

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
May 13, 2010**

Agenda

Call to Order and Roll Call
Reports
Pledge of Allegiance
Approve the Agenda
Public Comment
Business Agenda
Consent Agenda
Executive Session
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Bailey called the regular meeting of the McCall City Council to order at 5:33 p.m. Mayor Bailey, Council Member Kulesza, and Council Member Witte answered roll call. A quorum was present. Council Member Scott and Council Member Delaney were absent.

City staff present was Lindley Kirkpatrick, City Manager; Bill Nichols, City Attorney; Dennis Coyle, Parks and Recreation Director; John Anderson, Airport Manager; Eric McCormick, Golf Course Superintendent; Jerry Summers, Police Chief; Michelle Groenevelt, Community Development Director; Brad Kraushaar, City Planner; and BessieJo Wagner, City Clerk.

Council Member Delaney arrived at 5:36 p.m.

REPORTS

Department Reports

Mr. Kirkpatrick commented on the storage pond leak test, that it will be done during the first week in June. He also stated that the City will be using a new company for the test that uses a different method.

Mr. Kirkpatrick gave an overview of his upcoming schedule.

Eric McCormick, Golf Course Superintendent, stated that Golf Course had come through the winter well with minimal amount of damage from voles. He stated that the projected opening day will be May 28, 2010.

Council Member Kulesza commented on an article that was in the Star News stating there is a pathway in the works from River Ranch South. Dennis Coyle, Parks and Recreation Director, stated that the City was working with those involved with that project to incorporate signage to notify those people who are using the path in the City that the path is continued at River Ranch.

In response to Council Member Witte's Question, Mr. Coyle stated that there are plans to have "dog waste stations" in the following parks: Legacy Park, Browns Park, and Fairway Park. Council Member Witte expressed concern with putting a station in Browns Park and suggested a pilot program in just one park to see how it goes. Mr. Coyle stated that he would be willing to do one or two parks to start with; however he did point out that the whole program is a pilot and he will monitor how well the stations are utilized. He also stated that there will be signage posted as well.

Mayor Bailey had a question on the budget review, stating that for the streets budget, was there a plan for paving streets that had never been paved. Mr. Kirkpatrick responded stating that currently there was not a plan in place. There was a brief discussion as to which streets may need to be priority and also the implications of having to maintain the streets. Mr. Kirkpatrick stated that the Council would be having a work session on street paving on May 28, 2010.

Council Member Delaney was concerned that follow-up on the Economic Development meeting was not scheduled on the upcoming Council Meeting Schedule. Mr. Kirkpatrick stated he would add it to the schedule.

The Council received copies of the following committee minutes:

- Airport Advisory Committee – March 4, 2010
- Airport Advisory Committee – April 25, 2010
- Environmental Advisory Committee – January 19, 2010
- Environmental Advisory Committee – February 16, 2010
- McCall Area Planning and Zoning Commission – March 15, 2010
- Transportation Advisory Committee – December 16, 2009
- Transportation Advisory Committee – February 9, 2010
- Tree Advisory Committee – February 10, 2010
- McCall Improvement Committee – April 8, 2010

Mayor Bailey commented on the Airport Advisory Committee Minutes from March 4, 2010, stating that the Senate had passed an FAA tax package. Mr. Anderson, Airport Manager, clarified that they had passed a 3 month and 3 day extension of the authorization and appropriation of tax collected.

Mayor Bailey also commented on the Environmental Advisory Committee meeting on January 19, 2010, and the committee looking at a composting system stating that the site should be considered to be put at River Front Park. There was a discussion that the site needs to be managed so that the correct balance was collected. Council consensus was that the composting idea was a good one and an appropriate site needs to be chosen.

Mayor Bailey asked about the status of the recycle center project. Mr. Kirkpatrick stated that the City was still working with the property owner for access across his property. The Planning and Zoning Commission approved the design review.

Mayor Bailey led the audience in the Pledge of Allegiance at 6:02 p.m.

Mayor Bailey approved the agenda with the following changes: AB 10-116 Fairway Park Concession Application and AB 10-120 Agreement with ITD to Hang Highway Banners were pulled from the agenda. The applicants for the concession application withdrew and the agreement with ITD was not needed.

PUBLIC COMMENT

Mayor Bailey called for public comment at 6:05 p.m.

Kelly Clark, 441 Krahn Lane, addressed the Council and expressed his extreme frustration with a long-running zoning violation in the Impact Area.

Mayor Bailey and Mr. Kirkpatrick explained the process for the code enforcement for the impact area.

David Holland, 1579 Mile High Drive, addressed the Council and requested a proclamation declaring July 10, 2010 to be Humanitarian Wood Work Day, in support of a project organized by the Heartland Hunger and Resource Center to provide firewood to those in need. He also requested use of Riverfront Park for the event. There have been a number of community organizations and churches that have donated time and money to the project and to date \$7000 had been raised. The Fire District has committed to volunteer their time to use the chain saws to cut the wood into smaller chunks for splitting. The targeted groups for this project are widows, single mothers, the elderly, and the disabled.

Mayor Bailey commended the project.

Hearing no further comments, Mayor Bailey closed the public comment.

BUSINESS AGENDA

AB 10-119 Parks and Recreation Advisory Committee Member Appointment

Dennis Coyle, Parks and Recreation Director, stated that the Advisory Committee has recommended Dan Engelbreit to be appointed to the Parks and Recreation Advisory Committee.

Council Member Kulesza moved to appoint Dan Engelbreit to the Parks and Recreation Advisory Committee to a term to expire January 2014. Council Member Witte seconded the motion. In a voice vote all members voted aye and the motion carried.

AB 10-115 Warren Wagon Road Boundary Adjustment– 1207 and 1209 Warren Wagon Road

Brad Kraushaar, Presented right-of-way boundary adjustment on Warren Wagon Road. The majority of the Warren Wagon Road Right-of-Way (ROW) was undefined. The issue has led to legal uncertainty regarding the exact location of the City's ROW.

Rod Skiftun of Skiftun Land Surveying appeared before the City Council on January 28, 2010 for a work session on the issue. At that time the Council indicated that the proposed resolution, of exchanging quitclaim deeds, should be pursued and that Mr. Skiftun, in combination with the City should work to prepare the necessary legal documents to resolve the issue for the Priddy and Bryant parcels. The City has worked with Mr. Priddy in the preparation of the ROW documents and is in agreement with the process. Mr. Bryant is aware of the process; however Mr. Bryant has not committed to ROW proposal to date.

Council Member Kulesza expressed concern with approving an agreement for Mr. Bryant without first having Mr. Bryant's approval. Council Member Witte also had a concern with the City approving a document that the property owner has yet to approve and could be considered that the City is forcing the property owner to sign the ROW agreement.

After a brief discussion, Bill Nichols, City Attorney, suggested that the Council make two motions, one for the Priddy parcel and one for the Bryant parcel.

Council Member Kulesza Witte moved to approve the Right-of Way Boundary Permit between the City of McCall and Edward Priddy, and authorize Mayor to sign all necessary documents. Council Member Kulesza seconded the motion. In a roll call vote Council Member Witte, Council Member Kulesza, Mayor Bailey, and Council Member Delaney all vote aye and the motion passed.

Council Member Witte moved to approve the Right-of Way Boundary Permit between the City of McCall and William and Maxine Bryant, contingent upon acceptance by William and Maxine Bryant and authorize Mayor to sign all necessary documents. Council Member Kulesza seconded the motion. In a roll call vote Council Member Witte, Council Member Kulesza, Mayor Bailey, and Council Member Delaney all vote aye and the motion passed.

AB 10-112 CUP-10-02: 324 W. Lake Street – Hess Market – Conditional Use Permit Approval

Brad Kraushaar, City Planner, presented a Conditional Use Permit to open a new market in the existing structure at 324 W. Lake Street (across Highway 55 from Rotary Park). The site improvements would include the remodel of the existing structure, removal of the existing gas station sign, landscaping of the existing parking lot in front of the structure, creation of a new parking lot to the south of the structure, as well as other landscaping improvements. The applicant is proposing to defer sidewalk improvements along W. Lake Street and a portion of Mather Road, through a development agreement, for five years.

At the April 6, 2010 meeting, the McCall Area Planning and Zoning Commission recommended this application for approval by the City Council.

Mr. Kraushaar stated that there was a unique situation with this application stating that the applicant was the lessee of the property and not the owner. He also stated that the property owner would not allow the property to be encumbered in any way making the development agreement difficult.

The Council discussed the matter looking for ways to accommodate the proposed development within the requirements of the Zoning Code. There was concern expressed with the need for consistency in their decision making. Council also discussed the comprehensive Plan and how this portion of development fits into that plan. The discussion also looked at the project as a project that would benefit the residential neighborhood.

Council came to a consensus and directed staff to develop a revised approval document, allowing the tenant to install a pedestrian path, instead of curb/gutter/sidewalk and eliminating the need for a “development agreement”. The item will be scheduled for Council action on May 27, 2010.

Mayor Bailey moved to table the approval of CUP-10-02 until May 27, 2010. Council Member Delaney seconded the motion. In a roll call vote Mayor Bailey, Council Member Delaney, Council Member Kulesza, and Council Member Witte all voted aye and the motion passed.

AB 10-114 VARHA Funding – Third Quarter FY10 (April 1-June 30)

Michelle Groenevelt, Community Development Director, stated that staff recommends funding for VARHA for the Third Quarter of FY10.

Council Member Delaney apologized for not attending the joint meeting with the Valley County Commissioners for VARHA. Council Member Kulesza stated that he was disappointed that the Commissioners had only allotted 30 minutes for the discussion.

Council Member Delaney stated that the information provided was sufficient and that she was for approving the funding.

Mayor Bailey asked for an update on the Springs Project. Mike David, Executive Officer VARHA, stated that the Housing Company had to wait for final approval prior to starting the actual construction of the project. Ms. Groenevelt stated that the Springs Project was scheduled for final approval at the May 27, 2010 meeting.

There was some discussion as to plans for VARHA for FY11.

Council Member Kulesza moved to approve funding of VARHA for \$3,750 for the Third Quarter FY10. Council Member Delaney seconded the motion. In a roll call vote Council Member Kulesza, Council Member Delaney, Mayor Bailey, and Council Member Witte all voted aye and the motion passed.

AB 10-121 Selection of 2010 Northwest Community Development Institute attendees

Council Member Delaney suggested that possibly a staff member and community member or two community members attend. She stated that it would be a way to get the information out to the community and the long term commitment would benefit the community.

Council Member Kulesza suggested possibly sending one community member this year and additional community member next year to stagger the number of people that go.

Council Member Kulesza stated that he had an issue with one of the applicants. Mayor Bailey stated that when there is a request for community involvement and there is a response from those within the community that is a positive thing.

Council Member Delaney would like to honor the two who have put in for the opportunity to attend the Northwest Community Development Institute.

Council Member Kulesza expressed concern with Ronda Sandmeyer and her previous negative actions toward the City.

Council Member Delaney expressed that her involvement in the community of late has shown that she wants to be involved with the process in a positive way.

Council Member Kulesza asked for two separate motions.

Council Member Delaney moved to Select Larry Shake to attend the 2010 Northwest Community Development Institute. Council Member Witte seconded the motion. In a voice vote all members voted aye and the motion carried.

Council Member Delaney moved to select Ronda Sandmeyer to attend the 2010 Northwest Community Development Institute. Council Member Witte seconded the motion. In a voice vote Council Member Delaney, Mayor Bailey, and Council Member Witte all voted aye, Council Member Kulesza voted no and the motion carried.

CONSENT AGENDA

Staff recommended approval of the following items:

- Minutes April 22, 2010
- Warrant Registers printed on 5/6/2010
- Payroll Report for Period ending 4/16/10
- Payroll Report for Period ending 4/30/10
- AB 10-118 Hangar 565 Lease Assignment
- AB 10-117 Surplus Property – Resolution 10-14
- AB 10-113 Laura Moore Cunningham Foundation Grant application for library shelving

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

Council Member Delaney moved to approve the Consent Agenda with the minutes corrected. Council Member Kulesza seconded the motion. In a roll call vote Council Member Delaney, Council Member Kulesza, Mayor Bailey, and Council Member Witte all vote aye and the motion passed.

EXECUTIVE SESSION

At 8:04 p.m. Mayor Bailey moved to go into Executive Session for:

- Litigation – Pursuant to Idaho Code §67-2345(1) (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

Council Member Delaney seconded the motion. In a roll call vote Mayor Bailey, Council Member Delaney, Council Member Kulesza, and Council Member Witte all voted aye and the motion passed.

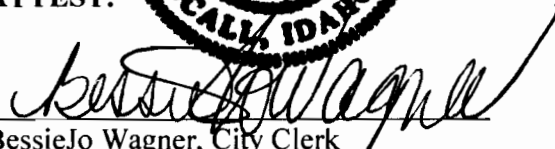
Council discussed litigation issues and possible strategies and solutions.

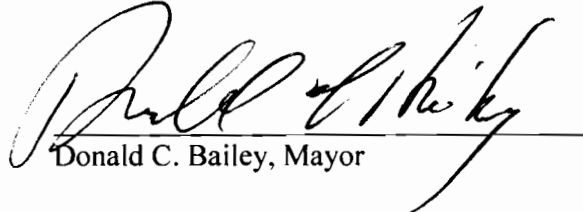
ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 10:30 p.m.



ATTEST:


BessieJo Wagner, City Clerk


Donald C. Bailey, Mayor