

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
January 13, 2011**

Agenda

Call to Order and Roll Call
Approve the Agenda
Reports
Pledge of Allegiance
Public Comment
Proclamation
Business Agenda
Consent Agenda
Executive Session
Open Session
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. Council Member Aymon, Mayor Bailey, Council Member Delaney, Council Member Scott and Council Member Witte all 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; Carol Coyle, Grant Coordinator; Peter Borner, Public Works Director; David Simmonds, Information Systems Manager; Denise Tangen, Deputy City Clerk; BessieJo Wagner, City Clerk (via phone).

Mayor Bailey approved the agenda.

REPORTS

Department Reports

Lindley Kirkpatrick, City Manager, gave a brief update to Council. Mr. Kirkpatrick stated that the status of energy retrofit is going well, the roof had been completed, the light retrofit at the Public Works building was almost complete and the light retrofit for City Hall would begin in a couple of weeks. The request for bid for the HVAC retrofit is out and should be ready for action at the next City Council meeting.

Mr. Kirkpatrick also stated that the fiscal '10 audit is underway and making good progress. The City's management staff is preparing employee evaluations.

There was a brief discussion about the aging report and whether there were some accounts that may need to be sent to collections.

Council Member Witte commented on the Central District Health presentation on smoke free parks. There was a brief discussion as to how the concept could be enforced. The Council asked that Central District Health bring the same presentation to the Council.

Council requested copies of the Parks and Recreation Master Plan and the Bike Path Master Plan. The Council would also like to plan a joint work session with the Parks and Recreation Advisory Committee.

Council requested that Code enforcement priorities be put into writing and forwarded to Council.

Committee Minutes

The Council received copies of the following committee minutes:

- Airport Advisory Committee – December 2, 2010
- Library Board of Trustees – November 19, 2010
- McCall Urban Renewal Agency – May 18, 2010
- McCall Urban Renewal Agency – August 25, 2010
- McCall Urban Renewal Agency – September 29, 2010
- McCall Urban Renewal Agency – October 29, 2010
- McCall Urban Renewal Agency – November 16, 2010
- Planning and Zoning Commission – October 22, 2010
- Planning and Zoning Commission – November 2, 2010
- McCall Historic Preservation Commission – June 7, 2010
- McCall Improvement Committee – September 23, 2010
- McCall Improvement Committee – October 28, 2010
- Tree Advisory Committee – August 12, 2010

Mayor Bailey led the audience in the Pledge of Allegiance at 5:58 p.m.

PUBLIC COMMENT

Mayor Bailey called for public comment at 6:00 p.m.

Hearing no comments, Mayor Bailey closed the public comment.

PROCLAMATION

AB 11-06 Arbor Day Proclamation

Mayor Bailey moved to proclaim April 29, 2011 as Arbor Day and authorize the Mayor to sign the proclamation. Council Member Aymon seconded the motion. In a voice vote all members voted aye and the motion carried.

BUSINESS AGENDA

AB 11-01 Parks and Recreation Appointment

Dennis Coyle, Parks and Recreation Director, stated that the Parks and Recreation Advisory Committee recommended the re-appointment of Shorty (Jim) Clarke to the Parks and Recreation Advisory Committee.

Council Member Delaney moved to Reappoint Jim Clarke to the Parks and Recreation Advisory Board to expire in September of 2013. Council Member Scott seconded the motion. In a voice vote all members voted aye and the motion carried.

Mayor Bailey thanked Mr. Clarke for his work and commitment to the Parks and Recreation Advisory Committee.

AB 11-02 A-1 Storage and Car Wash Refund Request

Ted Larsen, the current owner of A-1 Storage and Car Wash, requested a refund of certain water and sewer fees paid over the past four years for service at the car wash. Staff denied his refund request, and he appealed that denial to the Council. The following relevant facts were discussed: a letter describing each of the fees in detail was sent to Mr. Larsen's legal address before service began, Mr. Larsen signed a contract for service in which he agreed to pay the required fees, he received a detailed monthly statement, and he paid his full bill each month.

Mr. Larson addressed the council stating that he was requesting a refund of \$28,697, on the premise that he did not understand the amounts he was being charged and therefore those charges were not appropriate.

Council Member Delaney pointed out that he signed the contract and the letter sent by the City clearly stated that he could request to be disconnected.

Council Member Witte stated that the City did not appear to be in error and there should not be a precedent set for future possible requests.

Bill Nichols, City Attorney, stated that the Council could hold the record open to next meeting for more information. Mr. Nichols stated he would look at the usage agreement and give a legal opinion at the next meeting

Council Member Delaney felt that there was enough information presented and did not think that the Council should wait.

Council Member Aymon wanted to ensure that the City was consistent.

Mayor Bailey stated that there was a general consensus to hold the decision until the next meeting.

Mr. Nichols requested that the other contracts be provided to Mr. Larson, the Council and to Mr. Nichols.

It was clarified that Mr. Larson would be notified of the agenda for the next meeting.

Council Member Scott recused at 6:43 p.m.

AB 11-07 Hangar 605 Renewal and Extension of Lease Term

John Anderson, Airport Manager, recommended the lease extension of Hangar 605 to J.B. Scott.

Council Member Delaney moved to approve the Extension of Lease agreement on hangar 605 to J.B. Scott for an additional term of 16 years beginning July 1, 2011 and authorize the Mayor to sign all necessary documents. 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.

Council Member Scott returned to the Council.

AB 11-08 2011 Season Golf Rates

Eric McCormick, Golf Superintendent, stated that he and the Golf Advisory Committee recommended that the golf rates for 2011 remain at the 2010 rates.

Council Member Scott moved to approve the recommendation that the golf rates for 2011 remain at the 2010 rates. Council Member Delaney seconded the motion. In a roll call vote Council Member Scott, Council Member Delaney, Council Member Aymon, Mayor Bailey, and Council Member Witte, all voted aye and the motion passed.

CONSENT AGENDA

Staff recommended approval of the following items:

- Special Minutes – April 21, 2010
- Special Minutes – April 23, 2010
- Special Minutes – June 11, 2010
- Special Minutes – July 23, 2010
- Regular Minutes – November 4, 2010
- Regular Minutes – November 18, 2010
- Regular Minutes – December 2, 2010

- Special Minutes – December 10, 2010
- Regular Minutes – December 16, 2010
- Special Minutes – December 17, 2010
- Warrant Registers Dated December 5, 2010
- Warrant Registers Dated January 6, 2011
- Payroll Report for Period Ending December 10, 2010
- Payroll Report for Period Ending December 24, 2010
- AB11-09 Personal Property Lease Agreement – Artist Leasing Art to the City of McCall –Amber Conger
- AB11-10 Personal Property Lease Agreement – Artist Leasing Art to the City of McCall –Phil Wilcomb
- AB11-11 Personal Property Lease Agreement – Artist Leasing Art to the City of McCall – Zella Bardsley
- AB 11-12 Winter Carnival 2011 - Event Summary - Request for suspension of the noise ordinance - Request for approval of the fireworks display
- AB 11-03 Local Highway Technical Assistance Council Surface Transportation Program–Rural Funding for Reconstruction and Widening of Wooley Avenue and - Resolution 11-1
- AB 11-04 Deinhard Pathway Easement from The Simplot Corporation
- AB 11-05 Deinhard Pathway Easement from Idaho Department of Lands

A brief discussion took place regarding the Warrant Register and to correct the minutes.

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

EXECUTIVE SESSION

At 7:23 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**
- **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**

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

Council discussed the Payette Lakes Water and Sewer District settlement agreement. Council also discussed a personnel issue.

OPEN SESSION

At 8:55 p.m. Mayor Bailey moved to return to open session. Council Member Scott seconded the motion. In a voice vote all members voted aye and the motion carried.

AB 11-13 Approve Settlement Agreement with the Payette Lakes Recreational Water & Sewer District

The Council took no action on this item.

AB 11-14 Select the City's representative to the wastewater treatment Technical Advisory Group

The Council unanimously appointed Peter Borner to be the City's representative to the wastewater treatment Technical Advisory Group (TAG). Mr. Borner joins Dale Caza, the Sewer District's representative, on the TAG. The TAG is a creation of the Settlement Agreement, and will advise the City Council and Sewer District Board about long-term wastewater treatment options. Mr. Borner and Mr. Caza will jointly select a third member of the TAG. The TAG's work will begin after the Settlement Agreement is finalized by both the City and the District.

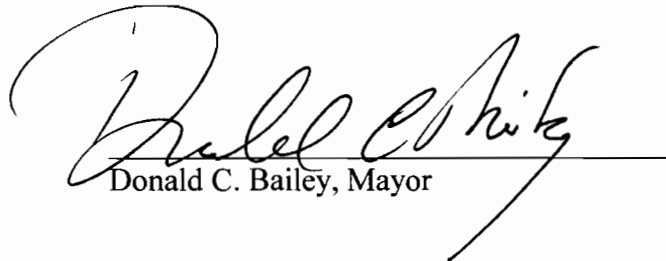
ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 9:00 p.m.



ATTEST:


BessieJo Wagner, City Clerk


Donald C. Bailey, Mayor