

MINUTES

McCall City Council Regular Meeting Thursday, September 11, 2003

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CALL TO ORDER AND ROLL CALL

Mayor Colton called the regular meeting of the McCall City Council to order at 7:00 p.m. Mayor Colton, Council Member Arp, Council Member Muller, and Council Member Eimers answered roll call. A quorum was present. City staff members present were City Attorney Chris Yorgason, City Manager Robert Strobe, Police Chief Ralph Appa, Grants Coordinator Carol Coyle and Treasurer & City Clerk Barbara Bauer.

PUBLIC HEARING

At 7:04 p.m., Mayor Colton opened the Public Hearing on the vacation of a portion of Dawson Avenue.

The Planning & Zoning Commission recommended approval of the vacation request, subject to certain conditions. Staff recommended denial of the vacation request. Following several public hearings, a proposal for a land exchange was developed. On August 28, 2003, the Council established the value of land to be exchanged at \$2.08 per square foot and directed staff to provide notice for a Public Hearing on potential land transfer or exchange. Approval of the land exchange eliminates the need for the requested vacation. Ordinance 780, which was originally drafted to enact the vacation,

will be unnecessary if the land exchange is approved. The requested vacation of a portion of Dawson Avenue (VAC-03-3) should be denied based on the Draft Findings a& Conclusions attached to this agenda bill.

Tom Schoonover, 1506 Davis asked the Council to finalize this exchange.

At 7:08 p.m. Mayor Colton closed the Public Hearing on the vacation of a portion of Dawson Avenue.

Mayor Colton moved to close the public hearing for VAC-03-3, and adopt the draft Findings & Conclusions, denying the requested vacation. Council Member Muller seconded the motion. In a roll call vote, Mayor Colton, Council Member Arp, Council Member Muller, and Council Member Eimers voted aye. The motion carried.

At 7:10 p.m., Mayor Colton opened the Public Hearing on the exchange of property on Dawson Avenue and Davis Street.

Hearing no comment on this topic, Mayor Colton closed the Public Hearing on the exchange of property on Dawson Avenue at 7:11 p.m.

Council Member Muller moved to suspend the rules and read Ordinance 781 one time only, by title only; and authorize the Mayor to sign all necessary documents. Mayor Colton seconded the motion. In a roll call vote, Mayor Colton, Council Member Arp, Council Member Muller, and Council Member Eimers voted aye. The motion carried.

Robert Strobe read Ordinance No. 781 by title.

Mayor Colton moved to adopt Ordinance 781 with the addition of accurate legal descriptions, approve the property exchange agreement, and authorize the Mayor to sign all necessary documents. Council Member Eimers seconded the motion. In a roll call vote, Mayor Colton, Council Member Arp, Council Member Muller, and Council Member Eimers voted aye. The motion carried.

At 7:14 p.m. Mayor Colton opened the Public Hearing on Changes to the Water Rates, Ordinance 785 and Resolutions 03-15 and 03-16.

Robert Strobe opened discussion by presenting a history of this item. Holladay Engineers prepared a Water System Master Plan and conducted a Water Rate Analysis. Based on those studies, a change in water rates is warranted at this time. The most significant changes are a reduction in the per 1,000 gallon usage, higher rates for customers outside the City limits, and a provision for a reduction in the system buy in associated with the connection fee for smaller users. Specifically, a reduction from \$1.04 to \$0.71 per 1,000 gallons and a 25% reduction in the \$3,750 connection fee for

small business and small resident users. A small user is defined by the number of fixture units as defined by the National Standard Plumbing Code, less than 10 and 12 respectively. Base rates remain unchanged and are based on meter size. The per 1,000 gallon fee assumes funding for a DEQ loan for infrastructure improvements and could change based on the outcome of that process. Additionally, the method for determining the appropriate connection fees recommended by the Engineer differs from past practices, necessitating a change in City Code.

Hearing no other comment on this topic, Mayor Colton closed the Public Hearing on changes to the Water Rates, Ordinance 785 and Resolutions 03-15 and 03-16 at 7:18 p.m.

Mayor Colton moved to suspend the rules and read by title only, one time only, Ordinance No. 785. Council Member Muller seconded the motion. In a roll call vote, Mayor Colton, Council Member Arp, Council Member Muller, and Council Member Eimers voted aye. The motion carried.

Robert Strobe read Ordinance No. 785 by title.

Mayor Colton moved to adopt Ordinance No. 785 and authorize the Mayor to sign. Council Member Eimers seconded the motion. In a roll call vote, Mayor Colton, Council Member Arp, Council Member Muller, and Council Member Eimers voted aye. The motion carried.

City Attorney Chris Yorgason identified additional revisions to the title and language in Resolution 03-15.

Mayor Colton moved to approve the City Engineer's recommendation on water rates and adopt Resolutions 03-15 as revised by the City Attorney and 03-16. Council Member Eimers seconded the motion. In a roll call vote, Mayor Colton, Council Member Arp, Council Member Muller, and Council Member Eimers voted aye. The motion carried.

PUBLIC COMMENT

Mayor Colton called for public comment.

Joan Catlett, 1942 Pilgrim Cove Road asked the Council to take action to annex properties around the lake and on other edges of McCall. While there are approximately 2000 water customers within City limits, a large number of individuals enjoy all of the benefits and many of the services of the City without helping to support the City. There is a huge amount of property value that would be added to the tax base to help the City to provide services and address it's needs. McCall should consider the

example of many of the cities around the state and allow annexation without forcing sewer hookups or streets improvements.

City Manager passed on comments from Muggs Brown Davies stating that she is glad the cemetery property is being handled and that she feels very bad about the trees that were cut down along the Greenbelt and that they should be replanted.

Council Member Muller read excerpts from an article in the Star News concerning the legal action following illegal tree removal, asked Chief Appa if illegal activities mentioned had been reported to the Police Department and wanted to assure that replacement of trees would also be part of the restitution being paid.

Council Member Eimers asked how to start the process of annexation. The first step is a cost-benefit analysis of services to be provided versus tax revenue provided by newly annexed properties. An analysis on the laws relating to annexation and the process is also needed.

Council Member Eimers moved to request that staff provide an analysis of the potential changes and services that would be provided, as well as the areas and cost benefit analysis of annexation, within the next 90 days. Seconded by Council Member Arp. All members voted aye. Motion Passed.

CONSENT AGENDA

Council Member Eimers moved to approve the Consent Agenda and authorize the Mayor to sign all necessary documents. Council Member Muller seconded the motion. In a roll call vote, Mayor Colton, Council Member Arp, Council Member Muller, and Council Member Eimers voted aye. The motion carried.

BUSINESS

AB 03-110 Certified First Responder

Chief Appa introduced Jacquie Cochran from McCall EMS and provided an overview of the First Responder certification process. All City Police officers have been certified.

Chief Appa requested the approval of six items on page two of his attachment. *The second page of his memo was not copied into the Council packets, so the Chief read the six items for Council Members.*

Chief Appa stated there was no consensus from the Police Advisory Committee on this issue and there are major concerns as well as advantages related to this request. The Chief also contacted Jim McNall of ICRMP who stated that there are no insurance

related concerns related to this proposal. Jacquie identified four calls that would have been impacted by this change over the past year.

Council Member Arp noted that the training actually created an exchange of services and that this set of parameters is a natural progression. City Manager Strope also voiced his support of this recommendation and noted that the parameters can be changed in the future if the need arises.

Mayor Colton moved to endorse the involvement of the CFR certified McCall Police officers in assisting with EMS calls as needed outside of City limits to provide earliest response. Council Member Eimers seconded the motion. All Council Members voted aye. Motion Passed.

AB 03-130 Status of Police Advisory Committee with the City Council

Chief Appa provided an overview of the history of the Police Advisory Committee and requested that the Council provide clarification of the appropriate role and future of this group. Recommends that the Committee cease to be a Council Committee and become a Department Committee.

Council Member Muller opposes the recommendation because he wants them to provide him with information concerning policy or budget issues.

Council Member Arp supports the motion because she feels that the original committee tasks are completed and a Department Committee has a different role.

Chief Appa noted that the information relating to policy or budget issues will still come to the Council through him rather than through a Committee, while allowing more flexibility in handling meetings and quorums.

Council Member Eimers pointed out through discussion that the Council Members can lose track of the individual actions over time even when brought by a Council Committee.

David Fields, Chair of the Police Advisory Committee noted that the Committee really needed to have more information about the tasks and responsibilities of this type of Committee and asked that the City provide new Committees with more formal guidance and information on their role, responsibilities and tasks. He also noted that the Committee has become actively involved and identified within the community as advocates and information conduits.

Mayor Colton noted that a public meeting related to police issues was held and the Police Advisory Committee was an outcome of that meeting. He supports having a formal and ongoing Committee tied to the Council, maintaining Council's ability to select members, suggest issues to be addressed and that the Council Members should not be members of this or any Council appointed Committee.

Christy Gorsline, 945 Lick Creek noted that this committee functions most effectively when it is a large group because it provides a stronger base of community involvement and information gathering.

Mayor Colton moved to establish a Police Advisory Committee, and ask that Chief Appa and Committee Members bring recommendations on duties, process and charter to a Council Meeting next month. Council Member Eimers seconded the motion. All Council Members voted aye. The motion carried.

AB 03-136 Resolution 03-13 General Election November 4, 2003

City Clerk Barbara Bauer asked the Council to take the mandated step of proclaiming a General City Election to be held on November 4, 2003, designate Legion Hall as the polling place, designating the City Clerk as Registrar for the election and Deputy Registrars, ordering the City Clerk to give notice of the election and authorizing the Mayor to sign Resolution 03-13. Council Member Arp noted that the printed copy of the resolution is missing several words describing the two year Council Term. The City Clerk will make the correction before it is signed.

Mayor Colton Council Member moved to approve Resolution 03-13, as corrected, proclaiming a General Election, designate a polling place, designate the Registrar and Deputy Registrars and authorize the Mayor to sign Resolution 03-13. Mayor Colton, Council Member seconded the motion. All Council Members voted aye. The motion carried.

AB 03-137 Local Option Sales Tax Question on November 4, 2003 Ballot

City Manager Robert Strobe presented this response to Council's direction to again seek voter approval of a local option sales tax in the November 2003 election. Last November the majority of voters supported the tax, but the question did not achieve the majority required to pass the tax. Attached is the draft ballot that is essentially the same as the last one with minor changes. This proposal adds language that includes funding for the library, golf course, and a skateboard park as specific uses. The recommended action is for the Council to approve the draft ballot language as final and direct the City Clerk to take all actions required to include the LOT on the November ballot. Staff will also prepare a final version of the ordinance to replace the draft copy provided in the Council packet.

Council Member Muller asked that Public Transit be added to the list in the language of the ballot and ordinance. He also asked what the amount of tax collected under this Ordinance would be related to building packets and how removal of that item from the list of taxable transactions would change the revenue flow. City Manager Strobe will find out what the amount would be.

Mayor Colton asked that the language of the ballot and the ordinance be changed to reflect the commitment made by Council during the August 28, 2003 meeting to add

public transit to the list of projects that would be funded by a local option tax. He also supports adding animal control (McPaws) to that list because of the large increase in the amount of their request for City funds. Finally, he asked that the format of the ballot language be changed to allow a bullet list of the various areas to be funded by this tax so that people can easily identify areas where they would support additional tax funding and that the ballot language should be as brief as possible.

City Manager Strobe noted that he had spoken to Bill McMurray about the last Local Option Tax citizen's group who worked in support of a Local Option Tax last year and that they would work to support the tax again.

Council Member Arp noted that grocery purchases are another concern if we start removing items. Some city residents have expressed concern about supporting this tax because of the negative impact on rural county resident decisions to buy groceries locally since they will not benefit from any property tax or water rate reductions that would go to City residents in order to mitigate some of the financial change.

City Manager Strobe noted that creating any exemptions before exempting groceries from additional tax sends the wrong message. This measure will require approval by 60% of the voters in order to pass.

Mayor Colton asked that the language of the ballot and the ordinance be changed to reflect the commitment made by Council during the August 28, 2003 meeting to add public transit to the list of projects that would be funded by a local option tax. He also supports adding animal control (McPAWS) to that list because of the large increase in their request for City funds. City Manager Strobe stated he would make the additions. Finally, Mayor Colton asked that the format of the ballot language be changed to allow a bullet list of the various areas to be funded by this tax so that people can easily identify areas where they would support additional tax funding and that the ballot language should be as brief as possible.

City Manager Strobe noted these requests and stated that the City Clerk would make these changes after determining if there are any restrictions on the formatting of the ballot and that, if necessary, other language would be changed to allow the use of bullet points. Since additional research is needed and there are a number of changes to be made to the ballot language, City Clerk Bauer suggested that the Council should not approve the draft ballot language. City Manager Strobe noted that October 14th was the last date to finalized the ballots.

Council Member Muller moved to direct the City Clerk to take all actions required to include the LOT on the November ballot. Mayor Colton seconded the motion. All members voted aye. The motion carried.

AB 03-131 Resolution 03-14 Special Election for a Local Option Sales Tax on November 4, 2003

City Manager Robert Strope explained that this action addresses the notification process required to have the Local Option Tax proposal included in the November 4, 2003 election. The recommendation is to proclaim a Special City Election to be held on November 4, 2003, proposing imposition of a Local Option Sales tax, designate Legion Hall as the polling place, designate the City Clerk as Registrar for the election and Deputy Registrars, order the City Clerk to give notice of the election and authorize the Mayor to sign Resolution 03-14.

Council Member Muller moved to approve Resolution 03-14 proclaiming a Special Election, designating a polling place, designating the Registrar and Deputy Registrars and authorizing the Mayor to sign Resolution 03-14. Council Member Arp seconded the motion. In a roll call vote, Mayor Colton, Council Member Arp, Council Member Muller, and Council Member Eimers voted aye. The motion carried.

AB 03-140 Property Tax Override Levy for Municipal Golf Course Question on November 4, 2003 Ballot

City Manager Robert Strope presented the response to Council's direction to take steps to seek voter approval of a \$300,000 property tax override levy on the November 4, 2003 ballot. A draft ballot and sample ordinance are attached. This override levy would be limited to \$150,000 certified to the 2004 Valley County Property Tax bill and \$150,000 certified to the 2005 Valley County Property Tax bill for the purpose of providing additional funds for the purchase of equipment and maintenance of the McCall Municipal Golf Course. The recommended action is for the Council to approve the draft ballot language as final and direct the City Clerk to take all actions required to include the property tax override levy on the November ballot. Staff will also prepare a final version of the ordinance to replace the draft copy provided in the Council packet.

Strope noted that although he does not know what the impact would be to have two tax questions on the same ballot in regard to the ability to pass either measure.

Council Members Eimers and Muller expressed the belief that this is a very different issue and that it will not create any problems or confusion for voters.

Council Member Eimers stated that the tax override amount specified by Council in August was \$150,000, not \$300,000. City Manager Robert Strope noted that the amount on the ballot would be \$150,000 per year for two years.

City Manager Strope stated that he supports inclusion of the override tax levy question on the November 2003 ballot.

Council Member Arp confirmed that it is necessary to make to make a decision on whether elections will be held before September 15, 2003 so that mandated notification and publication requirements can be met.

Mayor Colton and Council Member Arp expressed the belief that placing two different tax increases questions on the same ballot will increase the likelihood that people will vote no on both.

City Manager Strobe commented that moving the override levy question to August 2004 when people will be golfing may increase the likelihood that they will support the measure. He also clarified that since the City has already committed to holding an election in August 2004, passing this measure at that time will still allow the funding to reach the City in the same period as holding the election in November 2003. No funds from an override election will be available to the City before late January 2005. Funds from the proposed local option sales tax would begin to be available to the City in February 2004.

Council Member Eimers stated that looking at the level of support for this measure will tell him something about the support for putting property tax dollars into the golf course, Even if the measure fails he would consider a close vote to be an indication of support for property taxes to be used to support the golf course and that an extremely large defeat would tell him the community does not support the idea. For this reason, even if the measure fails, he wants to leave it on the November ballot to provide him with guidance.

Council Member Muller believes that having both measures on the same ballot will not have any negative impact.

Council Member Eimers stated that if this override levy is not placed on the November 2003 ballot, he will ask for reconsideration of the local option tax votes in order to also remove that item from the November ballot.

Mayor Colton and Council Member Arp repeatedly affirmed their support of allowing the voters to decide on the need for an override property tax to support the Golf Course and their agreement with Council Members Eimers and Muller concerning the importance of this issue. However, because of the economic conditions in the City, other tax increases over the past year and the fact that this is an actual tax increase proposal rather than an advisory question, having two different tax questions in the same City election may not provide a true measure of community support for spending property tax dollars at the Golf Course.

The attendees at the City Council's Public Meeting on the future of the Golf Course felt that trying to pass an override levy this fall is premature because there is a need for community education about the benefits the Golf Course provides. At this time, the Golf Foundation paid study of the economic impact of the McCall Golf Course on the businesses in the City has not been started, but City Manager Strobe will provide the Council with information on the status of that project.

Council Member Arp believes that people might vote no on both measures, even if they support additional funding for the Golf Course, because they cannot afford two tax increases at the same time.

Bill Robertson noted that although he is a strong supporter of the Local Option Tax, if there will be only one tax issue on the ballot in November, it should be the override levy to support the Golf Course because he feels that problem is more critical than additional funding for items benefiting from the Local Option Tax proposal.

In response to a question from Council Member Arp concerning what the City will do about funding for the Golf Course from now until early 2005, Council Member Muller stated that the Council will need to do what they know they must do.

Council Member Eimers moved to approve the draft ballot and direct the City Clerk to take all actions required to include this property tax override on the November ballot. Council Member Muller seconded the motion. In a roll call vote, Council Member Muller and Council Member Eimers voted aye and Mayor Colton and Council Member Arp voted nay. The motion failed to receive a majority of the votes and was defeated.

Having voted on the prevailing side, Council Member Eimers moved to reconsider Council action on Agenda Bill 03-137 and Agenda Bill 131. Council Member Muller seconded the motion. In a roll call vote, Council Member Muller and Council Member Eimers voted aye and Mayor Colton and Council Member Arp voted nay. The motion failed to receive a majority of the votes and was defeated.

AB 03-139 Resolution 03-18 Special Election for Tax Override Levy on November 4, 2003

Based on the action of the City Council on Agenda Bill 03-140, consideration of this item is not necessary.

Council Member Arp confirmed that the actions of the Council will put the Local Option Tax question on the November 2003 ballot and asked Ben Salmon to encourage readers to contact the Council Members with their thoughts on the golf issues.

REPORTS

Council Member Eimers asked the status of preparation of a draft RFP for management of the Golf Course. City Manager Strobe stated that this language is not ready.

Council Member Eimers wants the Council to see draft RFP language before the City Manager spends five to six weeks in Boise full-time for the duration of an upcoming trial.

Council Member Muller asked the City Manager for more information about the letter from the Payette Lakes Recreational Water and Sewer District. City Manager Strope stated he is reviewing the letter and the agreements.

Council Member Muller also asked about Charter Communications franchise fees. He has had many people contact him with complaints about the service, reception quality, response to customer concerns and problem resolution and the numbers are growing. The most notable reception problems are with channels 3, 4, 6 and 10 and a lack of follow-through or response to requests for acceptable service levels are the most serious concerns. City Manger Strope will contact Charter Communications to let them know that Council is concerned, complaints are growing, and that failure to resolve the problems could result in changes to the franchise authorization.

Council Member Arp noted the nice coverage on McCall in the Boise Journal. She also noted that there is a deep hole needing repair on Lick Creek Road and asked for clarification about whether any portion of Kings Pines Estates is within the City limits.

Council Member Eimers asked that the City make sure the banners on the Hunt Lodge are taken down and that there is a car for sale and apparently abandoned while encroaching on Lick Creek Road should be moved. He also expressed concern about the large internally lit sign at NAPA.

EXECUTIVE SESSION

Council Member Eimers asked that the executive session also include discussion of a personnel issue.

At 9:00 p.m., Mayor Colton moved to go into executive session per Idaho Code 67-2345(1f) and (1b) to consider pending litigation and a personnel issue. Council Member Eimers seconded the motion. Mayor Colton, Council Member Arp, Council Member Muller, and Council Member Eimers voted aye. The motion carried.

The discussion concerned pending litigation and a personnel issue.

ADJOURNMENT

Without further action, Council Member Eimers moved to adjourn. Council Member Arp seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 10:33 p.m.

Ralph Colton, Mayor

ATTEST:

Barbara Bauer, City Clerk & Treasurer