

# MINUTES

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**McCall City Council  
Regular Meeting  
Legion Hall (McCall City Hall - Lower Level)  
October 22, 2009**

## Agenda

Call to Order and Roll Call  
Agenda Approval  
Work Session  
Pledge of Allegiance  
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 5:30 p.m. Council Member Bailey, Council Member Delaney, Mayor Kulesza, and answered roll call. Council Member Scott and Council Member Witte were absent.**

City staff present were Lindley Kirkpatrick, City Manager; Bill Nichols, City Attorney; Michelle Groenevelt, Community Development Director; Carol Coyle, Grant Coordinator; Tim Swanson, Interim Public Works Director; Linda Stokes, City Treasurer; Cindy Blackman, Human Resource Manager; John Anderson, Airport Manager; and BessieJo Wagner, City Clerk.

## **AGENDA APPROVAL**

Mayor Kulesza made adjustments to the agenda, **AB 09-226 Proposed land swap with Reserve on Payette** was removed completely from the agenda; **AB 09-219 DEW Aircraft to Carter Hangar Lease Assignment**, **AB 09-224 Edward Byrne Memorial Justice Assistance Grant (JAG) application** and **AB 09-222 MCPAWS Contract** was moved from the Consent Agenda to the Business Agenda.

**Council Member Witte and Council Member Scott joined the meeting at 5:35**

## **COUNCIL WORKSESSION**

### **AB 09-215 Fourth of July Celebrations and Events**

Chief Summers gave a presentation of the criminal activities that went on during the 4<sup>th</sup> of July and the outlaw motorcycle gang that came through and stopped in McCall during the summer of

2009. The purpose was to bring awareness to the community the challenges that our police force experiences during the high tourist season in the summer and receive direction from the Council on how to manage the worst of situations.

Dennis Coyle, representing Ponderosa State Park shared with the Council what the State Park was working on to assist with the issue at North Beach of the Payette Lake. The State Parks board was working on ways to limit the amount of people and control alcohol.

Council Member Witte suggested that the City write a letter to the State Park as to their concern and the City wants there to be a solution to the problem. Council Member Scott would like to hear what the merchants had to say about what they experienced during the 4<sup>th</sup> of July. Mayor Kulesza stated that a coordination of meetings with the businesses and the Chamber of Commerce as to expectations of law enforcement during peak tourism times in McCall.

There had been some community feedback with concern that Law Enforcement may be chasing away tourist with too much law enforcement presence. Mayor Kulesza stated that maybe more law enforcement presence is what needs to happen since over the past several years there has been out of control behavior.

**Mayor Kulesza led the audience in the Pledge of Allegiance at 6:18 p.m.**

## **PUBLIC COMMENT**

**Mayor Kulesza called for public comment at 6:19p.m.**

Mike Robinson, Attorney for Ronda Sandmeyer, voiced a concern with the Planning and Zoning Commission appointment. He stated that it would be a fair process for the Mayor to consider both Ms. Sandmeyer and the current applicant to be submitted to the Council for appointment to the Planning and Zoning Commission. He stated that if the Mayor was unwilling, then he asked that the Mayor not take action tonight. Mr. Robinson gave a brief description of Ms. Sandmeyer's volunteer experience.

**Hearing no further comments, Mayor Kulesza closed public comment.**

## **CONSENT AGENDA**

Staff recommended approval of the following items:

- Minutes May 28, 2009
- Minutes June 11, 2009
- Special Minutes June 5, 12; July 10; and August 6, 2009
- Warrant Registers printed on 9/18/09
- Payroll Report for Period ending 9/04/09
- AB 09-217 Alcohol Catering Permits
- AB 09-218 Letter of support for the nomination of the Asst. Fire Warden's House to the National Register of Historic Places

Some discussion took place to clarify the warrant register and correct the minutes.

**Council Member Delaney moved to approve the Consent Agenda as amended at the beginning of the meeting and corrections made to the minutes. Council Member Scott seconded the motion. In a roll call vote, Council Member Delaney, Council Member Scott, Council Member Bailey, Mayor Kulesza and Council Member Witte, all voted aye and the motion passed.**

## **BUSINESS AGENDA**

### **AB 09-220 Urban Renewal Annual Report**

Rick Fereday, Chairman of the Urban Renewal Agency, presented the Agency's annual report. He reported that the Urban Renewal Agency hired an engineering firm, Keller and Associates. He stated that the Agency hopes to get a Block Grant; if they are not able to get the grant the budget would be very tight. There was some clarification that there was not enough time to apply for the grant as it was due November 20, 2009.

### **AB 09-229 Planning and Zoning Commission Appointment**

Mayor Kulesza stated that with all due respect to Mr. Robinson and his letter to Council, he was not compelled to change his course of action and would proceed with the recommendation to appoint Linda Corder to the Planning and Zoning Commission.

**Council Member Bailey moved to appoint Linda Corder as a McCall Area Planning and Zoning Commissioner for a term of three (3) years, expiring October 2012. Council Member Witte seconded the motion.**

### **Discussion**

Council Member Scott stated that a no vote from her at this time was not particularly against Ms. Corder. She felt that the other applicant should have been considered as well.

**In a voice vote Council Member Delaney, Council Member Bailey, Mayor Kulesza and Council Member Witte all voted aye, Council Member Scott voted no and the motion passed.**

### **AB 09-221 Renewable Energy Enterprise Zone (REEZ) grant update**

Michelle Groenevelt, Community Development Director, gave a brief update to the Council on the Renewable Energy Enterprise Zone grant for solar power. The City placed an ad in the Star News seeking interest from non-profit organizations and the business community. The City received a significant amount of support and interest in the project; there are currently 10 businesses, two which are nonprofits, and two City buildings that are being considered for the project. She stated that Mike Medberry from Idaho Solar Power has volunteered to assist the City with some of the technical pieces of the project. The next step would be to communicate with those businesses that have shown an interest and request a potential match of funds and a letter of interest. City staff has met with Idaho Power in regard to the metering programs and they have expressed their support.

**AB 09-226 Proposed land swap with Reserve on Payette**  
*Pulled from the agenda*

**AB 09-223 DR-08-26:Dr. Charles–A Requested Amendment to the Design Review Agreement to defer the timeline completion**

Michelle Groenevelt stated that DR-08-26 was approved on June 3, 2009 by the McCall Area Planning and Zoning for a significant remodel and addition for a dental office building. The project was approved with conditions, and the applicant entered into an agreement to ensure the improvements were completed accordingly.

Dr. Brian Charles had requested an amendment to the original Agreement for the design review application to defer the completion of required improvements until October 1, 2010. The applicant requested the deferred timeline to allow additional time to secure financing and possible coordination with the Urban Renewal's planning and projects. Dr. Charles needed time to get enough funds to complete the project.

Mr. Nichols clarified that the agreement did not specify that occupancy was contingent on completion of the agreement. Council asked that staff ensure that the letter of credit would not expire within that time frame. Council also changed the extension date to September 1, 2010.

**Council Member Delaney moved to approve the request to amend the Agreement for 509 Pine Street (DR-08-26) to allow additional time for improvements to be completed by September 1, 2010 add in the remedies clause that the City has the ability to revoke the Certificate of Occupancy if the work is not completed. Council Member Witte seconded the motion. In a voice vote all members voted aye and the motion carried.**

**AB 09-227 Airport Ordinance incorporating Noise Mitigation Program Ordinance No. 869 Adoption**

John Anderson, Airport Manager, gave an overview of what would be done in the event the ordinance was adopted. The Airport Noise Program which was previously reviewed by City Council with instructions to bring it to City Council in Ordinance Form was presented as a DRAFT Ordinance incorporating the program into Title 8.16 of City Code. Title 8.16.2 includes a maximum running time for aircraft auxiliary power units (APU) of 30 minutes.

There was significant discussion as to how the rules could be enforced. It was discussed that much of how a pilot is educated on the matter is voluntary. Council would like for staff to come up with some ideas on how to measure compliance

Council suggested the following changes:

- Page four 8.16.4(A) change – “Whenever practical” to read – except when wind dictates otherwise...established protocol
- 8.16.4(C) – “Avoid high RPM and high power settings at low altitude whenever practicable.” – should read – Do not operate at high RPM and high power settings at low altitude unless required for safe operation.
- 8.16.4(G) Clarification as to why the McCall Airport does not require radios on all aircraft, Mr. Anderson explained that it was an FAA issue and McCall is not controlled airspace and is not likely to be
- 8.16.4(I) – “Runway 16 is preferred” Should read – When permitting use runway 16

- 8.16.2(F) - add “MHz” after 122.8 – delete “and” after “(CTAF),”
- 8.16.2(F) – Remove comma after “vehicle within” – Add comma after “McCall Police Department” and after “vehicle is permitted”
- 8.16.2 Section 6 –
- 8.16.4 (C) “prior t any turns.” – “prior to any turns.”
- 8.16.4 (G) – Add “z” after “122.8 MH”

Council asked staff to make changes to the Ordinance and bring back to Council for adoption.

**AB 09-228 Appeal of Treasurer’s Denial of Adjustment Request**

Linda Stokes, City Treasurer, stated that utility customer Dalene Lemberes had requested an appeal of the Treasurer’s denial of the previously requested adjustment. She asked that all the usage during the last 12 months be adjusted off of her account. Ms. Stokes provided documentation that there had been regular usage during the time frame of the request. Ms. Stokes stated that she would agree to remove the penalty fees accrued.

**Council Member Delaney moved to uphold the Treasurer’s denial of the adjustment request. Council Member Scott seconded the motion. In a voice vote all members voted aye and the motion carried.**

**AB 09-224 Edward Byrne Memorial Justice Assistance Grant (JAG) application**

Jerry Summers, stated that the Edward Byrne Memorial grant was a no match grant. The JAG program supports all components of the criminal justice system and provides funding for equipment, personnel, training, and technology improvements and other law enforcement needs. A particular focus is drug prevention, enforcement, treatment, and prosecution. The McCall Police Department requested to apply for JAG funding in the amount of \$60,000. The purpose of the funding would be to provide drug related testimony training, and the purchase of necessary surveillance equipment. This grant would not require a match of funds by the City of McCall.

Council expressed some confusion as to what the grant would be used to. Mr. Summers explained that the attachments in their packets were examples of what the grant funds could be used for. Council Member Delaney asked that in the future a memo be submitted outlining the actual items and costs so it would be more clear. If the grant is awarded Council wants an actual list of items.

**Council Member Bailey moved to approve the submission of an Edward Byrne Justice Assistance Grant and authorize the Mayor to sign all necessary documents. Council Member Witte seconded the motion. In a roll call vote, Council Member Bailey, Council Member Witte, Council Member Delaney, Mayor Kulesza, and Council Member Scott all voted aye and the motion passed.**

Council Member Scott recused at 7:42 p.m.

**AB 09-219 DEW Aircraft to Carter Hangar Lease Assignment**

John Anderson, Airport Manager, stated that Linda and Doug Walberg d/b/a DEW Aircraft have entered into a sales agreement with the Carter Family Trust to sell the hangar and assign the leasehold to Carter. It was Mr. Anderson’s understanding that if the buyers did not want a new

lease, then the matter did not need to go before the Airport Advisory Committee, only to Council. There was concern expressed from the Committee that this lease assignment had not been presented to them prior to coming to Council.

Bill Nichols, City Attorney, referred to the Minimum Standards, stating that under part two of the document, it states that “requests for leases of ground and/or facilities or for licenses or permits to carry on any commercial business or aeronautical activity...” they would go to the Airport Manager. He continued that it went on to say “the Airport Manager shall thereafter present the application.” He stated then on page four of the Minimum Standards, still under part two, under the heading Lease or Contract states that “Upon the approval of any such applications as submitted or modified, the City Council, after considering the recommendations of the Airport Manager and the Airport Advisory Committee, shall cause to be prepared a suitable lease setting forth the terms and conditions of the land and/or the facility use.” He stated that what was intended was that when items are presented to the AAC, it is when there is a need for a new lease or agreement.

There was clarification that the assignment was for the hangar lease itself and that there was not going to be a use change. Mr. Nichols stated that since there was not a use change, it would not be considered a new lease. Council Member Bailey maintained that with new lease holders it should require a new lease; the assignment of lease does not make any reference to a sublease so there would not be a way to know if the use would change or not.

Council had much discussion on the Minimum Standards for Commercial Operations and Private Users of the McCall Municipal Airport and how it applies to the assignment of lease from DEW to Carter.

Scott Findlay stated that if there were new operators coming in then he would understand the position of needing a new lease; however neither the operations nor the tenants would be changing. He stated that it was not an unusual situation, the tenants were staying, and the operations would remain the same.

Rick Fereday, Airport Advisory Committee (AAC), stated that his opinion was that the Council should approve the lease assignment, and then look at the process and change it for future assignments. Mr. Fereday stated that there was a need for more information from the Airport Manager to the Airport Advisory Committee.

Council Member Delaney stated that her struggle was that it was more like an interpretation of what an assignment is or what is considered new.

Mr. Nichols suggested some language for the lease assignment that may clarify the transaction, “Provided however any change of subtenants or operators shall require the Carter Family Trust to apply to the Airport Manager for permission to carry on a commercial business or aeronautical activity to be processed in accordance with the Minimum Standards adopted by the City Council.” He stated that this language would give the protection that if there would be any change to the operations, a new lease would be required. Council Member Witte, Council Member Delaney and Mayor Kulesza, all expressed in the affirmative that the language as suggested by Mr. Nichols be added.

Council Member Witte suggested that the Council look at the leases in the future.

Mike Dorris, a hangar owner, stated that he would like a new lease. He stated that in the existing lease, the Minimum Standards is a part of that lease. Anyone who has a hangar lease is required to meet the Minimum Standards.

Council Member Bailey was concerned that the new owner of the lease had not provided any information to the City. What would prevent someone else from operating in the hangar? There was nothing in the agreement that stated who would be subletting or who would be running the operations.

Mr. Nichols changed his previous suggested language to add to the assignment as follows “Provided however any change of subtenants from Linda and/or Doug Walberg Dew Aircraft, Inc. or Lori MacNichol, shall require the Carter Family Trust to apply to the Airport Manager for permission to carry on a commercial business or aeronautical activity to be processed in accord with the Minimum Standards adopted by the City Council.”

**Council Member Delaney moved to approve the lease assignment and authorize the Mayor to sign all necessary documents, and the document be recorded by the purchasers at the Valley County Recorder, with the added language by Bill Nichols. There was no second, so the motion died.**

Council Member Delaney stated that the Council was not properly educated on the process; she felt that the process needed to be clarified outside this lease assignment.

Mr. Kirkpatrick stated there had been a number of lease assignments done without AAC review and there was a new Fixed Base Operator (FBO) lease that did go to the AAC.

Mr. Nichols changed his suggestion again to state “Provided however any change of subtenants from Linda and/or Doug Walberg Dew Aircraft, Inc. or Lori MacNichol, shall require the Carter Family Trust to apply to the Airport Manager for permission to sublease or to carry on a commercial business or aeronautical activity to be processed in accord with the Minimum Standards adopted by the City Council.”

There was clarification to what the current lease rates are and the new lease rates.

**Council Member Delaney moved to approve the lease assignment and authorize the Mayor to sign all necessary documents, and the document be recorded by the purchasers at the Valley County Recorder with the added language by Bill Nichols. Council Member Witte seconded the motion. In a roll call vote, Council Member Witte, Council Member Delaney, and Mayor Kulesza, all voted aye and Council Member Bailey voted no, and the motion passed.**

Council Member Delaney stated that there was clearly some issues that need addressed, and a time frame for a work session.

**Council Member Scott** returned to the Council at 8:39 p.m.

**AB 09-222 McPaws Contract**

Barb Hutchins, Executive Director of MCPAWS, stated that need for the change to the contract with MCPAWS was so that the contract more clearly reflects the general animal impoundment services currently being provided by MCPAWS. The FY10 budget includes \$44,000 from the General Fund for Animal Control. This contract reflects that amount.

The proposed contract ends on September 30, 2010. A new contract will be developed as part of the FY11 budget process.

**Council Member Delaney moved to approve the Contract with MCPAWS for FY10 and authorize the Mayor to sign all necessary documents. Council Member Scott seconded the motion. In a voice vote all members voted aye and the motion carried.**

**AB 09-225 Community Land Trust Ground Lease Rider**

Nick Partin, Rural Development USDA, gave an explanation as to what the USDA want in a lease. A Ground Lease Rider specific to closing for Brad Kraushaar, 1543 McCall Avenue, with Rural Development was developed by Mr. Partin. The Council reviewed the document with Mr. Partin making a few non-substantive changes.

**Council Member Delaney moved to approve the Ground Lease Rider and authorized the Mayor to sign all necessary documents with amendments. Council Member Scott seconded the motion. In a roll call vote, Council Member Delaney, Council Member Scott, Council Member Bailey, Mayor Kulesza and Council Member Witte, all voted aye and the motion passed.**

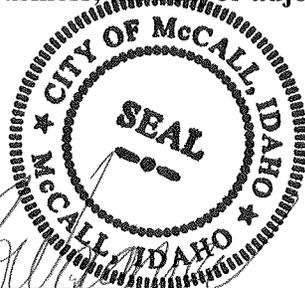
**COMMITTEE MINUTES**

The Council received copies of the following minutes:

- McCall Improvement Committee – September 10, 2009

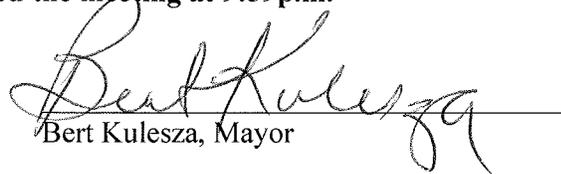
**ADJOURNMENT**

Without further business, the Mayor adjourned the meeting at 9:59p.m.



ATTEST:

  
BessieJo Wagner, City Clerk

  
Bert Kulesza, Mayor