

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
June 10, 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 5:31 p.m. Mayor Bailey, Council Member Kulesza, and Council Member Witte answered roll call. A quorum was present.

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; Linda Stokes, Treasurer; Carol Coyle, Grant Coordinator; Peter Borner, Public Works Director; and Laurie Radcliffe, Clerk-Administrative Assistant.

REPORTS

Department Reports

Lindley Kirkpatrick indicated that Council has reports in their packets; briefly reviewed amended agenda for tomorrow's meeting; discussed the leak test at the winter storage pond, which started Monday; updated Council meetings schedule.

Council Member Scott joined the meeting at 5:36 pm.

Mayor Bailey confirmed that the airport bid opens June 17, 2010.

Council Member Witte indicated she won't be at the budget meeting on July 26, due to work conflicts.

Council Member Kulesza congratulated Michelle Groenevelt attaining "Certified Planner" status.

Council Member Kulesza asked Mr. Nichols about the letter from Michael Ray Robinson. Mr. Nichols indicated Mr. Robinson has no obligation to disclose the members of the group he represents. Council is under no obligation to schedule time, but Mr. Robinson can always speak during public comment time. Additionally, the city is not obligated to compile information they do not have readily available; but Mr. Robinson can go through reports that are available to find what he is looking for.

Mayor Bailey asked Dave Simmonds about back-up power for Legion Hall. Mr. Simmonds indicated he has done research, and based on the likely time of the building retrofit, he would recommend that the City do preliminary work now, but match the timing of the electrical back-up with the retrofit so the emergency generator can be sized accurately.

Council Member Kulesza indicated he has seen significant work taking place at the Pancake House, and wondered if it is part of their original development agreement. Mr. Kirkpatrick indicated it isn't. Ms. Groenevelt indicated the Pancake House has not talked with the Planning Department about what they are currently doing. Council Member Kulesza feels that additional approvals should not be given until the development agreement is paid and off the aging report.

Council Member Kulesza asked if it would be possible to address the aging report issue, with the Pancake House specifically, but for all of those on the report. Mr. Kirkpatrick indicated that City personnel would do that.

Mayor Bailey asked about the well water pump in the Legacy building. Mr. Kirkpatrick explained it is really an intake pump.

Council Member Kulesza complimented Ms. Stokes on the new "Dashboard" report.

Council Member Witte questioned the labor for street painting. Mr. Kirkpatrick indicated that it is budgeted into this year's budget, and in-house labor will be used for other things. Council Member Scott questioned timing. Mr. Kirkpatrick indicated that July 4th is the planned deadline. Mr. Borner clarified what maintenance we are responsible for vs. Idaho Transportation Department.

Mayor Bailey asked if a public restroom could be included in the new building at the airport. Mr. Anderson indicated he would look into the possibility. Council Member Scott was concerned that might not be the right location. Mr. Anderson indicated a rest room is planned for the East hangar project, as well.

Council Member Kulesza thanked the staff for contacting Paul's regarding paving, as discussed in a previous meeting.

Council Member Witte questioned Chief Summers on recruiting and personnel numbers, which Chief Summers clarified.

Mayor Bailey asked Ms. Groenevelt for a report on the REEZ grant. Ms. Groenevelt indicated she will have a formal report in the near future. Discussion ensued regarding the bid process and specifications. Ms. Groenevelt indicated that setting standards to select the lowest bidder without specific requirements for the bid is challenging. Council Member Kulesza asked for confirmation regarding who received the letter from Idaho Solar. A brief discussion ensued between staff and Council on wording for bid requests and awarding a contract.

Committee Reports

The Council received copies of the following committee minutes:

- Airport Advisory Committee – May 6, 2010
- McCall Improvement Committee – April 22, 2010
- McCall Improvement Committee – May 6, 2010
- McCall Urban Renewal Agency – April 20, 2010
- Parks and Recreation Committee – April 21, 2010
- Parks and Recreation Committee – May 4, 2010
- Planning and Zoning Commission – March 2, 2010
- Planning and Zoning Commission – April 6, 2010
- Tree Advisory Committee – March 4, 2010
- Tree Advisory Committee – March 8, 2010

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

Mayor Bailey approved the amended agenda as submitted.

PUBLIC COMMENT

Mayor Bailey called for public comment at 6:03 p.m.

Hearing no comments, Mayor Bailey closed the public comment.

BUSINESS AGENDA

AB 10-141 Airport Minimum Standards for Commercial Aeronautical Activities

Council Member Scott indicated she would recuse if it became a conflict, but Council Member Witte requested she participate in the discussion.

Mr. Anderson indicated the revision is based on Airport Advisory Committee recommendations. He gave an explanation and summary regarding the written portion, matrix and revisions. He explained Fixed Base Operators (FBOs). A brief discussion ensued. Council Member Witte asked if the Federal Aviation Administration reviewed the revisions. Mayor Bailey recommended sending a copy to the FAA for comments. Mr. Anderson indicated the Minimum Standards follow the recommendations and requirements of the FAA, but will forward a copy to them.

Council Member Witte specifically asked about the liability insurance limit of \$100,000. Council Member Kulesza asked if that was the industry accepted standard. Mr. Anderson stated the committee members chose that amount. Mr. Anderson believes being named as an additional insured is the most important aspect. Mr. Kirkpatrick asked if upping the amount to \$1 million would make the premiums too high to be attainable for the programs in questions. Council requested Mr. Anderson do research on cost of raising the limit and what optional amounts are available.

Council Member Kulesza suggested several other edits/changes. Significant discussion ensued regarding changes. Council Member Scott asked for and received confirmation that these will replace the current Minimum Standards, and asked for clarification on people living in their hangers. Council Member Scott questioned whether current operators will meet these new minimum standards, particularly the parking issue. Mr. Anderson said the committee researched that, and all qualified. He also indicated the FAA allows for grandfathering. Mayor Bailey recommended the elimination of the requirement for suppliers to provide restroom facilities, especially if the City installs a public restroom, as discussed earlier. Council feels this is an excellent product overall.

Item tabled. To be placed on the agenda again at a later date. Council Members will work with Mr. Anderson as needed.

AB 10-142 Amended Ground Lease for the McCall Avenue Homes

Mr. Nichols indicated that the major change is regarding who qualifies for the subsidy. The new lease is acceptable to USDA Rural Development. Council Member Witte pointed out many inconsistencies, requested changes in wording and pointed out grammatical corrections. Additionally, Council asked for clarification on several items. A lengthy discussion ensued, with Council Members requesting significant changes. The following significant points were raised by Council Member Witte:

- ~ Qualify *dependant* immediate family member vs. immediate family member.
- ~ Define what the credit/subsidy is
- ~ Clarify only one non-dependent occupant must be an employee of a local employer
- ~ Review for consistency in terminology (i.e. rent, annual rent...)
- ~ Concerned about liability on the City if the United States becomes owner
(Indemnity Provisions)
- ~ Explain time allowed to cure default
- ~ Questioned First Right of Refusal pricing structure
- ~ Define City's right to take back property at transfer as well as sale

- ~ Re-write to ensure the City doesn't **have** to take possession/buy back, if surrendered
- ~ Take out verbiage about specific loans (may not always be Rural Development)
- ~ Eliminate 'rider' and clean up verbiage and consistency
- ~ Eliminate requirement for City to notify mortgage holder of rent adjustments, unless USDA
- ~ Be more specific on holding costs
- ~ Clarify what happens in case of foreclosure regarding occupancy provisions

Mayor Bailey raised the issue of "specified" mortgage/mortgagee vs. mortgage/mortgagee

Council Member Scott left the meeting at 6:58 pm.

Council Member Scott rejoined the meeting at 7:02 pm.

Item tabled. To be placed on the agenda again at a later date. Mr. Nichols will work with Council Members to make changes and go back to USDA Rural Development for approval.

AB 10-140 CA-09-01: Code Amendment – Lake Frontage Minimum for Residential Zones

Ms. Groenevelt, Community Development Director, indicated this action had been discussed previously, and staff is continuing research. Mayor Bailey had many comments, and desired the opportunity to work with staff on this item. A lengthy discussion occurred.

A member of the audience indicated frustration over not knowing when to come to the meetings. Mr. Nichols indicated that based on Council's request to clarify this item, staff will re-work and again present options to City Council. City Council will then select which option to pursue. At that point, the process will begin again, including going through Planning and Zoning and public notices as required. Ms. Groenevelt requested a work session and a specific date for returning to Council. Council Member Kulesza pointed out that scheduling a specific date to bring the item back to Council will negate the necessity to go through the entire process again. Council directed Ms. Groenevelt to bring the item back to Council with more information about conformity/non conformity and options for possible directions to take this amendment.

Mayor Bailey moved to table consideration of CA-09-01 until July 22, 2010. Council Member Scott seconded the motion. In a voice vote all members voted aye and the motion carried.

CONSENT AGENDA

Staff recommended approval of the following items:

- Warrant Registers printed on 6/4/2010
- Payroll Report for Period ending 5/28/10
- AB 10-125 Idaho Department of Parks and Recreation Grant Award for new restroom at McCall Urban Renewal Agency parking lot

- AB 10-126 Idaho Department of Parks and Recreation Grant Award for parking lot improvements at Central Idaho Historic Museum
- AB 10-139 Alcohol Beverage License Report as of 6-1-10
- AB 10-143 Hot Rides/Show & Shine 2010 Request for suspension of the noise ordinance
- AB 10-144 Micro-livestock Ordinance 875 Summary
(ADDED 6/8/10)

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

EXECUTIVE SESSION

At 7:42 p.m. Mayor Bailey moved to go into Executive Session for:

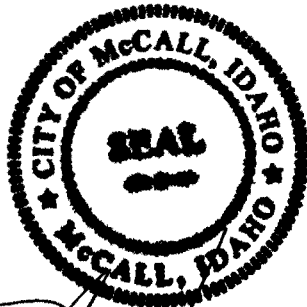
- **Litigation – Pursuant to Idaho Code §67-2345(1) (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.**

Council Member Scott seconded the motion. In a roll call vote Mayor Bailey, Council Member Scott, 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 8:10 p.m.



ATTEST:

BessieJo Wagner
BessieJo Wagner, City Clerk

Donald C. Bailey
Donald C. Bailey, Mayor