

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
April 11, 2013**

Agenda

Call to Order and Roll Call
Approve the Agenda
Reports
Pledge of Allegiance
Public Comment
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 5:30 p.m. Council Member Aymon, Mayor Bailey, Council Member Swanson and Council Member Witte all answered roll call. Council Member Scott was absent

City staff present was Gene Drabinski, City Manager, Bill Nichols, City Attorney; Linda Stokes, City Treasurer; Michelle Groenevelt, Community Development Director; Dennis Coyle, Parks and Recreation Director; Peter Borner, Public Works Director; and BessieJo Wagner, City Clerk.

APPROVE THE AGENDA

Mayor Bailey, with the consent of the Council approved the agenda as submitted.

REPORTS

Council Member Scott joined the meeting at 5:35

Dennis Coyle, Interim Airport Manager stated that the new Airport Manager would attend the April 25, 2013 Council Meeting for confirmation of his position.

There was a question from Council concerning an issue with Life Flight. Council requested that Dennis Coyle investigate why Life Flight could not land on Sunday. Council also wanted Mr. Coyle to research whether the airport would get reports when life flight could not land.

Gene Drabinski, City Manager, briefed the Council on a possible proposal by Cameron Ariel, Ph.D Candidate at Boise State University, to work with the City of McCall on funding opportunities for capital projects. Mr. Drabinski also stated that he had been trying to contact the

Association of Idaho Cities for information regarding options for combining sewer districts and scheduling a possible special meeting for Council to participate in discussion with the with the Payette Lakes Recreational Water and Sewer District.

Michelle Groenevelt, Community Development Director stated that Delta James, City Planner, had been named chair for the Payette River Scenic Byway Committee. The mission the committee is Economic Development focused.

Eric McCormick, Golf Superintendent, briefed the Council on the need to re-sod some of the greens that did not fare well through the winter. He also stated that opening date for the McCall Golf Course would be May 25, 2013.

Dennis Coyle, Parks and Recreation Director, stated that repairs to Legacy Park drainage problems and beach erosion were underway.

Larry Stokes, Acting Police Chief, informed the Council about a drug bust in Cascade that the McCall Police Department successfully partnered with other agencies to accomplish.

Peter Borner, Public Works Director, stated that there were more pot holes than usual due to the amount of moisture that froze and melted over the winter. Council expressed concern regarding Wooley and the pipe draining the wet lands, stating that the pipe is too high and does not drain properly. Mr. Borner stated that he would look at it to determine if there is an issue. Mr. Borner confirmed that the winter pond was above normal.

Mayor Bailey asked if there was any additional information regarding the complaint about the radio frequency radiation from all the little towers around town. Acting Chief Stokes stated that he would look into it as there had been similar complaints made in Cascade.

The Council received copies of the following:

1. McCall Centennial Committee – July 11, 2012
2. McCall Centennial Committee – October 8, 2012
3. McCall Centennial Committee – February 21, 2013
4. Environmental Advisory Committee – February 19, 2013
5. Golf Advisory Committee – October 10, 2012
6. Golf Advisory Committee – December 12, 2012
7. Golf Advisory Committee – February 13, 2013
8. McCall Library Board of Trustees – February 26, 2013
9. McCall Improvement Committee – February 21, 2013
10. McCall Redevelopment Agency – February 19, 2013
11. McCall Planning and Zoning Commission – February 5, 2013
12. McCall Planning and Zoning Commission – March 5, 2013

Mayor Bailey led the audience in the Pledge of Allegiance at 5:53 p.m.

PUBLIC COMMENT

Mayor Bailey called for public comment at 5:54 p.m.

Dan Wilson Farm to Market Rd, stated that he had purchased a Golf Pass and then shortly after was injured and unable to use the pass. He requested from a credit Allan Morrison who referred him to Mr. Drabinski. Mr. Drabinski denied the credit. Mr. Wilson requested that the Council consider a policy that would allow someone that was unable to use a pass that they be able to roll it forward or receive some kind of credit. He also requested that the Council approve his request for credit on his pass. Mayor Bailey stated that it would need to be on a future Council agenda in order for the Council to discuss it.

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

BUSINESS AGENDA

AB 13-67 Request for approval of the Waste Management Contract with Lake Shore Disposal

Michelle Groenevelt, Community Development Director, presented the updated and revised contract between the City of McCall and Lake Shore Disposal. At the March 28, 2013 City Council Meeting, the Council reviewed a draft contract for Solid Waste Management with Lake Shore Disposal. Council gave feed back to staff and the City Attorney as to what they would like to have changed in the contract. Ms. Groenevelt stated that each of the different containers were available for people to view.

Mayor Bailey stated that the item has been debated on over four meetings and summed up the contract and the changes made since the last meeting.

Council Member Witte asked if the containers were available for purchase by individuals. Mr. Arter, Lake Shore Disposal, stated that the containers were not available for purchase. If subscribers purchased their own container then Lake Shore would need to be released of all responsibility should the cart get damaged. Mr. Arter clarified that the carts are provided as part of the service and if they sustain any damage the Lake Shore provides the customer with a new cart at no additional cost. Mr. Arter confirmed that people could probably order the carts off the internet but that the carts would need to be approved by Lake Shore.

Council Member Swanson stated that he requested a contract with a subscription option. Ms. Groenevelt stated that with the short notice of the request, staff felt that it would be in the best interest of all to consider the contract that had been reviewed and then if not approved the Council could direct staff to prepare an additional contract.

Mayor Bailey stated that whatever was in the packet should be what is voted on and not a revision or document presented at a meeting as the information was not available to review or available to the public. He stated that an item can always be postponed or tabled. He felt that changes presented at a meeting makes it too difficult to act on.

Ms Groenevelt stated that Mike Scott from Fish and Game as well as Everette Arter from Lake Shore Disposal were available for comment if the Council had any questions.

Council Member Aymon moved to approve the contract with Lake Shore Disposal and authorize the Mayor to sign all necessary documents. Mayor Bailey seconded the motion.

Mayor Bailey offered the following amendments:

Amendment #1 to the contract with Lake Shore Disposal is to put back into the contract the option for a 32 gallon container.

Mayor Bailey moved to accept amendment #1 to the Contract with Lake Shore Disposal. Council Member Aymon seconded the motion. In a voice vote all members voted aye and the motion carried.

Amendment #2 to was to correct references to other paragraphs:

A. Page 6 of 18

Presented:

C. Contractor's insurance coverage shall recognize the indemnity specified in Section 8 of this Agreement.

Amended:

C. Contractor's insurance coverage shall recognize the indemnity specified in Section 6 of this Agreement.

B. Page 8 of 18

Presented:

B. In addition to any rate changes approved pursuant to Section 10.C., Contractor's rates for services described in Exhibit "A" may be adjusted annually upon approval ...

Amended:

B. In addition to any rate changes approved pursuant to Section 8.C., Contractor's rates for services described in Exhibit "A" may be adjusted annually upon approval ...

C. Page 8 of 18

Presented:

C. In addition to the adjustment contemplated in Section 10.B. the rates specified herein shall be reasonably adjusted upon a request from Contractor demonstrating that...

Amended:

C. In addition to the adjustment contemplated in Section 8.B., the rates specified herein shall be reasonably adjusted upon a request from Contractor demonstrating that...

D. Page 9 of 18

Presented:

Provide for the collection of Solid Waste at the agreed upon location and schedule in one container of the size specified in Section 17, whether it is full or not.

Amended:

Provide for the collection of Solid Waste at the agreed upon location and schedule in one container of the size specified in Section 15, whether it is full or not.

E. Page 9 if 18

Presented:

I. The occupant of premises shall, for purposes of this Agreement, be deemed the owner of the waste that is generated on that premises for purposes herein. See Section 8 herein for further information about ownership of waste.

Amended:

I. The occupant of premises shall, for purposes of this Agreement, be deemed the owner of the waste that is generated on that premises for purposes herein. See Section 6 herein for further information about ownership of waste.

F. Page 11 of 18

13. COLLECTION

Presented:

C. The routes and schedule shall be shown on the approved plan in accordance with Section 9.

Amended:

C. The routes and schedule shall be shown on the approved plan in accordance with Section 7.

Presented:

A. Contractor shall provide waste collection services as contemplated herein to all residents of, and businesses within, the City of McCall, Idaho and except as provided herein all residents and businesses shall be required to utilize Contractor for collection and disposal of Solid Waste.

Amended:

A. Contractor shall provide waste collection services, as contemplated herein, to all residents of, and businesses within, the City of McCall, Idaho, and, except as provided herein, all residents and businesses shall be required to utilize Contractor for collection and disposal of Solid Waste.

Mayor Bailey moved to accept amendment #2 to the Contract with Lake Shore Disposal. Council Member Aymon seconded the motion. In a voice vote all members voted aye and the motion carried.

Discussion on the motion as amended – Mayor Bailey stated that in most cities, citizens are required to sign up for water and sewer services for health and safety issues. He stated that the City of McCall has the same requirement. He stated that trash pickup falls under the same issue for health and safety. Mayor Bailey stated that he understands the issue with mandatory language.

Council Member Aymon stated that she had a number of points in favor of mandatory issue. She asked Mike Scott of Fish and Game to comment on whether or not the City of McCall has a bear problem. Mr. Scott stated that there were 75-100 calls of bear issues a year. He also stated that 2-6 bears are euthanized a year. Council Member Aymon stated that she has bears in her neighborhood. Last year she saw bears in the day time. Council Member Aymon stated that she herself had been charged by a bear. She continued stating that currently there had not been any reports of any bear attacks. However, Council Member Aymon expressed concern that someone may be injured and if someone were attacked the City could be sued. She stated that maybe education could be part of the solution. However, less than half of the households currently have service. Council Member Aymon has observed that people who do not have service have trash strewn in their yards.

Council Member Aymon continued by stating that she felt that currently her neighborhood was not safe, and with subscription service her neighborhood still would not be safe. She again expressed concern that 1500 households would not be required to have bear-proof containers. She posed the question of how does the City currently police the issue. Council Member Aymon stated that it did not make sense for the police force or for the citizens. She felt that illegal dumping was difficult to mitigate.

Council Member Aymon concluded by stating that change does not happen without law. She talked about situations that used to be allowed and how laws make changes. Council Member

Aymon stated that if the Council was serious about public safety, then all citizens needed to be a part of the solution.

Council Member Swanson stated that in the beginning of the discussions regarding solid waste, he supported curbside recycling. Then during the discussions the possibility of curbside recycling went away. He stated that after much thought he began to waffle on making service mandatory. He stated that he did not think mandatory trash collection would correct the bear issue and was not convinced that it is the only way. Council Member Swanson stated that he thought that subscription would be a way to start.

Mayor Bailey suggested that there should be some kind of provision in the code that would not allow residents to store trash outside without a bear-proof container. Council Member Witte agreed. Council Member Aymon stated that there needs to be something in place that ensures the container is bear-proof. Mayor Bailey stated that the container would have to be provided by the Waste Management Provider.

Council Member Scott stated that it would be nice if everyone would subscribe; however she was not comfortable mandating the service. She appreciated what Council Member Aymon said about the bear issues; however she did not feel that the Council should mandate the service.

Council Member Witte also appreciated Council Member Aymon's comments and agreed that people should not be able to put trash out in non-bear proof containers but does not feel the Council should mandate service. She also stated that it was a big step to go from residents being able to do whatever they want to being mandated to have service. She continued stating that with more options with the service that more people would probably subscribe. Council Member Witte also stated that the ordinance could be stronger and state that residents cannot leave trash out if it is not in a bear-proof container. She stated that the City should do an education campaign to let people know that the City will enforce it.

There was some concern expressed regarding enforcement issues.

In a roll call vote, Council Member Aymon and Mayor Bailey voted aye; Council Member Scott, Council Member Swanson, and Council Member Witte all voted no and the motion failed.

Council directed staff to work with Lake Shore Disposal and the City Attorney to prepare a subscription based contract.

AB 13-68 McCall City Code, Title 8 Amendment – Waste Management Ordinance Adoption

Mayor Bailey brought up the updated and revised McCall City Code, Title 8 Code Amendment for Council discussion. At the March 14 and 28, 2013 City Council Meetings, Council worked through the draft Waste Management Code amendment. Council directed the City Attorney to incorporate some changes to the draft code amendment

Council Member Witte stated that the proposed ordinance does not cover the issue of solid waste being outside without a bear-proof container. The proposed amendment covers the issue in the context that service would be mandatory. She stated that it needs to be spelled out in the ordinance.

Gene Drabinski, City Manager, stated that the ordinance needs to be revised to incorporate subscription service.

Bill Nichols, City Attorney, stated that if Council had some suggestions regarding the ordinance they should forward them to staff. He also cautioned the Council to not engage in an email discussion about the merits of any proposed language.

Mayor Bailey moved to post pone the amending Title 8 of the McCall City Code Waste Management in order for staff to prepare a replacement ordinance. Council Member Swanson seconded the motion. In a voice vote all voted aye and the motion carried.

AB 13-63 Request for alleviation from sidewalk development standard – 501 N. 3rd Street

Michelle Groenevelt, Community Development Director, presented a letter from Dexter “Woody” Woodworth requesting alleviation from the sidewalk development standard at 501 N. 3rd Street. Mr. Woodworth submitted a letter to request consideration to amend the development agreement for 501 N. 3rd Street to complete the required site improvements to the property including stormwater management and parking lot improvements, but has also requested alleviation from the McCall City Code requirements for the installation of sidewalks, curbs and gutters, and the related improvements along 3rd Street and Colorado Street.

Since the original agreement was signed, the property owner has requested three amendments to the development agreement to extend the timeline into the future which were all approved by the City Council. The 3rd Street sidewalks improvement is a result of conversation and a commitment to provide private match.

The McCall City Council does not have the authority to selectively apply regulations or provide relief of development standards of the McCall City Code. However, the City Council may consider extending the timeline for some of the improvements if warranted. Alternatively, the City Council may decide to deny the request from Mr. Woodworth because it is inconsistent with the private investment made by other property owners, does not fulfill the commitment to the Department of Commerce, and is not consistent with the goals and objectives of the McCall Area Comprehensive Plan and Pathway Master Plan of providing safe pedestrian access along 3rd Street.

Mr. Woodworth addressed the Council stating that he was disappointed and uncomfortable that he had to come before the Council with his request. Mr. Woodworth worked through the PowerPoint presentation, handout Attachment 1, with Council. He stated that his theme was “fair and reasonable”.

Council Member Aymon clarified that all projects were in the original agreement. Mr. Woodworth stated that yes they were all in the agreement. Council Member Aymon asked that Mr. Woodworth explain what happened that he could not complete the terms of the agreement. Mr. Woodworth responded stating that he “had to agree in order to do the project.” Then as he started the work, he realized that there were costs that he had not considered such as engineering costs and the cost of the light poles. He stated that he had originally budgeted \$60,000 for all four phases and the actual cost was more like \$175,000. He stated that he had not received bids but only estimates. He also stated that he had volunteered to do the work in front of Old Town which was not required by the City. Mr. Woodworth continued stating that now the costs are

“way out of control” and he cannot do the project and did not think it fair that the City require him to do the project. Council Member Aymon clarified that Mr. Woodworth wants to sell the restaurant to another party. Mr. Woodworth clarified that in order to sell the issues around the agreement need to be settled before the purchaser will agree to buy.

Mayor Bailey clarified that the Colorado street phase had been changed to December 2014; the development agreement had already been extended. Mr. Woodworth stated that he was asking the Council to remove that requirement from the agreement as it would prevent the sale of his restaurant from going through. Mr. Woodworth stated further that if the development agreement is extended and it is unclear as to the cost, then it would prevent the sale from going through.

Mr. Woodworth reiterated that it was his intent to modify all four phases of the agreement, “right now”, so that all parties know what has been agreed upon and how much it will cost so that he can complete the sale of the restaurant. Council Member Aymon asked to clarify that it would not help Mr. Woodworth to extend the dates of the agreement. Mr. Woodworth stated that it would not.

Gene Drabinski stated that he also offered to extend the contract.

Michelle Groenevelt clarified that Council does not have the authority to selectively apply regulations or provide relief of development standards of the McCall City Code. Council can extend the phasing of the project.

There was Council discussion regarding what is required by the city code.

Council Member Aymon expressed concern regarding the partnership Mr. Woodworth and obtaining the Idaho Community Development Block Grant and how any changes to Mr. Woodworth’s Agreement could affect future grants. She also stated that there seemed to be a fairness issue with how some businesses are expected to do what other businesses are not. She also stated that the reason for much of the code is due to the City having a comprehensive plan that guides the Council as to how the City is to look. She stated that she understands that it is not pleasant when it does not go as people hope that it will financially. Council Member Aymon asked for and received clarification that the development agreement goes with the property in the event of a sale. Mr. Woodworth stated that the buyer was not willing to pay for the improvements as outlined in the agreement.

Mr. Woodworth responded to Council Member Aymon’s concern regarding the grant stating that if the changes to the agreement are made then he can sell the restaurant and use the money to do some of the agreed upon infrastructure improvements done this year that would go towards the grant. He stated that whatever he invests in infrastructure this year would go towards the grant negating any risk to the grant or future grants. He stated that the current code is disincentivising businesses to improve their buildings or even to come to McCall. Mr. Woodworth felt that some of the codes had not been applied equally and did not feel that changing his development agreement violated any code. He continued by stating that the code needed to be changed to drive the correct benefit McCall wants to see. He opined that if the code is not changed then there will never be any improvements done on buildings on 3rd Street between Colorado and Deinhard. Mr. Woodworth stated that many of the businesses felt that a Local Improvement District (LID) was the way to get improvements done.

Mayor Bailey explained to Mr. Woodworth the process to accomplishing an LID. He explained that the cost of doing improvements in an LID was passed onto the property owners within the LID. He explained that it is a long process that is defined in State code. The City fronts the money through a bond process and each property is assessed a portion of the bond and then basically a lien is placed on the property until that property has paid back their portion of the bond.

Council Member Scott clarified that essentially whoever owns and pays the taxes on the property will pay for those improvements over a period of 30 years.

Bill Nichols, City Attorney, try to clarify the two issues before the Council. He stated that one issue was that Mr. Woodworth presented an informal request that the Council that his Development Agreement be modified based on the development standards. Mr. Nichols stated that the Council either enforce the code or get rid of the code. He stated that the other issue regarding the LID is that Mr. Woodworth knows what costs are present and that the costs are paid back over time. He stated that however the unknown cost is the cost of bonding. He stated that the LID process is usually a multiple party arrangement. He stated that it may be difficult to find a lender that would be willing to bond a \$175,000 project. Generally projects in an LID are significantly greater in cost and scope. Mr. Nichols also stated that the City would have to look at their budget to determine if there are funds available to set aside for an LID fund to be able to start the project and or become their own lender. He gave some examples of other communities that utilize the LID process. He stated that as far as timing it is difficult to measure. There are estimates and design work that would need to be done and the cost would be rolled into the assessed value of the project.

Mr. Nichols brought back the current issue before the Council stating that staff was correct that the Council could not selectively enforce the code; however the Council could defer dates and explore the possibility of an LID.

Carol Coyle, Grant Coordinator, spoke on how the CDBG came to be, stating that Mr. Woodworth and David Peugh approached staff to see if there were grant opportunities that the dollars of Mr. Woodworth's project could be leveraged toward a bigger project that would connect Old Town to down town. She stated that Mr. Woodworth submitted a letter of support and commitment that he would do his improvements valued at about \$115,000. Mrs. Coyle stated that the Department of Commerce's goal with the CDBG is to alleviate slum and blighted conditions along the 3rd Street corridor. She stated that the City of McCall presented a very competitive application which included a very impassioned presentation and commitment by Mr. Woodworth. She also stated that she could not speak for department of commerce nor did she know how the Department of Commerce would view Mr. Woodworth not completing his part of the commitment.

Council Member Scott stated that she agreed that the code does need updated. She stated that she also liked the idea of the LID.

Council Member Aymon expressed concerned with setting a precedent. She also stated that she liked the idea of the LID.

Mayor Bailey stated that City would consider an LID. The Council had a brief discussion regarding an LID.

Mr. Woodworth stated that it was the total cost of the project that he was concerned about and that he only had so much money. Mr. Woodworth stated that spreading it out into the future is not a solution. His hope was to find a solution that worked for him and the City. He stated that if there was not an agreement reached then nothing would get done and it would be a lose/lose for everyone. He felt that some modification to the agreement needed to happen.

Mayor Bailey summarized stating that the Council could not agree to Mr. Woodworth's proposal as written. He stated that Council, staff, and the City Attorney would look at other options and get back to Mr. Woodworth.

Council took no action on this item.

AB 13-61 Request for approval of the Downtown Master Plan Contract for Consultant Services

Michelle Groenevelt, Community Development Director, presented the Request for Qualifications from Harmony Design and Engineering for approval by Council. In the McCall Area Comprehensive Plan implementation plan, there is a directive to update the Downtown Master Plan. This update was included in the Community Development 5 year work plan and was budgeted for in FY 13. Since the budget did not match the scope of the project, staff sought additional funds and \$15,000 was awarded for the project from the Capital Matrix grant.

A downtown master plan steering committee was formed to assist staff in the selection process and to guide the consultants in the planning process. This committee consists of Dan Krahn, David Carey, David Peugh, Fallon Fereday, Heather Susemihl, Mike Maciaszek, and Steve Rowley to represent a broad range of interests in the downtown.

A Request for Qualifications (RFQ) was published and (13) thirteen submittals were received. From the proposals, the top four were selected to provide a more specific proposal. Based on the scores from the RFQ and proposals, the team consisting of Harmony Design and Engineering, RPI, and Logan Simpson Design were selected to complete the project.

Council Member Aymon moved to approve the contract with Harmony Design and Engineering and authorize the Mayor to sign all necessary documents. Council Member Witte seconded the motion. In a roll call vote, Council Member Aymon, Mayor Bailey, Council Member Scott, Council Member Swanson, and Council Member Witte all voted aye and the motion carried.

At 8:03 p.m. the Council took a break

AB 13-62 Request for approval to participate with Valley County in the Department of Commerce – Rural Idaho Economic Development Professional Program

Mayor Bailey stated this item was premature.

Council took no action on this item

AB 13-64 Set the Date and Location of the FY14 Budget Public Hearing, and Approve the FY14 Budget Development Calendar

Linda Stokes, City Treasurer, presented the recommended FY14 Budget Calendar. Each year, no later than April 30, the City of McCall must set and notify the County Clerk of the date and location set for the budget public hearing. Mrs. Stokes stated that it was recommended the Council set the FY14 Budget Public Hearing on August 8, 2013 at 6:00 PM in the Legion Hall.

Council Member Witte moved to Approve the FY14 Budget Development Calendar, set the FY14 Budget Public Hearing on August 8, 2013 at 6:00 PM in the Legion Hall, and direct the Treasurer to notify the County Clerk of the date and location of the FY14 Budget public Hearing. Council Member Swanson seconded the motion. In a Voice vote, Council Member Aymon, Mayor Bailey, Council Member Scott, Council Member Swanson, and Council Member Witte all voted aye and the motion carried.

AB 13-65 Surplus Property Golf Mowers – Resolution 13-10

BessieJo Wagner, City Clerk, presented the proposed resolution to declare four mowers from the Golf Course as surplus. Idaho Code §67-5732A allows for the disposal of surplus personal property, provided that when sales will be offered to the public and sold to the highest responsible bidder, notice of such sale shall be published in the newspaper for at least two (2) weeks prior to such offering. Annually and periodically, City staff identifies items as surplus property. Eric McCormick, Golf Course Superintendent, gave an explanation of the reasoning for the surplus.

Council Member Swanson moved to adopt Resolution 13-10 authorizing the sale of surplus property and authorize the Mayor to sign all necessary documents. Council Member Scott seconded the motion. In a roll call vote, Council Member Aymon, Mayor Bailey, Council Member Scott, Council Member Swanson, and Council Member Witte all voted aye and the motion carried.

AB 13-66 Approval to Proceed for Stan McNutt on the Design and Plan and Effective, Responsive Council/Manager Government Seminar

Gene Drabinski, City Manager, briefed Council on the next step of meeting with Stan McNutt. At the February 28, 2013 City Council Meeting the Council discussed that the City of McCall is currently without a comprehensive collection of governance principles, policies, procedures, and standards of conduct for the Council / Manager form of governance.

Council Member Aymon moved to authorize the Mayor to sign the Approval to Proceed for Stan McNutt on the Design and Plan and Effective, Responsive Council/Manager Government Seminar. Council Member Swanson seconded the motion. In a roll call vote, Council Member Aymon, Mayor Bailey, Council Member Scott, Council Member Swanson, and Council Member Witte all voted aye and the motion carried.

AB 13-69 Club Hill Blvd Acceleration Lane Project Contract Award

Peter Borner, Public Works Director, briefed Council on the project to construct an eastbound acceleration lane on SH55 starting at Club Hill Blvd. This project is for the construction of an eastbound acceleration lane on SH55 starting at Club Hill Blvd.

This project fulfills Whitetail LLC obligation to construct an auxiliary lane at this location. After reviewing the site and in conjunction with the Idaho Transportation Department, it was

determined that an acceleration would be preferred at this location instead of a westbound left-turn bay lane.

Construction is expected to start after July 4th and is expected to be completed by mid August. In addition to the construction of the acceleration lane it is also expected that 24 trees will be removed (to remain the property of the City), seeding, signs, minor curb and gutter, and road striping.

Three responsive bids were received. Valley Paving & Asphalt, Inc. was the lowest bidder. Granite Excavation and Falvey Corp. also submitted bids. Bid tabulation and the associated documents have also been included.

Council Member Scott moved to approve the award of contract to Valley Paving & Asphalt, Inc. for the Club Hill Blvd Acceleration Lane Project and authorize the Mayor to sign all necessary documents. Council Member Swanson seconded the motion. In a roll call vote, Council Member Aymon, Mayor Bailey, Council Member Scott, Council Member Swanson, and Council Member Witte all voted aye and the motion carried.

Mayor Bailey stated that Rick Certano approached him asking if the City could assist with the cost of the fireworks for Winter Carnival and 4th of July and would like to discuss the idea at the next Council meeting.

CONSENT AGENDA

Staff recommended approval of the following items:

1. Council Regular Minutes March 28, 2013
2. Warrant Registers
3. Payroll Report for Period ending March 29, 2013

A brief discussion took place regarding the minutes from March 28, 2013.

Council Member Scott moved to approve the Consent Agenda as presented. Council Member Swanson seconded the motion. In a voice call vote, all voted aye and the motion carried.

EXECUTIVE SESSION

At 8:35 p.m., Council Member Scott moved to go into Executive Session for:

- **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;**
- **Exempt Records – Pursuant to Idaho Code §67-2345(1) (d) To consider records that are exempt from disclosure as provided in chapter 3, title 9, Idaho Code; and**
- **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 Aymon seconded the motion. In a roll call vote, Council Member Scott, Council Member Aymon, Mayor Bailey, Council Member Swanson, and Council Member Witte all voted aye and the motion carried.

Council discussed a personnel issue, exempt records, and a possible litigation issue.

RETURN TO OPEN SESSION

Mayor Bailey moved to return to Open Session. Council Member Aymon seconded the motion. In a voice call vote, all voted aye and the motion carried.

ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 9:35 p.m.

Donald C. Bailey, Mayor

ATTEST:

BessieJo Wagner, City Clerk