

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
December 2, 2010**

Agenda

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

CALL TO ORDER AND ROLL CALL

Mayor Bailey called the regular meeting of the McCall City Council to order at 5:32 p.m. Mayor Bailey, Council Member Aymon, and Council Member Delaney, all answered roll call. Council Member Scott and Council Member Witte were absent. A quorum was present.

City staff present was Lindley Kirkpatrick, City Manager; 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; Laurie Radcliffe, Deputy City Clerk and Denise Tangen, Deputy City Clerk.

Bill Punkoney, City Attorney, joined the meeting via telephone.

REPORTS

Department Reports

Lindley Kirkpatrick, City Manager, indicated that Council has reports in their packets; briefly reviewed the Department reports. He reminded Council of the tree lighting ceremony Friday, December 3, 2010, at 6 p.m. The REEZ Grant responses will be due in mid-January, with Council action at the February 10, 2011, meeting, and went over the upcoming meeting schedule that was handed out. Council also discussed the Payette Lakes Recreational Water & Sewer District settlement agreement, and agreed to meet to review it on Friday, December 10, 2010, at 11:30 a.m. Mr. Kirkpatrick encouraged Council to visit the Library, as the renovation has made

a significant difference. He also asked them to log on and provide feedback for the new database system at the Library.

Council Member Witte joined the meeting at 5:34 p.m.

Council Member Witte asked for an update on the unmarked street off Reedy. Council Member Aymon indicated there is no sign at all. Research will be done to find out if it is a private street, a driveway, or a city street.

Mayor Bailey asked for and received clarification on work being done by the staff engineer regarding subdivisions on the Department Report.

At Council Member Delaney's request, Peter Borner, Public Works Director, explained the sizing of grates in the street. Mr. Borner explained that specifications generally specify a standard grate. Mr. Borner will research sizing throughout the City.

Mayor Bailey and Council Member Delaney brought to everyone's attention that business owners are depositing their sidewalk snow on the street. Mr. Kirkpatrick explained that Code Enforcement Officers are aware and work with the business owners, as needed.

Mayor Bailey wondered what two commercial EDU permits were issued for FY11. Michelle Groenevelt, Community Development Director, indicated they will research and let Council know who purchased the permits.

Council Member Witte wondered if a response to Kathy Golden has occurred. Mr. Kirkpatrick and Mr. Borner indicated some follow-up had occurred. Mayor Bailey indicated that area has been an issue and a possible solution for homeowners to undertake could be to drill a well and divert the water.

Mayor Bailey asked for clarification of Jennifer Ruummele's comments as shown on the Parks & Recreation Advisory Committee minutes. Dennis Coyle, Parks & Recreation Director, indicated that her concerns were regarding City man-hours that are used for out-of-the-ordinary events (i.e. grant writing, the Christmas tree lights) could be better spent maintaining City programs. Carol Coyle, Grant Coordinator, indicated that she had received approval of pursuing the grant with the Advisory Committee prior to applying. Mayor Bailey reminded City staff to plan for additional maintenance as these new efforts are funded.

Council Member Aymon asked Eric McCormick, Golf Course Superintendent, to clarify concerns about PCNB which is the chemical that the City and many northern golf courses use for snow mold control on tees and fairways. Mr. McCormick explained that McCall and many other courses are going without, because the Environmental Protection Agency (EPA) would not release it, and the alternative was cost prohibitive. Mr. Kirkpatrick indicated that the expenses for Mr. McCormick to attend the National meeting with the EPA in Washington D.C. were paid entirely by the Golf Course Superintendent Association (GCSA).

Committee Minutes

The Council received copies of the following committee minutes:

- Planning and Zoning Commission – October 5, 2010
- Parks and Recreation Committee – July 21, 2010
- Parks and Recreation Committee – August 18, 2010
- Parks and Recreation Committee – September 15, 2010

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

Council Member Witte requested moving the Utility Hardship Application to the Business Agenda.

Mayor Bailey approved the agenda with the following changes move the Utility Hardship to the Business Agenda and to add an update on the Centennial Committee.

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 10-263 Building Code and Ordinance Adoption

Michelle Groenevelt, Community Development Director, explained that this Ordinance is based on McCall City Code 2.1.70 and its requirement to adopt the current version of the International Building Code, effective on the date any such codes are made effective by the Idaho Building Code Board. McCall currently uses the 2006 version, and this Ordinance will adopt the 2009 version. This will be Ordinance Number 884, and would be effective January 1, 2011. Council member Witte asked about timing and Ms. Groenevelt indicated a new Ordinance will be required every three years.

At Mayor Bailey's request, Nick Nicholas, Building Official, explained the changes. Mayor Bailey asked for and received clarification on several issues. Council Member Witte wondered how the Code applied to McCall in the area of The Division and if the fees listed applied to the City. Mr. Nicholas indicated the fees are statewide and have not changed. Minor corrections of the Ordinance were discussed.

Council Member Delaney moved to suspend the rules and read Ordinance No. 884 by title only one time only. Council Member Aymon seconded the motion. In a roll call vote Council Member Delaney, Council Member Aymon, Mayor Bailey, and Council Member Witte all voted aye and the motion passed.

Ordinance No. 884 was read one time only, by title only by Mr. Kirkpatrick.

Council Member Delaney moved to adopt Ordinance No. 884 adopting the 2009 Idaho Building Code. Council Member Witte seconded the motion. In a roll call vote Council Member Delaney, Council Member Witte, Council Member Aymon and Mayor Bailey all voted aye and the motion passed.

AB 10-264 Recommendation and Contract for City Prosecuting Attorney

Jerry Summers, Chief of Police, reviewed the proposal from Williams Law, P.L.L.C., which was the only proposal received for the City Prosecuting Attorney services. He introduced Matt Williams and Carol Brockman, the attorneys fulfilling the Contract, to Council for questions and presented Council with the proposed Agreement.

Mayor Bailey asked the attorneys' opinion of the state of prosecution in the State of Idaho. Mr. Williams indicated he feels things are going well. The Police Department is cooperative and supportive, and they do their best to treat people equally and fairly. Mr. Williams indicated that he and Ms. Brockman attempt to split up the workload equally. He indicated City Court is held three Wednesdays each month, and other dates as necessary. Mayor Bailey requested a schedule of court dates be provided to Council. Jury trials are on Thursdays and are rare.

Council Member Delaney requested comments from the attorneys regarding new officers. Mr. Williams indicated the field training program does a good job of teaching officers what they need to know to provide quality arrests and reports. Mr. Williams and Ms. Brockman will provide feedback so the reports continue to improve, and being local allows them to communicate with the Police Department on a regular basis. Ms. Brockman indicated that, because they represent the City and the County, they also try to schedule hearings so officers can attend as many as possible on the same day, rather than have County and City cases on different days.

Mr. Williams and Ms. Brockman elaborated on how they handle cases and work with local police. They also highlighted their legal experience.

Mayor Bailey asked if a law abolishing texting while driving was put in place, what impact it would have. Mr. Williams indicated he believes the law covering "inattentive driving" is enough. Inattentive driving is a misdemeanor carrying 30 days and the normal fine. Mr. Williams indicated City Council could increase the penalties by enacting a specific law, if they so chose.

Council Member Witte wondered about numbers of cases and time involved in being the City Prosecutor. Mr. Williams indicated it varies, and he did not have specific figures. Actual figures were in the packet given to Council when the Request for Proposal was issued.

Additional discussion occurred regarding availability, screening of search warrants and typographical and grammatical corrections in the Agreement. Mr. Williams asked for and received clarification of the information City Council would like provided per the Agreement.

Council Member Delaney specifically requested feedback on specific cases and laws/ordinances/codes.

Council Member Delaney moved to approve the Agreement with Williams Law, P.L.L.C., with the caveat that staff may make some grammatical corrections that do not change the substantive content of the Agreement and authorize the Mayor to sign any and all documents associated with the Agreement. Council Member Aymon seconded the motion. In a roll call vote Council Member Delaney, Council Member Aymon, Mayor Bailey, and Council Member Witte all voted aye and the motion passed.

AB 10-259 Utility Hardship Application

Linda Stokes, City Treasurer, asked for specific questions. Council Member Witte asked for clarification of the monthly loan from family members. She feels only the income reported on the tax return should be included, and she is inclined to grant the application. Council discussed ramifications and discussed the history of this request. Council Member Delaney asked for and received clarification on Ms. Stokes reasons for recommending denial. Ms. Stokes considered the monthly loan from family members as income.

Mayor Bailey moved to approve the utility hardship application. Council Member Witte seconded. In a roll call vote Mayor Bailey, Council Member Witte, and Council Member Aymon, voted aye, Council Member Delaney voted nay, and the motion passed.

CONSENT AGENDA

Staff recommended approval of the following items:

- Emergency Special Minutes – October 12, 2010
- Special Minutes – October 15, 2010
- Special Minutes – October 18, 2010
- Special Minutes – October 19, 2010
- Special Minutes – October 20, 2010
- Special Minutes – October 21, 2010
- Special Minutes – November 9, 2010
- Warrant Registers printed on 11/23/2010
- Payroll Report for Period Ending 11/12/10
- AB 10-260 Personnel Manual Amendment Resolution 10-25
- AB 10-261 Non Discrimination Policy Statement Resolution 10-26
- AB 10-262 FY 12 Local Rural Highway Investment Program Grant Application (LRHIP) for Park Street Improvements

A brief discussion took place regarding the Warrant Register. Mr. Kirkpatrick will follow-up on exactly what Utility Refunds are.

Council Member Witte asked for clarification of “retaliation” on the Non-Discrimination Policy. Mr. Kirkpatrick indicated that wording is straight from the relevant Federal policy. Mayor Bailey asked for information on the plan being developed for public access. Carol Coyle indicated it was a City wide effort to perform the necessary evaluations for the plan. Mr. Kirkpatrick indicated the plan will come before Council prior to action being required.

Mayor Bailey asked for information on burying utilities. Peter Borner, Public Works Director, elaborated on the entire plan.

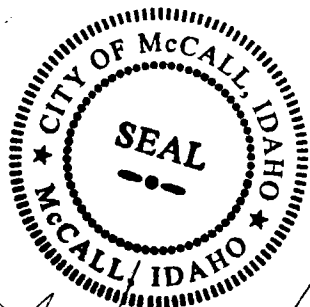
Council Member Witte asked for and received an explanation of the Police Department’s overtime.

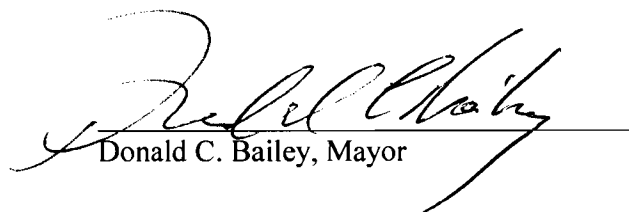
Council Member Delaney moved to approve the Consent Agenda. Council Member Aymon seconded the motion. In a roll call vote Council Member Delaney, Council Member Aymon, Mayor Bailey, and Council Member Witte all voted aye and the motion passed.

Council Member Witte gave an update on the Centennial Committee. The co-chairs will be Lyle Nelson and Dean Martens. The Committee will meet every two weeks, but no specific agenda has been prepared. The theme will be “A View of the Past, A Vision of the Future.” A monument is being considered for the corner of Highway 55 and Railroad Avenue, in the parking lot by Toll Station Pizza. It would require significant funding and the loss of parking spaces, but the Committee felt it would be an excellent idea to give the public an opportunity to “buy” bricks to assist with the funding. Another option would be to commission artwork representing the history of McCall. Many options will be considered for the celebration. The committee will be encouraging businesses to do their own events acknowledging the Centennial.


ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 7:17 p.m.




Donald C. Bailey, Mayor

ATTEST:


BessieJo Wagner, City Clerk