

# MINUTES

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## **McCall City Council Regular Meeting April 24, 2008**

### Agenda

Call to Order and Roll Call  
Council Budget Work Session  
Executive Session  
Council Work Session  
Public Hearings  
Public Comment  
Consent Agenda  
Business Agenda  
Committee Minutes  
Adjournment

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

**Mayor Kulesza called the regular meeting of the McCall City Council to order at 3:00 p.m. Council Member Bailey, Council Member Delaney, Mayor Kulesza, and Council Member Scott answered roll call. A quorum was present.**

In addition to the council members, present were Lindley Kirkpatrick, City Manager; and City Attorney William Nichols.

## **COUNCIL BUDGET WORK SESSION**

For the Budget work session, staff members present were Brock Heasley, Parks and Recreation Director; Anne Kantola, Library Director; John Anderson, Airport Manager; Cindy Blackman, Personnel Manger; Jerry Summers, Chief of Police; Rick Schiermeier, Street Superintendent; Michelle Groenevelt, Planning Manager; John Lewinski, Water and Sewer Plant Superintendent; Levi Brinkley, Water and Sewer Superintendent; David Simmonds, Information Systems Manager; Bradley Kraushaar, City Planner; Lorraine Brush, Administrative Assistant.

Each department head briefly described their highest priorities for the FY09 budget. City Council discussed the budget items for each area that was considered most important.

## EXECUTIVE SESSION

The executive session started at 4:45, the staff members left the meeting at this time.

**Council Member Kulesza moved to go into Executive Session for personnel pursuant to Idaho Code §67-2345(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. The motion was seconded by Council Member Scott. In a roll call vote, all members voted aye, and the motion carried.**

The Council discussed personnel pursuant to Idaho Code §67-2345(1) (b).

## COUNCIL WORK SESSION

The meeting returned to open session at 6:00 p.m.

**Mayor Kulesza led the audience in the Pledge of Allegiance.**

The first item up for discussion was the Annexation proposal between Krahn and Samson Trail. Steve Millemann, an attorney with Millemann Pittenger McMahan & Pemberton, and Betsy Roberts, CH2M HILL joined the meeting.

Mr. Millemann is representing the Lesters, the home owners who are asking for the annexation. Mr. Millemann met with the people of the neighborhood and presented his findings from those meetings on their opinions of the annexation proposal between Krahn Lane and Samson Trail. He found that many were in support of the annexation due to the future benefit. Those not willing to go forward did not want to pay for water and sewer. Mr. Millemann stated that there is not a consensus at this point for this annexation, and for those who are not for it, their reasoning's are 95% financially driven. So the challenge here is how to get it financed. The Lesters are not for a forced annexation.

Betsy Roberts presented the preliminary check on the infrastructure for sewer and water at Krahn Lane and Samson Trail. Ms. Roberts proposed a gravity system to service this area. Her analysis took a look at the Krahn Lane lift station to get a better idea of how much capacity it had. Due to the future possible commercial development of this area it would be hard to guess on how much impact there would be on the lift station. An additional waterline would be added down Dienhard to Samson Trail, then from Samson Trail to Krahn Lane and from there to Highway 55. This is in the water master plan for the future. It would be recommended that this take place right away if the annexation were approved. Ms. Roberts also looked at the road conditions and found that Krahn Lane would not need any immediate work done; however Samson trail would need a two inch overlay. Some other minor findings were that drainage ditches were already there.

Ms. Roberts recommended that if the annexation gets approved, then a hard look at the Krahn lift station would have to happen, including a more in-depth look at what might go in commercially.

Council Member Bailey asked if this sewer line could cross over to the airport.

Ms. Roberts responded that the sewer could be used in tandem with the airport and depending on how else things in the City are being developed would determine if an additional lift station would be needed.

Michelle Groenevelt relayed information that shows in favor of an immediate approach to the annexation. If the City decides to wait there could be some negative effects on future development as without the annexation the area would not be as attractive to future investors.

Staff present at the remainder of the meeting were: Anne Kantola, Library Director; Bradley Kraushaar, City Planner; Michelle Groenevelt, Planning Manager; and BessieJo Wagner, Deputy City Clerk / Administrative Assistant.

**Mayor Kulesza amended the agenda by adding an item related to the Wausau Judgment, a Release of All Claims. This item appeared after the Bond Ordinance on the agenda.**

## **PUBLIC HEARING**

### **AB 08-83 Sewer Rate Increase – Resolution 08-10**

Mr. Kirkpatrick gave the history on the conception of this Rate Increase. Several weeks ago an initial rate was presented and since then there have been some changes. With these changes a proposal with options for the Council to consider has been selected.

1. To fund Wausau Judgment only
2. To fund the Wausau judgment and reconstruct Lift Station 7
3. To Fund the Wausau Judgment, reconstruct Lift Station and create designs to expand the treatment plant capacity in FY 09
4. To Fund the Wausau Judgment, reconstruct Lift Station and create designs to expand the treatment plant capacity over 2 years, FY 09 & FY10

Mr. Kirkpatrick introduced two Seattle Northwest representatives present at the meeting: Eric Herringer and Bill Jerrol.

Mr. Kirkpatrick asked if Mr. Herringer had anything to add to the memo. Mr. Herringer responded by explaining how the rate increase directly affects the bond issuance. By getting the loan through the Bond Bank the city saves a percent and a half on the interest rate of the loan. The bond bank requires an “additional bonds test” to approve a loan. The sewer system has a loan with the Bond Bank that was received in 2004. The Bond Bank requires that before they will issue other debt, the City must pass an “additional bonds test.” This means that the City needs to show that it can generate revenue to pay the debt and that projected net revenue has to be 110%

of debt loaned and in this case, the requirement is for the projected net revenue to be 125% of the loan.

Mr. Kirkpatrick clarified what the rate increases would be for option number one, the Wausau Judgment only over a 20 year term, is \$4.25 a month. He also clarified the fourth option as the one staff is recommending, the Wausau Judgment, reconstruct Lift Station and expand the treatment plant capacity over 2 years, FY 09 & FY10 at an monthly increase of \$9.50.

With option number four the residential rate will go from \$33.50 to \$44.00 a month and the commercial rates are based on the residential base rate and would raise accordingly. There is an option of a 20 year term or a 30 year term. With a 30 year term there would be a \$10.50 rate increase.

Mr. Herringer explained the difference of the 20 year loan and the 30 year loan based on the extra interest that would have to be paid and the amount of cash that is needed the first two years.

Council Member Scott asked if the rates would be constant over the 20 year term or would they be adjusted along the way. Mr. Kirkpatrick clarified that the \$4.50 rate increase would remain a constant and the \$9.50 rate increase could change either up or down after two years, depending on what is needed by the City to construct the new treatment plant.

Mr. Kirkpatrick gave the recommendation to adopt Resolution 08-10, showing the sewer base rate increase of option number four, to \$44.00 per month. On the current draft, the rate that the Council adopts will be plugged into the resolution to reflect the option chosen.

**Mayor Kulesza opened the public hearing at 6:32 p.m.**

**The questions and comments presented by the public were:**

1. Rhonda Sandmeyer - Requested a copy of the report.
2. Ken Hyme – Voiced concern about that all residents have to pay the same, whether they have one toilet or multiple toilets, and voiced opinion that there should be a winter rate and a summer rate.
3. Gene Ganz – Had a question - Where did the money for the lift station come from?  
A: Mr. Kirkpatrick clarified how the rate increase would pay for the lift station.  
Mr. Ganz voiced a concern that there would be a combined rate increase, and that it would be 20-30 years of increased rates. He felt it was too much to ask to combine the J-ditch issue and the lift station. He did not feel that the public was properly notified of the City's intentions and feels that the issues need to be kept separate. Mr. Ganz has a hard time trusting the Council, and feels that the council needs to be more open with the citizens.

4. Rhonda Sandmeyer – Voiced concern that we could not payoff a judgment and now the City is asking the citizens to payoff things in the future and bear the burden for the many residents who do not stay. Ms. Sandmeyer finds the proposal offensive.
5. Jackie Amon – Voiced that she is happy and pleased that the amount of the increase is less than \$20 a month and is pleased to see a plan to keep the lake clean and have a system that works. She supports option number four.

Mr. Kirkpatrick clarified that the sewer rate is a flat fee and is not based on water usage.

**Hearing no further comments, the public hearing was closed at 6:45 p.m.**

Council discussion

Council Member Scott stated that the 20 year term is the easy choice over the 30 year term because of the amount of money paid by the City would be far less. She feels the 20year term is the one to proceed with.

Mayor Kulesza agreed.

Council Member Bailey stated that option number four provides enough to pay judgment and repair the lift station. There are lots of future scenarios to consider. If option number one were chosen then the Council would need to look at how to fund these other projects that have to be done, there are lift stations that have to be replaced and the waste treatment plant needs to be expanded as well as other projects such as the water treatment plant that is not included in any of the current options. This proposal gives the opportunity to accomplish these tasks. After 2010 the Council will need to re-evaluate what to do with this rate increase. Council Member Bailey agrees that they proceed with the staff recommendation.

Mayor Kulesza stated that at the absolute minimum we have to fund the judgment and we need to replace the lift station, if not now, then in the near future, as well as the other issues. Are we willing to look ahead at the waste treatment plant design and other related projects? Do we do it now or some time in the future? This resolution gives the City the opportunity to do some other things now. At the very least we should look at alternative number two and then more reasonably number four as it gets the community moving forward as cost effectively as possible.

Council Member Scott agreed with Mayor Kulesza. These items need to be accomplished.

Council Member Delaney also agreed.

Council Member Bailey brought up the issue of the one bathroom house versus the ten bathroom house issue. Do other cities deal with this same issue?

Ms. Roberts stated that based on the number of fixtures a dwelling has the connection charge would change.

Council Member Bailey made clarification that there is a separate charge for sewer and for water. He also stated that sometime in the near future they should revisit this usage as a fairness issue and possibly connect the rate with water usage somehow.

Council Member Delaney addressed the issue of having the material for the public available prior to the public hearing.

**Council Member Scott moved to approve the rate structure increase to \$44.00 per month, option four, as recommended by staff with the amendment that the City Council be obligated to review this rate at the beginning of fiscal year 2010 and adopt Resolution 08-10. Council Member Delaney seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

## **PUBLIC COMMENT**

**Mayor Kulesza called for public comment at 7:00 p.m. Hearing no comments, Mayor Kulesza closed the public comment at 7:01 p.m.**

## **CONSENT AGENDA**

Staff recommended approval of the following items:

- Minutes – March 27, April 10 and April 16, 2008

Council Member Scott made the comment that there needs to be more information to the public based on the DEQ rule change discussed in the March 27<sup>th</sup> City Council Meeting.

Council Member Scott would like to make a clarification to the “also present” terminology on all minutes.

Council Member Scott made note that during the April 10<sup>th</sup> meeting she had recused herself and then returned and it was not noted in the minutes that she returned to the meeting. Also there was a reading of Ordinance 838, with only three Members, check the minutes to see if they reflect what happened.

Council Member Bailey had clarification change needed on page two of the April 16<sup>th</sup> minutes, first sentence under the open house session needs re-worded. There was also a spelling error on page two, half way down page; ‘planning’ should be ‘planned’.

Mayor Kulesza apologized to Council Member Scott that in a previous meeting he took a voice vote and asked for all in favor but did not ask for all apposed.

- Warrant Register printed on April 17, 2008

Council Member Bailey questioned the storage amount paid by the Police Department to Collins Auto. Mr. Kirkpatrick explained that this was not a normal occurrence. This was an error on the part of the City and the paperwork did not get completed timely so Collins stored the vehicle longer than needed due to that error. Collins Auto does have a base rate and storage fees.

Council Member Bailey wanted to know what happens to the water meters being replaced, are they just thrown away or are they reused? Mr. Kirkpatrick explained that it is only the reader unit that was replaced and he will look into what is being done with the old parts.

- Payroll Report for Period ending April 4, 2008
- ~~AB-08-76~~ Application to Hang a Highway Banner – Courtyard Art Show, McCall Artist Connection

**Council Member Scott moved to modify and approve the Consent Agenda to include the payroll report and the application for the highway banner. Council Member Bailey seconded the motion and in a voice vote, all members voted aye and the motion passed.**

**Council Member Bailey moved to approve the Warrant register and handout. Council Member Delaney seconded the motion and Council Member Scott abstained and in a voice vote, all remaining members voted aye and the motion passed.**

**Council Member Bailey moved to approve the Minutes as amended. Council Member Scott seconded the motion and Council Member Delaney abstained and in a voice vote, all remaining members voted aye and the motion passed.**

## **BUSINESS AGENDA**

### **AB 08-87 Library Board Annual Report**

Jill Meyer, Chairperson of the Library Board of Trustees presented the annual report through a power point presentation.

### **AB 08-78 Proposal for an Environmental Advisory Committee to the City of McCall – Presentation by Liz Warner and Claire Remsberg**

Liz Warner introduced the proposal for an Environmental Advisory Committee to the Council.

Claire Remsberg presented the goal of the City Government is to identify and promote a unifying policy of objectives for environmental stewardship and sustainability across all city departments.

Nick Brown presented the goal of the Community and Planning Development is to embrace and practice sustainable community development, encourage and promote pride in McCall as a “green” community.

Cynthia Adams presented the objectives of Community Liaison to communicate with the public about the impacts of climate change and rising energy costs, and serve as a liaison between city government and community members who are concerned about environmental issues.

Ms. Warner explained that the committee would consist of five to eight people.

Questions:

Council Member Bailey asked for email addresses of the Sustainable Outlook for Long Valley Task Force Members.

Mayor Kulesza stated that this committee is in line with the City's comprehensive plan. He liked the size recommendation and would like to see a high school student on the committee.

Council Member Delaney stated that we should be asking for ideas and concerns and the sewer bill could be used as a venue for that communication of ideas and concerns for the citizens of McCall.

There was discussion on the procedure of selecting a committee, it was decided that the first step was to approve the recommendation for the Environmental Advisory Committee and then work out the details of selecting committee members.

**Council Member Bailey moved to approve recommendation for an Environmental Advisory Committee. Council Member Scott seconded the motion and in a voice vote, all members voted aye and the motion passed.**

**AB 08-72 Repeal of Resolution 08-4, which authorized the City to file Chapter 9 Bankruptcy for the City of McCall**

No discussion took place on this resolution at this time.

**Council Member Scott moved to adopt resolution 08-8, authorizing the repeal of Resolution 08-4 authorizing the city to file Chapter 9 Bankruptcy. Council Member Bailey seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

**AB 08-71 Resolution to resolve the cash shortfall in LID #3, and budget cash in the FY09 budget to call the Bond for Local Improvement District in August 2009**

Mr. Kirkpatrick summarized the resolution for the Council Members. This is something that would normally be done during the budget meeting for next year. However, it is being brought forth for adoption now as part of the steps to resolve the Wausau Judgment and show that we have our fiscal house in order. This LID is in relation to the Spring Mountain Ranch development and the City has, for several years, been forecasting a shortfall over the next few years. This Resolution shows that if we pay off the balance of the bond associated with LID #3 by August of 2009, we will not be required to dip into the reserve funds and may end up without the shortfall that has been forecasted.



The immediate effect is that next year the general fund will have to provide up to \$265,000 maximum to the LID fund to make the call in August 2009. As the City receive funds from the LID, by 2013 the City will pay back the general fund and, by estimate, have it all paid back except for about \$94,000. Depending on monies received, this amount could be less. There will likely be some deficit that the LID has not repaid, however this allows the City to comply with all the bond covenants and solve the LID #3 problem. The commitment needs to be now and it will take place for budget year 2009.

**Council Member Bailey moved to adopt resolution 08-9. Council Member Scott seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

**AB 08-88 Authorizing a Warrant to satisfy the Wausau Judgment - Resolution 08-12**

Mr. Kirkpatrick summarized how the proceeds from the Warrant will pay the Wausau Judgment through revenue Bonds to repay US Bank. The sewer rate increase revenue will be used to make those Bond payments.

Mr. Herringer offered further explanation on how the warrant works. Us Bank does not want to close on the Warrant until they know that there is a bond issue pending that will repay that Warrant. On May 5<sup>th</sup> the bonds are priced with the Bank, once the bank knows the funding is there to repay the Warrant the money will come in on May 8<sup>th</sup>, available to pay the judgment. The revenue bonds will come in on May 15<sup>th</sup>.

Mr. Kirkpatrick explained the three documents that need approval are, Resolution 08-12 authorizing payoff of the judgment, Ordinance 855 that authorizes the sale of the bond, and the Release of Claims, that is one third of the release of claims to be held by a trustee until the funds are there, then the Release of Claims will be filed and it will be done. All sides will be releasing all claims. All agreeing that this is the end, no more appeals or claims for fees and costs, this would be the end.

Mr. Kirkpatrick asked Mr. Herringer to walk through some of the specifics of the financing requirements. Mr. Herringer explained the terms of the financing from the Bond Bank, and essentially the City has received a loan. The loan agreement is the guiding document of the loan the City will have, and this is the City's long term commitment. There are a few provisions of this loan that are a little different than a typical loan.

One unusual provision is a coverage covenant, which is every year for 20 years that the sewer rates are set; the total expected revenue from those rates must be 125% of the debt. The next unusual provision is that the bond bank is asking for monthly deposits as apposed semi-annual principal payments and annual interest payments. Another provision is called a state intercept – This is where the state can withhold the revenue they give the City such as revenue sharing money and liquor revenue, if the City does not make a payment. The state is obligated to make the payment if the City of McCall fails to make their payment, so the state needs to insure that those payments are made.

There is also a rate stabilization account available to use when there may be years that there is excess revenue that can go into this account to compensate for years that may be short revenue, therefore possibly eliminating the need to raise rates to compensate. There is a liquidity requirement of 30% of a three year average of maintenance and operation costs cash balance on the City's account. This loan can be prepaid, just not in the first 10 years. There is a continuing disclosure obligation that requires the City to submit their annual audit to the Information Repository- a place any investor can go and get information.

Some discussion took place between the Council Members and Mr. Herringer clarifying terms and interest rates of the loan.

Mr. Herringer praised the work that Mr. Kirkpatrick, the City Manager, has done on resolving this judgment.

**Council Member Scott moved to adopt resolution 08-12. Council Member Bailey seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

**AB 08-89 Ordinance 855: Authorizing the Issuance of Sewer Revenue Bonds**

Council Member Bailey recommended the following amendments be made to Ordinance 855; on the first page under the first WHEREAS, there is a parenthesis missing in front of "Warrant" and on page two in the second paragraph that 5.25 % be added in where it is blank after "not to exceed", and at the end of the same paragraph where the year is blank it should be "2029".

**Council Member Bailey moved to suspend the rules and read Ordinance No. 855 as amended by title only, one time only. Council Member Scott seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

**Ordinance No. 855 was read by title only, one time only.**

**Council Member Bailey moved to adopt Ordinance No. 855 as amended. Council Member Scott seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

**Added to the agenda: a Release of Claims to be approved and signed by all City Council Members and Lindley Kirkpatrick, City Manager**

**Council Member Scott moved to approve the Release of all Claims and authorize signatures of The Mayor, all City Council Members and the City Manager. Council Member Delaney seconded the motion and in a roll call vote, all members voted aye and the motion passed**

**Mayor Kulesza called for a short recess at 8:29 p.m. The meeting reconvened at 8:37 p.m.**

**AB 08-82 McCall-Donnelly High School CUP**

Council Member Delaney recused herself

Bill Hamlin with Design West summarized the plans for the remodel and reconstruction of McCall-Donnelly High School. The goal is to make the building aesthetically more appealing and to clarify the front of the building. The new structure will have a 600 student capacity with some room to grow. The current plan shows a pathway on Stibnite and Mission, with a plan to complete the pathway all the way to Idaho Street in the future. This project is very challenging from a budgetary standpoint.

Council Member Bailey questioned the need of so many parking spaces. Mr. Hamlin explained that the extra parking spaces would accommodate other events that require more parking than what is needed during the day.

Mr. Hamlin explained that the plan includes utilizing as much infrastructure as possible to stay within the budget. The pathways will be put in to accommodate 10 feet of landscape at the edge of the road as opposed to putting in curbs

Mayor Kulesza recommended that a pathway go down Idaho Street as well. He pointed out that there are a large number of children that utilize this street to go to the skate park and a pathway would make it safer. He would like to see cooperation between the school district and the city to form a partnership to see that the pathways happen.

Mayor Kulesza questioned the lighting and the dark sky ordinance.

Mr. Hamlin explained that the design is to create a balance between maintaining the dark sky ordinance while addressing a safety issue for a High School site. It was stated that the design will use all dark sky equipment and comply with the dark sky ordinance.

Council Member Bailey did not think that the lighting proposal meets with the dark sky ordinance and does not see that there is a provision to change that.

Further discussion continued about the lighting issue.

Council Member Bailey had questions about the removal trees on Mission Street. Mr. Hamlin explained the current trees have had to be trimmed so extensively that they have lost their natural characteristics and the plan is to plant new trees away from the power lines.

Mr. Hamlin explained that there is an alternate plan to keep some of the current classrooms from the part of the building that is structurally sound. This would give opportunity for activities that may occur that they would not want to open the entire school, such as Driver's Education in the summer or a community class.

Council Member Bailey asked what is "green" about the new school. Mr. Hamlin explained that the school board set a system into the school that is green friendly. Some of those green friendly enhancements are lighting, an electric boiler with water coils for heating, and sky lights are being considered. There are low VOC sealants, no VOC paints, low VOC carpets, and recycled products in the vinyl flooring, dual plus fixtures, and insulation that improves the air quality, the

heating/cooling system uses outside air. Throughout the project there has been an awareness to use every feasible green enhancement while staying within the budgetary confines.

There was much discussion on pathways around the school property and down Mission.

Council Member Bailey suggested that the amendment to item three read something like:  
Council does not accept this condition but will consider an alternative lighting plan.

**Council Member Scott moved to approve CUP-08-02 for McCall Donnelly High School subject to the findings and conclusions as amended. Council Member Bailey seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

Council Member Delaney rejoined the council at 9:28

**AB 08-77 1244 Louisa Avenue: Ordinance 850 Rezone from R8 Medium Density Residential to R16 High Density Residential**

No discussion took place on this ordinance at this time.

**Council Member Scott moved to suspend the rules and read Ordinance No. 850 by title only, third and final reading. Council Member Bailey seconded the motion and in a voice vote, all members voted aye and the motion passed.**

**Ordinance No. 850 was read by title only, third and final reading.**

**Council Member Bailey moved to adopt Ordinance No. 850. Council Member Delaney seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

**AB 08-84 SUB-04-10- River Ranch Subdivision, Phase 1B Application for Final Plat**

Brad Kraushaar summarized that SUB-04-10, River Ranch Subdivision Phase 1B, received a recommendation for approval from the planning and Zoning Commission on August 7, 2007, subject to conditions. Since that meeting there have been some minor changes to the final plat associated with pathway and utility easements. Mr. Kraushaar clarified the subdivision would complete the pathways within five years of the start of project construction.

Mayor Kulesza was concerned that when someone purchased a home in this subdivision they may not be aware of the plans for the airport to grow and the noise associated with that growth. Council Member Bailey stated that there is an aviation easement that states that there is an airport close by and there will be planes flying overhead, creating noise and fumes.

Council Member Delaney asked for clarification on their request to be a gated community. Do they Reserve the right to gate the community based on the fact that it was allowed at the time of the development agreement? It was answered that yes, it would be a gated community.

Council Member Bailey made a summary statement that the date is incorrect, it reads August 7, 2008, and it should be 2007.

**Council Member Scott moved to approve SUB-04-10, River Ranch Subdivision Phase 1B subject to findings and conclusions as amended. Council Member Delaney seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

**AB 08-80    Repeal of Ordinance No. 819-Inclusionary Housing and Ordinance No. 820-Community Housing Fees**

No discussion took place on this ordinance at this time.

**Council Member Bailey moved to suspend the rules and read Ordinance No. 856 by title only, one time only. Council Member Delaney seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

**Ordinance No. 856 was read by title only, one time only.**

**Council Member Bailey moved to adopt Ordinance No. 856. Council Member Delaney seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

**AB 08-81    Community Housing Fee Refund Policy**

Michelle Groenevelt addressed the Council to explain the refund policy that the applicant would fill out a form requesting the refund; the refund will then be issued to them 100% within 20 days.

Council Member Scott questioned the permits that were received prior to march of 2006 that contributed to the community housing fund; does that money stay in the City's possession?

Ms. Groenevelt responded; yes.

Council Member Scott clarified that the permits issued between March and when the lawsuit was filed, will those be eligible for refund?

Ms. Groenevelt responded; yes, fees collected from the date of adoption of Ordinance 819 until the date of the lawsuit will be refunded.

Council Member Scott then referenced the fees collected under Ordinance 833. Ms. Groenevelt responded that fees collected under Ordinance 833 is a separate issue, Resolution 08-11 only deals with the Community Housing fees.

Council Member Scott commented that it has some people disconcerted, that the City could end up in litigation over Ordinance 833; she would like to deter that possible action. Mr. Kirkpatrick assured Council Member Scott that the City has a release from everybody who paid those fees. Council Member Scott asked that Mr. Kirkpatrick stay on top of this one so if there is some push back the City can be proactive in staying away from an additional lawsuit.

**Council Member Bailey moved to adopt resolution 08-11 and have both the Mayor and Council Member sign the Resolution. Council Member Scott seconded the motion and in a roll call vote, all members voted aye and the motion passed.**

On the signature page the Council President needs to sign, a signature line will be added.

**AB 08-85 Nullifying Ordinance No. 838: Industrial Rezone**

This Ordinance did not get published after it was approved, and later it was determined that the Ordinance was no longer necessary.

City Attorney William Nichols made a recommendation that even though this ordinance did not comply with state code, the City should have an ordinance to repeal it so there will never be any question. Mr. Nichols feels it is best to have an ordinance to repeal it even though it was never published, just so it is clear.

It was decided that this ordinance to repeal would be brought back for the next meeting.

Council Member Bailey moved that the next two agenda items be switched so that the Council will select a new member prior to appointing a council member to the Urban Renewal Agency. Mayor Kulesza agreed with the agenda change and proceeded with the selection of a new council member.

**AB 08-79 Selection of a New City Council Member**

Mayor Kulesza announced that Jim Hinson had withdrawn his letter of interest. Mayor Kulesza then recognized the four remaining applicants and their excellent qualifications. Mayor Kulesza reminded all that there will be four available seats on the Council in the fall of 2009. Mayor Kulesza pointed out that it is the Mayor's responsibility to make an appointment and then ask the consent of the Council; his recommendation was that Marcia Witte be appointed as the new City Council Member. Mayor Kulesza expressed his reasoning on selecting Ms. Witte; she has an excellent resume and excellent history, as well as being speaking conversational Spanish. What really stood out is the fact that Ms. Witte represents the healthcare sector of this community which gives her a perspective of the people of this community that is not currently represented on the Council.

**Mayor Kulesza made a recommendation to appoint Marcia Witte to fill the vacancy on the McCall City Council.**

Council Member Scott addressed the applicants. After listening to several members of the community, Council Member Scott put Ballard Smith up for consideration. He is very qualified and has the ability to balance commercial interest with the natural attraction to this area, and has a good eye on litigation.

Council reminded all applicants of various openings on other committees within the City and encouraged them to apply for those committees.

Mayor Kulesza asked for consent from the Council to approve the appointment of Marcia Witte to fill the vacancy on the McCall City Council. Council Member Delaney moved to approve the appointment of Marcia Witte, Council Member Bailey seconded the motion and in a voice vote, two Council Members voted aye and the motion passed. One Council Member abstained.

Mayor Kulesza swore Marcia Witte in as A City Council Member.

Council Member Witte joined the Council for one last action item.

**AB 08-86 Council Member Appointment to Urban Renewal Agency**

The Urban Renewal Agency meets in the morning of the third Tuesday of the month at 8:00 a.m. The Council appointed Council Member Delaney to the Urban Renewal Agency. Council Member Bailey made note to ensure that Council Member Delaney receive an agenda going forward.

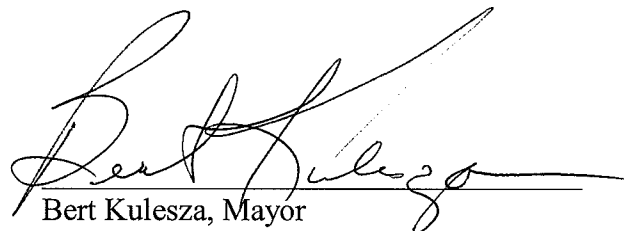
**COMMITTEE MINUTES**

McCall Improvement Committee – March 13, 2008

**Council Member Witte moved to adjourn the meeting. Council Member Scott seconded the motion and in a voice vote, all members voted aye and the motion passed.**

**ADJOURNMENT**

**Without further business, the meeting was adjourned at 10:01 p.m.**



Bert Kulesza, Mayor

**ATTEST:**



Brenna Chaloupka, Acting City Clerk