estimate for the effectiveness of the repairs that have already been made by the City. Mr. Kohtz reported that the 1993 study found that 670,000 gallons of inflow and infiltration per day was entering the system. He said that the data they have collected shows that in 2005 only 605,000 gallons per day was entering the system.

Council Member Robertson stated that the numbers would be significantly greater if the City hadn't performed the significant amount of improvements, which they have.

Mr. Kohtz reported that they found a direct relationship of the amount of inflow and infiltration entering the system and the snow pack of the area. He explained that more I&I would enter in the system as the snow pack increases. Mr. Kohtz stated that an additional 300 dwelling units could be added to the capacity of the land application and winter storage facility if the City could make a 50% reduction in the amount of inflow and

infiltration entering into the system. He added that the City would never be able to eliminate all sources of inflow and infiltration. Mr. Kohtz stated that the data that has been collected could also be used to assign specific flows to specific lines for use in the "adopt a sewer" program. He explained the program allows private developers to make repairs to the sewer lines in exchange for approval of the projects. He said that the program could be a tremendous help to the City's sewer issues. Mr. Kohtz said that several manholes have been identified that are in need of repair. He said that a systematic approach in repairing them would enable the City to make a significant gain in reducing the amount of inflow and infiltration into the system.

Council Member Bertram asked how much it costs to repair a manhole.

Mr. Kohtz said that the cost would depend on the scale of the project. He said that the approximate charge should be between \$500 to \$700 per manhole if the City was to repair between 20 and 30 manholes. He added that there is a significant difference in making long and short-term repairs to the system.

Council Member Robertson stated that inflow and infiltration appears to occurring in some of the newly platted subdivisions. He said that the City needs to carefully inspect new developments to ensure adequate quality is being connected to the system.

Mr. Kohtz said that the City has been effective in its efforts to reduce inflow and infiltration from the sewer system. He said that additional lines have deteriorated since 1993, but the efforts by the City show that the total amount of I&I entering the system has been reduced. Mr. Kohtz said that in order to continue reducing inflow and infiltration from the system, he recommends that the City proceed with the adopt a sewer program where private developers fix a portion of damaged sewer lines in exchange for development approval, perform a systematic television inspection of the problematic sewer lines every five years, develop a systematic long term plan for repairing manholes, and develop a comprehensive infrastructure inspection program.

Mayor Eimers asked if the report included the information that the City needed.

Bill Keating, Public Works Director, said that the data provides the City with a good start. He said that the data has been relayed to CH2M Hill to begin establishing a plan for repairing the broken manholes.

Council Member Robertson said that one reason for conducting the study was to establish more realistic usage estimations by part time residents.

Mr. Kohtz said that a full year of data needs to be collected before changing any assumptions. He said that the current data would be passed along to CH2M Hill to continue the study. Mr. Kohtz thanked the City for the opportunity to work with them.

AB 05-124 2005 Paving Project Bid Award

Mr. Keating said that the agenda items for the treated water storage tank bid award has been postponed until the July 28th City Council Meeting. He explained that the Department of Environmental Quality hasn't reviewed the City's plans yet, and the bid award can't proceed until they complete the review and approval of the plans.

Mr. Keating stated that the City received two bids from Valley Paving and Asphalt and Idaho Sand and Gravel for the City's 2005 paving project that would consist of paving Ernesto Dr., Gena Way, Carico Rd. (Agate to Flynn) and Pine-Wooley. He said that Valley Paving and Asphalt submitted a bid in the amount of \$126,752.50 and Idaho Sand and Gravel submitted a bid in the amount of \$171,920. Mr. Keating stated that he reviewed the bids and recommends awarding the project to Valley Paving and Asphalt. He said that the bid amount was \$7,000 less than what he had estimated.

Council Member Bertram asked if the \$7,000 could be used to pave any additional roadways.

Mr. Keating said that he recommends waiting until the project is done before expensing the remaining amount. He said that the project could possibly go under or over budget depending upon how much material is used. He stated that \$7,000 would not be able to complete very much paving.

Council Member Robertson asked if the City has received an estimate on the amount of money that would be required to perform the initial engineering work for the Rio Vista traditional sewer system. He said that the unexpended funds could also be used to pave additional streets in the City.

Mayor Eimers moved to award the bid to the Valley Paving and Asphalt and authorize Mayor to sign all necessary documents. Council Member Bertram seconded the motion. In a roll call vote, Council Member Robertson, Mayor Eimers, Council Member Bertram, and Council Member Greer voted aye. The motion carried.

Council Member Bertram asked when the contractor would begin the project.

Mr. Keating said that the contractor would have 45 days from the bid award to begin.

AB 05-133 Timber Crest Phase 1 Final Plat and Performance Agreements

Mr. Millar explained that the application for consideration by the Council is for the first phase of Timber Crest subdivision. He said that the proposal would create 16 residential lots, two common lots and a community center. Mr. Millar stated that the Planning and Zoning Commission considered the application on May 17, 2005 and recommended approval with four conditions. He explained that the four conditions were for the applicant to enter into a development agreement with the City before staff places the application on the City Council agenda for consideration, the applicant to make the final corrections to the plat document listed in the Holladay Engineering letter of April

28, 2005 and obtain a letter from Holladay Engineering recommending engineering approval of the final plat before staff places the application on the City Council agenda for consideration, the Planning and Zoning Commission shall review and approve the design and landscaping of the Community Center and entry signage prior to the issuance of a building permit for the facility, and the applicant shall determine the feasibility and desirability of a separated bicycle path along Verita Road from the proposed project to Boydston Street. Mr. Millar explained that that applicant met all of the conditions and decided it wasn't feasible to create the bike path. He said that it is the staff recommendation for the Council to approve the findings and conclusions for SUB-04-15 and approve the related performance agreements.

Council Member Robertson added that the Payette Lakes Recreational Water and Sewer District provided a letter indicating that the project has been assigned a density by the Sewer District since 2000.

Council Member Robertson moved to adopt the draft Findings & Conclusions and approve the Final Plat for SUB-04-15, Timber Crest Phase 1. Council Member Bertram seconded the motion. In a roll call vote, Mayor Eimers, Council Member Bertram, Council Member Greer, and Council Member Robertson voted aye. The motion carried.

Council Member Robertson moved to approve the related performance agreements for Timber Crest Phase 1 and authorize the Mayor to sign. Mayor Eimers seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Robertson, and Mayor Eimers voted aye. The motion carried.

AB 05-134 Whitetail Phase 1 Final Plat and Final Plan (SUB 05-1 and PUD 05-1)

Mr. Millar explained that the applications for consideration by the Council were the subdivision final plat and Planned Unit Development Final Plan to create the first phase of the Whitetail development. He said that the proposal would create 101 lots on 439.64 acres. Mr. Millar said that the Planning and Zoning Commission held a public hearing on the matter on June 7, 2005 and have recommended approval of the subdivision final plat and PUD final plan subject to nine conditions. He said that the applicant has met all of the conditions for approval except for obtaining a letter from Holladay Engineering. Mr. Millar explained that Holladay Engineering has refused to sign the final plat because of the transfer to the new City Engineer, and the applicant shouldn't be penalized as a result. He stated that CH2M Hill is now reviewing the Whitetail Application. He said he recommends that the Council approve the findings and conclusions for the final plat and final plan subject to the condition that the Mayor signs the documents after the City Engineer completes its review.

Council Member Robertson asked if the applicant is being charged for the review by both engineering firms.

Mr. Millar confirmed that they were. He said that there would only be a minor overlap of the review duties performed by both firms.

Mayor Eimers asked if the City has received evidence that the Payette Lakes Recreational Water and Sewer District had approved the sewer hookups to the development prior to their September letter to the City.

Mr. Millar stated that the sewer connections were approved by the District in 2000.

Council Member Robertson provided corrections to the findings and conclusions of PUD-05-1.

Council Member Bertram asked that the developer consider shredding or composting alternatives instead of burning the slash from the timber that would be removed from the property when development begins.

Council Member Robertson moved to adopt the draft Findings & Conclusions and approve the Final Plat for SUB-05-1, Whitetail, A Club for All Seasons, Phase 1 subject to the City Engineer's review of the application. Mayor Eimers seconded the motion. In a roll call vote, Council Member Robertson, Mayor Eimers, Council Member Bertram, and Council Member Greer voted aye. The motion carried.

Council Member Robertson moved to adopt the draft Findings & Conclusions and approve the Final Plan for PUD-05-1, Whitetail, A Club for All Seasons, Phase 1 as amended and subject to the City Engineer's review of the application. Mayor Eimers seconded the motion. In a roll call vote, Council Member Greer, Council Member Robertson, Mayor Eimers, and Council Member Bertram voted aye. The motion carried.

Council Member Robertson moved to approve the related Development Agreement with Whitetail and authorize the Mayor to sign. Mayor Eimers seconded the motion. In a roll call vote, Council Member Robertson, Mayor Eimers, Council Member Bertram, and Council Member Greer voted aye. The motion carried.

AB 05-136 Golf Course Update

Allan Morrison, Golf Course Professional, stated that both total rounds for the course and the clubhouse revenue is down from last year. He reported that the total rounds for May and June were down 4,000 from last year, but he is optimistically hopeful that they can get back on track. Mr. Morrison said that they have the potential to catch up with the projected revenue if the course does well in August. He added that last year the course had a poor August due the amount of rain that was received.

Council Member Robertson said that the golf course has suffered because of the amount of rainy days this year. He asked if Mr. Morrison had heard if the revenues at the competing courses are down also.

Mr. Morrison said that he has heard that revenues are down at the competing courses. He stated that he has heard from several players that the golf course is in the best condition ever as a result of the efforts from Jerry Palmerton and his staff.

Jerry Palmerton, Golf Course Superintendent, said that he feels comfortable with the financial position of the golf course considering the inherited problems that were left with him. He said that he is proud of the golf course staff and the strides they have made in preparing the course. He said that he is receiving positive feedback from long-term players of the course, and the staff is dedicated to their performance and doing a good job. Mr. Palmerton said that he is still attempting to purchase the equipment needed to properly maintain the course. He said that they have purchased one piece of equipment that would make fertilizing more efficient.

Mr. Kirkpatrick said that he anticipates having a new contract for Mr. Morrison ready for Council consideration at the July 28th meeting.

AB 05-137 Community Housing Discussion

Mr. Kirkpatrick stated that Council Member Bertram and Council Member Robertson expressed a desire to discuss community housing. He said that the stated objective indicated on the agenda bill was to discuss the lack of response to the County's RFP for a housing consultant, but staff had also prepared additional material for discussion.

Mr. Millar presented a PowerPoint presentation to the City Council. He explained that based upon HUD information the area median income is defined by family size, and that the median income for a family of four living in Valley County is \$49,900. Mr. Millar said that such a family can only afford a house valued at \$150,000, but the current average listing price of a house in McCall is \$300,000. He explained that based upon the report from Rees Consulting, Valley and Adams County needs to develop 210 affordable housing units to catch up with the demand. Mr. Millar stated that he has prepared some recommendations but the City Council would need to make several policy decisions in order to guide staff in the appropriate direction. He said that the first policy decision that needs to be made is how many units the City should be responsible for developing to account for their share. He said that he recommends that the City account for 20% of the responsibility since it is roughly equivalent to the number of total residents in the County. Mr. Millar said that the Council also needs to develop a policy regarding the proportion of second homes in the community. He said that the Rees report indicated that the current ratio of second homes to full time residents is 60% to 40%. He said that it would be important for the Council to decide whether they want to maintain, increase, or decrease the ratio. Mr. Millar said that he recommends the City develop a policy that meets the needs of its citizens and assists those who work in the community. He said

that a program needs to be developed that assists low, moderate, and middle income families as well as construction workers, senior citizens, and persons with special needs. He added that the City would need to regularly refine its community housing policy to reflect new information and changing market conditions. He said that the City should try to create community housing that is intended for people with jobs in the community and the Council should adopt a specific policy goal. Mr. Millar said that the Council also needs to adopt a policy regarding the ratio of the number of homeowners and renters in the community. He said that the 2000 census cited that the homeownership rate of the area is currently 65%. He said that it would be important for the Council to decide whether they want to maintain, increase, or reduce the ratio in their policy. Mr. Millar said that the City resources available to the City include a sense of urgency and commitment to action, jurisdiction, land, staff, Urban Renewal Agency, Federal Resources, and the Valley Adams Planning Partnership. He stated that possible solutions would include developing a project on the Urban Renewal Agency property, building units on land owned elsewhere in the community, and to require a percentage of deed restricted properties in new developments. Mr. Millar said that incentives are being proposed in the new zoning Code that would promote private development. He added that the City also needs to consider adopting an inclusionary housing model similar to the City of Sun Valley.

Council Member Bertram said that she would like the City to retain a staff member in order to have control over community housing projects.

Council Member Robertson said that the City needs to figure out how involved to be with the County in developing community housing.

Mayor Eimers said that he thinks the County needs to determine their own direction and the City should forge on with developing a program.

Council Member Robertson said that a committee format would be a great way to get the members of the community involved.

Mayor Eimers said that he likes what Mr. Millar has begun. He stated that he would like to see staff develop the proposal because of the urgent need to address the problem.

Council Member Bertram said that she would be happy if the City could begin by developing a community housing development in the Urban Renewal District. Mr. Kirkpatrick stated that it would be easier to adopt a policy that has the support of the entire community.

Mayor Eimers said that he believes everyone in the community would embrace the City's initiative of developing community housing.

AB 05-135 Interim City Attorney Contract

Council Member Greer moved to approve the contract with Trout, Weeks & Nemec PLLC for interim City Attorney services and authorize the Mayor to sign all necessary documents. Mayor Eimers seconded the motion.

Mayor Eimers stated that the interview with White-Peterson would be conducted on July 20, 2005 at 3:00 p.m.

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

Payment Approval List for Warrant Registers for input date of June 11, 2005

Council Member Robertson stated that he would recuse himself from the vote.

Council Member Bertram said that she would also recuse herself from the vote.

Mayor Eimers moved to approve the Payment Approval List for Warrant Registers for input date of June 11, 2005. Council Member Greer seconded the motion. In a voice vote, the motion passed 2 ayes - 0 nays – 2 abstaining votes. The motion carried.

REPORTS

Mr. Kirkpatrick stated that Sheila Sorenson, Idaho Congressional candidate, would be in McCall on July 17th and had invited the members of the Council to attend.

Mr. Kirkpatrick announced that the budget work session with the City Council and Staff would be held on July 21st at 1:00 p.m. He said that staff had been busy preparing a balanced budget that would be distributed to the Council on July 18th.

Mr. Kirkpatrick said that the final report from the Police Department investigation should be delivered in two to three weeks. He said that the City would probably be able to release some pieces of the document to the media.

Mayor Eimers said that he would like to release the entire document unless the City Attorney advises the Council not to do so. He said that the public could also secure releases from the officers under investigation to get the document released.

Mayor Eimers moved to release the final report of the Police Department investigation unless advised in writing by the City Attorney against doing so. Council Member Greer seconded the motion. All members voted aye. The motion carried.

Mr. Kirkpatrick stated that the City needs to begin conducting the search for a new Police Chief. He said that he recommends going through a process that includes participation by staff, the Council, and the public.

Council Member Bertram said that the City needs to emphasize the cost of housing in the area in the job announcement.

Council Member Robertson said that he has suggested the City look for a candidate that is retired or close to retirement age to fill the opening for 6-9 months while the department is restructured.

Mayor Eimers said that he doesn't think a temporary appointment is the answer to the needs of the City.

ADJOURNMENT

Without further business, Mayor Eimers moved to adjourn. Council Member Greer seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 11:37 p.m.

Kirk L. Eimers, Mayor

ATTEST:

Dan Irwin, City Clerk