

MINUTES

McCall City Council Regular Meeting October 13, 2005

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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 5:00 p.m. Council Member Bertram, Council Member Muller, Council Member Greer, Council Member Robertson, and Mayor Eimers answered roll call. A quorum was present.

City staff members present were Lindley Kirkpatrick, City Manager; William Nichols, City Attorney; Rick Harvey, Airport Manager; Carol Coyle, Grant Writer/Community Planner; and Dan Irwin, City Clerk.

EXECUTIVE SESSION

At 5:01 p.m., Mayor Eimers moved to go into executive session per Idaho Code Section 67-2345(1f) to consider pending litigation. Council Member Bertram seconded the motion. In a roll call vote, Mayor Eimers, Council Member Bertram, Council Member Robertson and Council Member Muller voted aye. The motion carried.

The discussion pertained to pending litigation.

At 5:58 p.m., Mayor Eimers moved to come out of executive session. Council Member Robertson seconded the motion. In a roll call vote, Council Member Bertram, Council Member Robertson, Council Member Muller, Council Member Greer, and Mayor Eimers voted aye. The motion carried.

PUBLIC HEARING

AB 05-196 Appeal of Planning and Zoning Recommendation of Final Plat Approval for Spring Mountain Meadows (SUB-05-2)

Council Member Robertson announced that he would be recusing himself from the discussion as he is a board member for the Spring Mountain Ranch Homeowners Association.

Mayor Eimers explained how the public hearing would be conducted. He said that the hearing will begin with a staff report, then the appellants would be given 30 minutes to present their arguments, the applicant would be given 30 minutes to present their arguments, followed by public comment in favor of the appeal, public comment in opposition of the appeal, and then an additional 5 minutes for the appellants to rebut.

Mr. Kirkpatrick stated that new staff report had not been prepared for the hearing. He said that the information contained in the City Council packets was the information which was presented at the Planning and Zoning Commission meetings. Mr. Kirkpatrick explained that the appeal was in response to the Planning and Zoning Commission's recommendation of final plat approval from Spring Mountain Meadows, an 85 lot Planned Unit Development on 36 acres. He stated that three appeals were received in regards to the recommendation and the City Council has to make the decision of whether to grant or deny the appeal. Mr. Kirkpatrick stated that by granting the appeal, the application would be sent back to the Planning and Zoning Commission PUD process. He explained that if the appeal is denied, the application will proceed forward for consideration by the City Council. Mr. Kirkpatrick said that the Council can also continue the hearing and extend the matter for up to 30 days. He stated that it is the staff's recommendation to close the public hearing and make a decision on the appeal at the next City Council meeting.

Rand Spiwack, 1050 Cedar Lane, explained that he would be the first of the three appellants presenting to the Council. He said that he would also be speaking on behalf of Donn Park who was unable to attend the hearing because of an illness. He stated that the information that the appellants would be discussing are contained in the packet of materials that was prepared for the Council. Mr. Spiwack stated that there were several problems with the application which led to the filings of the appeals. He said that the first problem with the application is a lack of public notification regarding the January 11, 2005 Planning and Zoning Commission meeting. Mr. Spiwack stated that 74 residents should have been sent notification of the meeting but only ½ were sent notices. He said that several of the addresses which were sent notices about the meeting were incorrect according to the County records. He stated that another problem with the application is the fact that a tape recording of the January 11, 2005 meeting does not exist which is required by both City Code and State statute. Mr. Spiwack stated that minutes of the meeting have not been prepared or approved, the City only has handwritten notes that were taken by the City Manager. Mr. Spiwack stated that another problem with the application is the fact that the findings and conclusions for the preliminary plat were not prepared within 30 days as required by City Code. He stated that the findings and conclusions were prepared by Roger Millar on May 26th based upon the City Manager's notes and recollection of the meeting. Mr. Spiwack stated that at the January 11th meeting, a number of conditions were required of the developer before a final plat application was supposed to proceed. He explained that one of the conditions of approval was for the developer to obtain a letter from the Army Corps of Engineers because of the wetlands on the property. He said that it was recently discovered that that the project will have to go through the entire 404 permit process but the City has allowed the developer to proceed with infrastructure and fill for the project which could adversely affect the wetland study. Mr. Spiwack stated that another condition of approval was for the developer to comply with the recommendations issued by Holladay Engineering. He said that he believes that the conditions of approval should have covered each item in the same detail as the letter rather than a simple reference. Mr. Spiwack stated that another condition of approval was for the CCNR's to be consistent with those of Spring Mountain Ranch. He said that

the inclusion of Spring Mountain Meadows as a part of Spring Mountain Ranch has come under the discussion of the homeowners association and they have filed a declaratory summary with the courts. Mr. Spiwack stated that there are also concerns about increased traffic along Cedar Lane. He said that Cedar Lane is a private street since it does not meet the standards required by the Planning and Zoning Commission. He said that the appellants are concerned about the issues that will result from 85 new homeowners utilizing the small private road. He said that they recommend that Cedar Lane be made a cul-de-sac and the developer be required to establish a new road. Mr. Spiwack said that the 1992 404 permit now has to be revised with a new study that will be conducted by the Corps of Engineers. He said that the study will be flawed since the City is allowing the developer to proceed with infrastructure and fill for the project. Mr. Spiwack stated that the County Assessor provided the City with a letter informing them of a problem with the legal description of the property. He said that it should have been a condition of approval for the developer to fix the problem. Mr. Spiwack stated that it is the appellant's request for the City Council to grant the appeal and send the application back through the Planning and Zoning Commission process to ensure that public participation is allowed and the procedural requirements are correctly followed.

Mr. Spiwack said that he would also speak on behalf of Donn Park. He requested that the City Council review the material that was prepared by Mr. Park. He stated that the proposed development will be built on a high mountain meadow that contains wetland and upland areas. He explained that one of the lots that will be included in the development was not a part of the original Spring Mountain Ranch PUD and needs to be examined. He stated that development within the wetland areas should be least dense and 85 new lots are too many. Mr. Spiwack stated that the City of McCall agreed to protect the wetland area under the terms of the 404 permit application and Golf Course Maintenance Agreement that was a part of the original Spring Mountain Ranch PUD. He explained that under the 404 permit the City was required to keep the water in four ponds to a certain level but they have not maintained them in accordance with the document. Mr. Spiwack presented a map showing the ponds that are referenced in the Golf Course Maintenance Agreement and 404 permit.

Mayor Eimers asked who the agreements were with.

Mr. Spiwack explained that the Golf Course Maintenance Agreement was executed between the City of McCall and Spring Mountain Ranch and that the City was a co-applicant for the 404 permit. He explained that under the 404 permit, the City agreed to comply with the clean water act and other provisions required by the Corps of Engineers. Mr. Spiwack explained that there are four ponds that are required to be maintained to certain levels and one the ponds is significantly under the requirement. He explained that since the pond is not being maintained in accordance with the 404 permit, the wetlands in the area are not being recharged and are drying up. He stated that the issue of the wetland areas should have been addressed before the Planning and Zoning Commission approved the preliminary plat. He stated that the area floods each year and if the development is approved, the homeowners on Cedar Lane will see the runoff entering their home sites. He stated that ditches have been developed in the

area without the approval of the Army Corps of Engineers and dikes have been installed to prevent water from coming onto the golf course. Mr. Spiwack stated that if the ponds were properly maintained then the wetlands would be recharged. He said that the appellants are asking that the City Council ensure that the City complies with the terms of the 404 permit and to stop the developer from making infrastructure improvements until the new 404 study is complete.

Lloyd Hess explained that he is a retired Corp of Engineer employee and has worked on wetland issues for 30 years. He stated that it is important to protect the wetlands in the area as the State of Idaho has lost 56% of their wetland areas which is one of the highest percentages in the United States. Mr. Hess stated that another problem with the application is the road issue. He explained that the development will have a City standard sized road which will funnel into the narrow Cedar Lane through the golf course. He stated that such a plan will result in increased accidents. Mr. Hess stated that Cedar Lane was supposed to be private road under the original Spring Mountain Ranch PUD. He said that the developer will construct a 60' road in the new development which will funnel in to Cedar Lane which is only 40' wide. He said that the design will result in increased traffic and will adversely impact the wetland. He explained that the road will go through the golf course and the City will need to post signs advising drivers of the danger during the golf season. He said that the problems could be discouraged by designing a single lane road. Mr. Hess stated that the property that is proposed for the development is covered by water in spring. He said that a requirement of the 404 permit required that the City establish a mitigation plan and ensure that it is maintained. He stated that a condition of approval for the development should include the City's established requirements for protecting the wetlands. Mr. Hess stated that the 404 permit requires that the City establish conditions and requirements to limit development in the wetland areas. He said that the City needs to develop a plan in order to meet the condition of the permit. Mr. Hess stated people will add chemicals to their lawns which will contaminate the wetlands. He said that the City should require all of the wetland areas in the development to be dedicated as open space as was done with Lick Creek Meadows. Mr. Hess stated that trees should not be allowed in the development as the shading will adversely affect the wetlands. He said that most cities have established a standard setback for a house located on a golf course of 100' to protect from the nuisances of errant golf balls. Mr. Hess stated that the project will divert a significant amount of water from the golf course to the homes located to the north of the development. He said that the City needs to develop a plan to protect the existing home sites from flooding and water intrusion. Mr. Hess said that more than $\frac{3}{4}$ of the lots in the proposed development are located in wetland areas. He said that the City needs to develop a plan that will protect the wetlands and reduce the number of home sites in the development. Mr. Hess stated that the Spring Mountain Ranch PUD did not address the 24 additional home sites that were approved by the City and included in the Silvertip plan.

Council Member Muller asked when the additional 24 home sites were approved for the development.

Mr. Spiwack stated that at the January 11, 2005 Planning and Zoning Commission meeting, the Commission approved an increase from 60 to 90 lots.

Amy Pemberton, Millemann, Pittenger, McMahan & Pemberton, LLP on behalf of Silvertip LLC, explained that the Planning and Zoning Commission meeting that was held on January 11, 2005, was a public hearing for preliminary plat approval. She explained that the appellants appealed the decision but failed to file it within 10 days as required by City Code and their request was denied by the City Attorney. Ms. Pemberton stated that the Planning and Zoning Commission meeting that was held on August 2, 2005, was for final plat approval. She explained that the appeals that have been filed are in regards to the Planning and Zoning Commission's recommendation for Final Plat approval and the arguments regarding the Preliminary Plat are irrelevant. She stated that Mr. Spiwack's arguments regarding the notices for the January 11, 2005, meeting are not relevant to the appeal but she will address them anyway. Ms. Pemberton stated that a developer is free to move forward with infrastructure construction after preliminary plat approval, and that Silvertip only did so after discussion with the Army Corps of Engineers. She stated that the developer is aware of the potential risks of proceeding forward with infrastructure construction prior to final plat approval. Ms. Pemberton said that she does not dispute the assertion that some people did not receive notification of the January 11, 2005, meeting. She explained that the developer used Amerititle to identify the properties within 300' of the development. She said that Amerititle takes the legal description of the property and identifies the properties which are required to receive notification pursuant to the City Code. She said that they then contact the County Assessor to obtain the addresses of the property owners. Ms. Pemberton explained that she has found that several people who have complained about not receiving a notice of the meeting were outside of the 300' boundary. She stated that the City only received one notice back that was marked as undeliverable so there is no reason to think that the City's duty to provide notification was not performed. She added that several people attended the meeting so it is apparent that public notice of the meeting was received. Ms. Pemberton reiterated that the issue of the notice of the January 11, 2005, meeting is not relevant to the appeal of the Planning and Zoning Commission's decision that was rendered on August 2, 2005.

Council Member Bertram asked if public notification was required for final plat decisions.

Ms. Pemberton stated that public notification was not required pursuant to City Code as the application is not a public hearing.

Mr. Spiwack said that the Planning and Zoning Commission can require that a final plat application be conducted as a public hearing if they determine it to be in the best interest of the City.

Ms. Pemberton said that the Cedar Group is primarily concerned about the impact the development will have on Cedar Lane. She stated that the homeowners in the group purchased their property thinking that Cedar Lane was not intended to be a through

street. Ms. Pemberton provided a 1993 plat map of Spring Mountain Ranch to the Council Members. She explained that the plat map shows Cedar Lane as a public through street and noted that Silvertip was adhering to the original plans of the plat. She also stated that the plat map identifies the property as being zoned SF1 and SF2 which indicates a higher density than the other areas in Spring Mountain Ranch. Ms. Pemberton stated that the Plat Map has been part of the City and Spring Mountain Ranches records since it was approved in 1993, and that the homeowners could have researched the status of the road before purchasing.

Council Member Bertram asked how much of an increase in density is proposed for the property.

Ms. Pemberton explained that the original application was for 60 lots in the development. She stated that in negotiation of the purchase of the property the City approved an increase to 90 lots. She added that Silvertip is currently planning on developing fewer lots than what they were approved for. Ms. Pemberton stated that wetlands are an issue addressed by the Army Corps of Engineers who have been scrutinizing the project. She said that one of the Planning and Zoning Commission's conditions of approval is for the developer to obtain an approval letter from the Corps of Engineers.

Council Member Bertram asked if the golf course is inspected annually to ensure compliance with the 404 permit.

Mr. Kirkpatrick said that the golf course is not inspected annually. He explained that the City received a new 404 permit for the golf course for additional mitigation work that they performed.

Ms. Pemberton stated that it was a joint 404 permit because the golf course was part of the Spring Mountain Ranch development. She said that the current wetland permit being discussed is a separate issue.

Ms. Pemberton said that Silvertip has worked with the Spring Mountain Ranch Homeowners Association as they believed it was important to be a part of the membership. She stated that Silvertip will pay \$40,000 to be a member of the association despite the fact that no other group has ever been charged to be a member.

Council Member Bertram asked why the City should be concerned with the relationship between the homeowner associations.

Ms. Pemberton explained that the City should not be concerned as it does not affect them.

Ms. Pemberton stated that Silvertip has tried to work in cooperation with the Cedar Lane Group but has been unsuccessful. She said that they are a very organized group

and will continue to try to stop the project from progressing. Ms. Pemberton provided documents relating to the Cedar Group to be added to the record. She also noted that she would like all documents relating to the development to be added to the record as well.

Ms. Pemberton stated that the decision before the City Council is to determine whether or not to approve the appeal that has been received in regards to the Planning and Zoning Commission's recommendation that was made at the August 2, 2005, meeting. She stated that page three of the Planning and Zoning Commission's Findings and Conclusions include all of relevant arguments that have been brought up by the Cedar Group. She explained that the findings and conclusions require that the developer obtain an approval letter from the Corps of Engineers and the City Engineer. Ms. Pemberton stated that the final plat conforms to the City's subdivision ordinance and preliminary plat and the City Council should deny the appeal.

Council Member Bertram stated that it would probably take some time to complete the 404 permit study. She asked if the permit would have to be in place before the City Council approves the final plat.

Mr. Nichols said that there is a distinct difference between the City Council approving the final plat and when the City Engineer signs the final plat. He said that it is not uncommon for a City to approve a final plat subject to certain conditions being met.

Council Member Bertram stated that the Council should be able to get a feeling if the wetland issues could be mitigated before approving the final plat.

Mr. Nichols stated that the requirements of the 404 permit may affect the final layout of the development. He said that the Council probably would not want to approve the final plat without knowing the restrictions that may be issued by the Corps of Engineers.

Council Member Muller said that he thinks it would be foolish for a developer to proceed with infrastructure construction prior to having a 404 permit in place.

Mr. Nichols stated that the applicant is only performing construction in areas where it can be reasonably assured that will not be affected by a requirement from the Corps of Engineers.

Mr. Kirkpatrick added that the developer runs the risk of being issued significant fines if they develop infrastructure in a wetland. He explained that the current construction had been endorsed by the City Engineer and does not affect any of the wetlands that have been identified in previous studies. He said that there was a staking error when the construction initially began, but it had been corrected.

Council Member Bertram asked if the City Attorney agreed with Ms. Pemberton's interpretation that the City Council was only making a decision in regards to the August 2, 2005, decision by the Planning and Zoning Commission.

Mr. Nichols said that he would like to perform further research on the matter before rendering an opinion. He stated that he thinks the City has an adequate procedure for obtaining addresses for public notification and realizes that some addresses may be incorrect according to the County's records.

Mayor Eimers opened the public hearing to those testifying in favor of the appeal.

Ronald Ruff, 1045 Cedar Lane, stated that he attended the January 11, 2005, Planning and Zoning meeting. He said that he is in favor of the appeal because a final plat decision is predicated upon preliminary plat approval. Mr. Ruff said that an adequate record of the January 11, 2005, hearing does not exist and that many issues were raised at the hearing. He said that the Commission issued several conditions of approval for the preliminary plat which still have not been completed, and does not think that they should grant final plat approval until the conditions are met.

Ryan Moore, 1097 Cedar Lane, stated that the correct process has not been followed for the approval of the application. He stated that the public has not been allowed the opportunity to attend the public meetings and go through the Planning and Zoning process. Mr. Moore stated that the people living down from the development will experience flooding and water intrusion as a result from the mismanaged wetland areas. He said that Council Member Robertson's involvement with the sale of the property and execution of the MOU with Silvertip should be reviewed. Mr. Moore stated that despite Ms. Pemberton's statement, every homeowner in Spring Mountain Ranch has paid into the association through the purchase of their lots. He said that the City's process has been flawed and several citizens have been unable to participate.

Diana Klampt, Timber Circle, said that she attended the January 11, 2005, meeting but did not receive a notice. She said that she found out about the meeting because her husband who lives at 1640 Timber Circle received a notice. Ms. Klampt said that the people who live in the area should have the right to participate in the process. She said that although no record exists of the meeting there is record of the letter from Holladay Engineering which was referenced in the Planning and Zoning Commission's findings and conclusions. Ms. Klampt read the details for the letter and requested that the Council review it.

William A. Robertson, 1037 Bitterroot, said that the photos from the appellants show that one of the ponds which the City is responsible for maintaining is low. He said that the City needs to examine the situation to ensure that they are complying with requirements that have been issued by the Corps of Engineers. Mr. Robertson stated that he was not a resident of Spring Mountain Ranch or a City Council Member when the Golf Course Maintenance Agreement was executed with Pete O'Neil, but he knows that the City was required to abide by the terms of the 404 permit in 1999 when he was the City Manager. He said that one of the requirements of the City is to put back water from the treatment plant into the wetland. He explained that the process is currently done when a backwash is performed at the plant.

Council Member Muller said that he is not sure that 100% of the backwash is diverted to the wetlands.

Mr. Kirkpatrick explained that every backwash is discharged to the wetlands. He said that the water is diverted to the sewer system when the volume becomes too great. He added that the City is making changes to the system that will allow more water to be discharged into the wetland and less into the sewer system.

Mr. Robertson stated that his point is that the Water Department and Golf Department need to be involved in ensuring that the City is complying with the requirements of the 404 permit.

Scott Acker, Secesh Engineers, stated that he met with Roger Millar and CH2M Hill before the infrastructure began. He said that all of the current work is being performed in the upland areas and does not present a danger to the wetlands. Mr. Acker stated that they did have a staking issue that crept onto the wetlands but it had been corrected.

Mr. Spiwack clarified that there is not an active 404 permit for the property since it has expired. He said that the City is taking a significant risk by allowing the developer to begin infrastructure construction if the Corps of Engineers find that the wetland areas are greater than what was first thought. He said that it is unwise for the City and City Engineer to approve construction of the property without knowing where the wetlands exist on the property. Mr. Spiwack stated that he hopes that the City will begin complying with the responsibility of recharging the ponds.

Rita Park, 1035 Cedar Lane, said that during the hearing several people have spoken about the one pond which is below the required level. She stated that the City is responsible for maintaining four ponds and none are being maintained in accordance with the requirements. She said that she requested that the Golf Course Manager ensure that the pond by her house was kept up to the appropriate level but the pond was nearly empty this year. She said that the other three ponds are currently three to four feet below the level that they are required to be kept. Ms. Park said that since the City has allowed the area to dry out, it is impossible to determine the wetlands from the uplands until the Corps of Engineers perform their study.

Mayor Eimers closed the public hearing to public testimony at 7:51 p.m.

Mayor Eimers asked what the implications would be to the City if it fails to recharge the ponds on the golf course. He stated that if a drought occurred it could make it impossible for the City to meet their requirements.

Mr. Kirkpatrick said that additional research will need to be conducted regarding the 404 permit.

Mayor Eimers stated that it does not make sense for the City to be required to maintain the pond as it is maintained naturally by nature.

Council Member Bertram asked if the City should contact a representative from the Corps of Engineers to assist in answering the City's questions.

Mr. Kirkpatrick stated that the requirements of the permit will need to be checked to ensure that the appellant's interpretation of the City's requirements is correct.

Mayor Eimers asked for clarification regarding the staff recommendation for action.

Mr. Kirkpatrick stated that the City Council has 30 days to make a decision. He said that the recommendation is to close the public hearing and table a decision for a future date.

Mayor Eimers moved to close the public hearing and table a decision on the appeal until October 27, 2005. Council Member Bertram seconded the motion. In a roll call vote, Council Member Greer, Council Member Bertram, Council Member Muller, and Mayor Eimers voted aye. The motion carried 4-0-1.

A break was taken from 7:55 p.m. to 8:03 p.m.

PUBLIC COMMENT

Mayor Eimers called for public comment.

Hearing no comments, Mayor Eimers closed the public comment at 8:03 p.m.

CONSENT AGENDA

Council Member Robertson provided corrections to the minutes of July 28, 2005.

Council Member Bertram asked about the Local Option Tax reimbursement to Hotel McCall.

Dan Irwin, City Clerk, explained that the Hotel McCall had overpaid their Local Option Tax for the month of August. He said that they submitted an amended return and requested that the overpayment be sent back to them.

Council Member Bertram asked if the \$28,000 expense was for the purchase of the LID parcel.

Mr. Kirkpatrick explained that it was. He said that staff would be preparing an agenda item for the Council to discuss the use of the property.

Council Member Bertram said that there were two payments to David Simmonds for cell phone reimbursement.

Mr. Kirkpatrick explained that the payments were for two different months of service.

Council Member Bertram asked about the expense to the Senior Citizens.

Carol Coyle, Grant Writer/Community Planner, explained that the Seniors would be purchasing a six-burner commercial stove. She said that the Fire Department had noted an inadequacy with the hood vent and ordered that a fire compression system be installed.

Council Member Bertram asked how long the Golf Department had to pay for the sprinkler system.

Mr. Kirkpatrick said that he would research and find out.

Council Member Robertson said that on pages 23 and 25 of the Warrant Register there are a total of four line items that add up to \$54,000 which are all dated for the end of September. He said that he wants to ensure that the funds are not being expensed because it is the end of the fiscal year.

Mr. Kirkpatrick explained that the items were included in the fiscal year 2005 budget. He said that the Public Works Department holds onto funds to ensure that all of their budget lines are covered. He said that the remaining projects are completed only after they can reasonably be sure that all essential costs are paid for.

Council Member Robertson reported that he received a letter from the Idaho Department of Parks and Recreation notifying the City that their grant request to pave Pine-Wooley had been denied.

Council Member Robertson said that the Warrant Register includes a \$17,000 payment to I&I contractors. He said that he saw that two manholes had been repaired by pouring concrete around them. He asked if it would be the solution for all 50 manholes that are covered in their scope of work.

Mr. Kirkpatrick explained that placing a concrete collar around the manhole is one the techniques that will be used in repairing the manholes.

Council Member Robertson said that he would like Bill Keating to give the Council an update on the progress being made by I&I Contractors.

Council Member Robertson asked if staff expected for the Payette Lakes Recreational Water and Sewer District to pay a portion of the facility plan needs assessment that was billed by CH2M Hill.

Mr. Kirkpatrick said that a portion of the cost would be billed to the Sewer District.

Mayor Eimers said that he noticed that there is a \$20,000 liability with the current build-up of compensatory time. He requested that staff encourage employees to take overtime pay instead of additional comp time.

Mayor Eimers asked if the contract with Collins Planning Services was budgeted.

Mr. Kirkpatrick stated that it was.

Council Member Robertson moved to approve the Consent Agenda as amended and authorize the Mayor to sign all necessary documents. Council Member Muller 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 5-0-0.

BUSINESS AGENDA

AB 05-198 McCall-Donnelly Schools Facilities Planning Committee

Dr. Terry Donicht, Superintendent McCall Donnelly School District, explained that he was present to give the Council a progress report from the McCall Donnelly Schools Facility Planning Committee and to get the City Council's input in the process. Dr. Donicht said that the facilities planning committee began in 2001 when the school's population was declining. He said that the committee created a plan but it did not include anything about accommodating the future growth which the District is currently experiencing. Dr. Donicht said that the committee had been reconstituted with a cross-section of the community to develop a long-range facilities plan. He said that the McCall High School was built in the 1950's, the Middle School was built in the 1990's, Donnelly Elementary was renovated in the 1990's, and Heartland has portable classrooms that are approximately 10 years old. Dr. Donicht said that enrollment has increased by 60 students per year and the district will have to take a look at capacity if the current growth trend continues. He said that the district will also need to take a look at the quality of the buildings as well. He stated that the high school needs a new roof and HVAC system, and the buildings need to be checked to ensure that they are conducive for student learning. Dr. Donicht said that there is a need for improved technology, advanced placement classes, and fine arts. He said that he and the committee would be making several community presentations and getting public input. He said that a long-range facilities plan will be developed based upon the input that is

received. Dr. Donicht said that the end result will probably be a need to approve a bond measure in the future.

Council Member Greer asked if Yellow Pine is still included in the McCall Donnelly School District.

Dr. Donicht stated that it is. He said that the school does not have any students at this time but that the building is maintained so that it could be opened if needed.

Council Member Muller said that the school's population has had spikes in enrollment over time and that the committee will need to remember such if they are pushing for a bond measure. He said that he would like the school to expand vocational-technical programs.

Council Member Greer said that he would like to see a community college established in the area.

Council Member Muller said that such an initiative has failed twice in the past. He said that the district will need to learn from the past mistakes in order to proceed. Dr. Donicht explained that a community college is considered by the State Department of Education as higher education. He said that if the district's teachers are certified through a masters program they could be certified to teach community college classes if they agree to follow the State's syllabus.

Council Member Muller said that it would be important to get the county commissioners involved in the process of developing the long-range plan.

Council Member Robertson stated that the County has indicated opposition to implementing impact fees. He said that there could be a possible opportunity for the school district to partner with the City to help assist in their future plans.

Dr. Donicht said that the more money that could be collected through an impact fee would result in less money requested in a bond. He said that the district has money that they received from Tamarack which is being earmarked for future improvements. He said that the school district would be more than willing to work with the City on establishing impact fees.

Council Member Bertram asked for an update on the timeline for implementing impact fees.

Mr. Kirkpatrick said that the city engineer has been tasked with completing several master plans for the legal basis of implementing impact fees.

Mr. Nichols explained that schools would not be an eligible expense for impact fees under the current Idaho Law. He said that the state legislature may be open to the idea in order to reduce the property tax burden on taxpayers.

Dr. Donicht said he understands that another possibility may exist through the negotiation of development agreements. He said that the school district would like to work with the City.

Council Member Robertson stated that he would like to make the school district's request a priority. He said that the City needs to be part of the solution.

AB 05-199 McCall Area Chamber of Commerce Update

Jim Hinson, President of the Chamber of Commerce, stated that the Chamber of Commerce is progressing financially but they are still waiting on reimbursement from the court system. He said that it is unclear on what can be done as Mrs. Smith is now contesting all of the money that was previously awarded to the Chamber. Mr. Hinson stated that the Chamber has hired a new office manager who is making progress. He said that two new board members have been approved and it will be essential to ensure that they remain involved with the organization. Mr. Hinson stated that Lori Strandell has been appointed the committee person for the Winter Carnival. He said that the organization is getting back on its feet and that the Chamber, City Council, and City Staff will need to work cooperatively in order to be successful.

Council Member Robertson said that he has heard of the preliminary success of the Chamber's marketing agency and that he would like to learn more about it.

Council Member Bertram said that she would like to explore the possibility of having the City contribute to the marketing effort of the Chamber.

AB 05-200 Tree Committee Presentation

John Parker, Chairperson of the Tree Committee, stated that he had been a member of the Tree Committee for the last several years. He said that the committee is currently short by two members and the City lost its arborist during the past year. He stated that Monika has done a tremendous job filling in and Carol Coyle has identified possible grant funding that could be used to get Monika certified as the City Arborist. Mr. Parker said that the biggest project for the Committee during the past year was the fuel reduction project for the 17 acres located behind the Baptist Church. He said that Carol Coyle was able to secure the grant funding to reduce the fuel load in the area that posed a potential safety problem for the residences in the area. Mr. Parker said that another grant that involved the committee that was the tree island at Rotary Park. He said that the involvement of the committee led to the planting of natural species in the island.

Council Member Greer asked if there was any plan to grow commercial timber in the area that had been thinned.

Mr. Parker said that due to economics it would not make sense to attempt to grow commercial timber in the area. He said that the committee's recommendation was to retain the Ponderosa Pine and keep a good mix of the existing species. Mr. Parker said that the committee has also become concerned about the trimming standards that have been established by Idaho Power.

Payment Approval List for Warrant Registers dated 9/10/05

Mayor Eimers moved to approve the payment approval list for warrant registers dated 9/10/05. Council Member Greer seconded the motion. In a voice vote, the motion carried 3-2-0.

REPORTS

Mr. Kirkpatrick stated that a conditional offer of employment had been extended to an applicant for the Finance Director position. He said that the applicants for the Police Chief position had been narrowed to six finalists after reviewing the applications with Council Member Bertram, Valley County Sheriff Bolen, and Garden City Police Chief Bensley. He said that phone interviews were conducted with the six finalists and four candidates would be scheduled for onsite visits. He stated that the process would include some public involvement.

Mr. Kirkpatrick said that the Council discussed the Forest Service property for Riverfront Park. He stated that he had talked with the local and regional Forest Service offices and they recommended that the City complete the Special Use Permit process before seeking Congressional donation of the land to the City.

Carol Coyle, Grant Writer/Community Planner, stated that the week-long EPA design charette would be conducted during the last week of October. She said that the members of the design team would give a presentation to the Council at their next meeting. She said that an inclusionary zoning workshop would be held with the City Council on October 28th. Ms. Coyle said that the Community Development Department has finally seen the effects of the moratorium as new land use applications were finally slowing down.

Council Member Bertram reported that Council Member Robertson, Mr. Kirkpatrick, and she would be having a meeting with the County Clerk and Judge Boomer regarding the Court Services agreement on the 19th. She stated that at the September 8th meeting the Council had requested a review of the stop sign at Davis and Pine-Wooley and requested an update.

Mr. Kirkpatrick stated that Mr. Keating, Mr. Summers, and the City Engineer were reviewing the placement of the new sign.

Council Member Bertram asked for an update about the possibility of increasing the speed limit on the East/West Loop to 35 mph.

Mr. Kirkpatrick stated that Mr. Keating and Mr. Summers had just finished their review of the speed limit for the East West Loop. He said that they are both concerned about driving conditions during the winter and recommend that the speed limit remain at 25 mph. Mayor Eimers said that he would like to see the speed limit on the East/West Loop increased to 35 mph.

Council Member Robertson stated that he would like the City Attorney to review the signage restrictions that are contained in the agreement with Mike Eckhart.

Council Member Muller stated that he would like the City Attorney to look at the possibility of increasing penalties for businesses conducting operations in a residential area.

Mr. Nichols said that the highest penalty that could be issued in such an instance is a misdemeanor. He said that each day can be made a separate violation and the City can request that the District Court issue an injunction against the violator if several violations have been issued.

Council Member Muller said that he has been receiving complaints regarding Lakeshore Disposal's operation at 3:00 a.m.

Mr. Kirkpatrick stated that there is a mechanism in the City Code that allows heavy machinery to operate outside of the noise ordinance with the approval of the City Manager. He said that the Police Department is researching to see if Mr. Strobe had granted such an exception to Lakeshore Disposal and he would be reviewing the language in the Code.

Council Member Bertram said that the City may need to look at the noise from the jets that idle at the airport in the mornings.

Council Member Robertson warned that strict enforcement of the ordinance could possibility hamper the City's snow removal during the winter.

Council Member Muller requested the Mr. Kirkpatrick devise a plan and possibly amend the City Code to address the issues. He asked if the City was taking any steps to address the commercial use of the City beach.

Mr. Kirkpatrick stated that the issue was being reviewed by the Parks and Recreation Advisory Committee.

Council Member Muller asked for a status update regarding the fish pen docks.

Mr. Nichols explained that the opposing party had filed for Judicial Review of the Conditional Use Permit. He said that the courts will review the record to ensure that the City followed the correct procedural steps when they approved the application.

Council Member Muller asked if the site placement for the bronze statue had been determined.

Mr. Kirkpatrick explained that the Parks and Recreation Advisory Committee and McCall Improvement Committee were reviewing sites and would bring a recommendation to the Council for approval.

Council Member Muller asked if a decision about the proposal by McCall Aviation had been made.

Mr. Kirkpatrick stated that he was not sure if the Airport Advisory Committee was discussing the proposal again. He said that the Airport Manager had been in contact with the airport consultant and had recommended that a decision be tabled until the completion of the Airport Master Plan.

Mayor Eimers asked if the City could stop Chad Olsen from progressing on his developments until the sewer line project was complete.

Mr. Kirkpatrick stated that he had met with Mr. Olsen and the Idaho Transportation Department. He said that the sewer pipe is now onsite and his plan is to begin the work in October and complete it by the middle of December.

Mayor Eimers said that the City should consider hiring a Plan Reviewer in-house rather than contracting the duties.

EXECUTIVE SESSION

At 10:22 p.m., Mayor Eimers moved to go into executive session per Idaho Code 67-2345(1b) to discuss a personnel matter. Council Member Greer 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 5-0-0.

The discussion pertained to a personnel matter.

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 10:55 p.m.

Kirk L. Eimers, Mayor

ATTEST:

Dan Irwin, City Clerk