

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
March 14, 2013**

Agenda

Call to Order and Roll Call
Approve the Agenda
Work Session
Pledge of Allegiance
Public Comment
Proclamation
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 5:35 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; Michelle Groenevelt, Community Development Director; Dennis Coyle, Parks and Recreation Director; Peter Borner, Public Works Director; Anne Kantola, Library Director; Carol Coyle, Grant Coordinator; 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 arrived at 5:37pm.

Dennis Coyle, Parks and Recreation Director, and Gene Drabinski, City Manager, informed Council that the Airport Manager contingent offer was accepted by Nathan Coyle.

Council Member Swanson expressed his appreciation of the web access of the GIS.

Michelle Groenevelt updated the Council on the Chamber of Commerce retreat. She reported that they discussed their mission to promote the McCall mountain region with a focus on events. Chamber of Commerce will be submitting an application for funding for fireworks from the LOT Commission. She noted that membership has grown but the percentage of business members of the Chamber is low.

Mayor Bailey expressed his appreciation of the MIT intern and her work on the transit facility.

Mayor Bailey requested information from Peter Borner, Public Works Director, about the design review for May Hardware. Mr. Borner informed Council that May Hardware is looking to expand.

Council Member Scott questioned if the highway speed limit was final. Peter Borner confirmed it was final.

Council Member Aymon asked Mr. Borner why Horrocks Engineering was going to do an additional street survey. Mr. Borner gave a brief explanation for the need of the additional survey. He stated pavement assessment is an ongoing process and an asset management program was a requirement for many grants.

Mayor Bailey expressed concern regarding a vehicle that was in the right of way on the state highway and the lack of code to regulate the issue. Mayor Bailey requested that Public Works Director and Police Department work on a code amendment to address the issue. Mayor Bailey suggested contacting the owner to request removal of the vehicle.

Council Member Aymon commented that there had been several complements regarding the quality of snow removal.

Gene Drabinski stated that the community meeting purposes were to align the community with the idea of additional revenue for the City. Mr. Drabinski also briefed Council of the meeting he had with the Payette Lakes Sewer District board. He requested a way to the leaders of the two entities without the history associated with the litigation issues of the past. Gene Drabinski asked that Council suggest 2 board members and offer representation from council to meet with the Association of Idaho Cities about options to join two sewer districts.

There was a brief discussion on the LOT funds.

There was a brief discussion about the winter storage pond level.

The Council received copies of the following:

COMMITTEE MINUTES

1. Environmental Advisory Committee – December 18, 2012
2. McCall Library Board of Trustees – January 10, 2013
3. McCall Improvement Committee – January 29, 2013
4. McCall Redevelopment Agency – December 18, 2012
5. McCall Tree Advisory Committee – December 6, 2012

6. McCall Tree Advisory Committee – January 3, 2013

Mayor Bailey led the audience in the Pledge of Allegiance at 6:07 p.m.

PUBLIC COMMENT

Mayor Bailey called for public comment at 6:09 p.m.

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

PROCLAMATIONS

AB 13-49 Fair Housing Month Proclamation-2013

BessieJo Wagner, City Clerk, presented The Idaho Department of Commerce Fair Housing Proclamation. Mrs. Wagner stated the purpose was to raise awareness of the public's entitlement to Fair Housing. She stated that Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability).

Council Member Scott moved to proclaim April 2013 as Fair Housing Month in the City of McCall, and authorize the Mayor to sign the proclamation. Council Member Swanson seconded the motion. In a roll call vote Council Member Scott, Council Member Swanson, Council Member Aymon, Mayor Bailey, and Council Member Witte all voted aye and the motion passed.

BUSINESS AGENDA

AB 13-51 Solid Waste Management Contract and Code Amendment Work Session

Michelle Groenevelt, Community Development Director, presented the Solid Waste Management Contract and Code Amendment to Council. Ms. Groenevelt reviewed the discussion from the February 14, 2013, City Council meeting and addressed questions presented by Council. She noted that staff recognized that much of what was in the recommended code amendment could be addressed in a contract with the Waste Management Provider. She also noted that there was consensus that the two could run concurrently. She reported that staff met with Everette Arter of Lake Shore Disposal to start the negotiation process and get clarification of services and service suspension.

Council Member Witte asked how many people do not subscribe for trash. Mr. Arter reported they serve approximately half the residences of McCall. Council Member Swanson wanted to know if the on call service needed a bear proof container. Ms. Groenevelt said they would be

required to have one. BessieJo Wagner, City Clerk, clarified what services would be required by customer.

Council Member Scott asked for pricing clarification on the mandatory service proposal. Ms. Groenevelt explained the price listed was the cart rental and pick-up fee combined.

Council Member Witte wanted to know if the draft proposal was for mandatory service. Ms. Groenevelt stressed the proposal was in draft form. She requested Council decide if they wanted mandatory service or subscription service. She also asked if Council wanted curbside recycling service, which would require a mandatory service to be cost effective.

Council Member Witte asked what service options Lake Shore Disposal customers had currently. Mr. Arter explained the service now is strictly a weekly service throughout Valley County. He also noted they do offer service suspension. Council Member Witte also asked who provided the dumpsters for commercial locations. Mr. Arter explained that Lake Shore provides the dumpster and added the dumpsters would be bearproof.

Council requested that Mr. Arter provide a sample of each cart size for the public to try at an open house. Council discussed the various sizes of carts and who manufactured each cart. Council Member Aymon asked if there was a price change from a 65 gallon container to a 96 gallon container. Mr. Arter stated there was a \$3.60 difference. Council Member Aymon asked if Lake Shore's vehicles were able to accommodate the different sizes of carts. Mr. Arter explained the vehicles could accommodate the sizes.

Council expressed concern with the ease of opening the bear proof carts for those who may lack strength. Mrs. Wagner included that Lake Shore offers extra assistance to those who may need it. Mayor Bailey suggested sketching a tool that could make opening the cart easier. Mr. Arter noted that the current cart had a tendency to freeze in the winter, but there was a method to prevent the lid from locking. He informed Council that as soon as the new carts with the new style lids arrived, Lake Shore would devise a method to lock the lids in an open position to prevent the lids from locking and freezing shut.

Council Member Aymon requested contract clarification with the definition of 'excluded waste' that pertained to animal waste. Council Member Aymon questioned if that included dog waste picked up in a park or yard and cat litter. Mr. Arter stated Lake Shore did not exclude those forms of animal waste. Mayor Bailey suggested rewording to use the term farm animal instead of animal waste. Bill Nichols, City Attorney, suggested creating an exception that included pet waste.

Council Member Aymon requested clarification of the word 'alteration' under the definition of construction. Council clarified it would apply to a building alteration not garment alteration.

Mayor Bailey suggested the agreement needed further work to clarify some paragraphs and definitions. He stated the agreement did capture the discussion from the previous meeting that concerned the word exclusive. He also noted some contradictions within the contract. Mayor Bailey requested clearer definitions within the contract, and used Ketchum's code as an example.

He suggested omitting the term 'solid waste' and use the words rubbish and garbage. Mr. Arter stated the standard term was 'municipal solid waste' unless it was trash from a construction project which was called 'construction debris'. Mayor Bailey stated that it did not matter what the words were as long as everyone agreed what the words meant.

There was a lengthy discussion to specify construction debris and who would be allowed to haul the construction debris. Mr. Arter expressed Lake Shore's request to have an exclusive contract that would not allow a third party to haul construction debris. He noted that currently homeowners and contractors were the two parties allowed to haul construction debris. Mayor Bailey noted that because Lake Shore does not currently recycle all construction materials, there could be a chance that someone could do that in the future in case building was to pick up again. Council Member Witte agreed that if there were to be several potential businesses the Council should allow that within the code. Ms. Groenevelt told Council that there were provisions in place to allow options for contractors. She also stated that if the City did not contract recycling with Lake Shore, the City would be allowed to contract with another business that offered construction recycling.

There was a discussion about current businesses that provide the removal of yard waste. Mayor Bailey stated he wanted to ensure these local businesses were protected. Mr. Nichols clarified the difference between yard waste and construction debris and solid waste. Mayor Bailey requested the exclusive agreement did not exclude or endanger those businesses. Mr. Nichols acknowledged Mayor Bailey's viewpoint and asked for other council members input on agreements. Mayor Bailey stated he did not want agreement to endanger businesses of anyone else in the city unnecessarily.

Mr. Nichols said the definitions needed to be added to the agreement. He stated Council needed to decide who would be allowed to haul construction debris. Council discussed the differences between a contractor and a subcontractor and who would be allowed to remove the construction debris. Council Member Aymon asked Council Member Swanson how many contractors hired a third party to take their waste away. Council Member Swanson stated he did not know of any construction debris removal business and noted the definition of 'third party' was loose. Council Member Witte stated that if someone wanted to create that type of business and had a reasonable use for the material, the City should allow that opportunity. Mayor Bailey stated that while there was not any current business doing that, there could be one if the area were to go through another big building boom. Mr. Nichols emphasized the importance of exclusivity with Lake Shore in regards to construction debris removal and the company's responsibility. Council Member Aymon asked if Council could make a provision in the contract that would allow a construction debris recycling business, if one came to town. Mr. Nichols stated that would not be possible under an exclusive agreement with Lake Shore. Council Member Swanson stated his opinion was that the current proposed contract was sufficient. He stated it was not necessary to write the code for something that does not exist now or may not exist in the future. Mayor Bailey stated he agreed with Council Member Swanson and also with Council Member Witte. Gene Drabinski stated that if there was already a market in McCall for recycling construction materials, the current vendor would have taken advantage of it.

There was a brief discussion clarifying definitions, proposed hours and the state holiday schedule.

Ms. Groenevelt asked Council for other clarifications or corrections. Mayor Bailey stated he would provide corrections.

Gene Drabinski informed Council that he spoke with Valley County Commissioners and would like to include in the contract to provide bear proof containers and pick up in the impact area at the city's rate.

Ms. Groenevelt informed Council she would clarify exhibit A to include a detailed full rate schedule and a comprehensive list of services. There was a brief discussion about the contract term and renewal term.

Ms. Groenevelt asked Council's input on two policy questions. The first was whether Council wanted mandatory or subscription service in the final contract. The second was if the Council wanted to adopt mandatory curbside recycling now or in the future.

Council Member Aymon stated she supported mandatory pickup and bear proof and recycling could be addressed in the future.

There was a consensus from Council to put recycling off to a future date.

Council Member Scott stated she did not want to mandate trash pickup.

There was a significant discussion regarding mandatory service.

Mayor Bailey stated the only way to solve the bear problem was to mandate trash pickup.

Council Member Swanson noted it was challenging to mandate the public, but to ignore problems such as illegal dumping and the bear issues was not the right thing to do. He expressed concern with mandatory service, but stated it was the best path forward.

Council Member Witte asked that the 6 month service suspension option be clear in the contract. Mr. Nichols stated it would be referenced in Exhibit A.

Council Member Swanson expressed concern with the 10 year term of the contract. He stated it was a long time for a mandatory service without being convinced it would remedy the bear problem. Ms. Groenevelt stated that the bears will continue to be a problem because it is a learned behavior. It will take several years for the bears to find other food sources.

Mayor Bailey suggested Council email any changes to BessieJo Wagner and Bill Nichols so they are able to clean up the contract and the code amendment. He directed staff to work with the City Attorney to put the recommended waste management code amendment into an ordinance for adoption at the next Council Meeting.

Mr. Arter requested Council's timeline on penalties for late payment. Mr. Drabinski suggested following the same time frame as the water and sewer service which was two months.

AB 13-47 Hangar 525 Lease Assignment

Dennis Coyle, Interim Airport Manager, presented the Hangar 525 Lease Assignment to Council. Mr. Coyle gave Council the current ownership status of Hangar 525. The owner of Hangar 525 had a closing scheduled on April 1, 2013, and the seller requested that the City assign the lease to the purchaser. The purchaser, Michael Schaffer, was provided a copy of the lease, current Airport Rules and Regulations, and Airport Minimum Standards. The lease was entered into 28 February 2007 for a period of 20 years and was renewable for up to four (4) additional five (5) year terms. The assignment the annual lease fee would go from \$390.50 to approximately \$545.83. The City requested a \$200 transaction fee. The lease terms would remain unchanged as this was not a new lease. The lease payment was current for FY13. Airport Advisory Committee recommended the approval of the assignment of the lease.

Council Member Witte moved to approve the lease assignment of Hangar 525 from Jensen to Schaffer and authorize the Mayor to sign all necessary documents. Council Member Aymon seconded the motion. In a roll call vote Council Member Witte, Council Member Aymon, Mayor Bailey, Council Member Scott, Council Member Swanson voted aye and the motion passed.

AB 13-46 Resolution No. 13-10 adopting a State/Local Agreement with Idaho Transportation Department (Key No. 13517): Rotary Park Rehabilitation

Carol Coyle, Grant Coordinator, presented Resolution No. 13-10 to adopt a State/Local Agreement with Idaho Transportation Department (ITD) (Key No. 13517): Rotary Park Rehabilitation to Council. The City of McCall was awarded \$57,750 of federal funding from the National Scenic Byways grant program to rehabilitate Rotary Park. She told Council that last summer Parks and Recreation and the City engineer looked at the cost estimate to put in new lighting. Parks and Recreation determined a better use of the money would be to improve the retaining wall, ADA walkways, storm water management, landscaping, irrigation, and parking lot patching. Mrs. Coyle stated ITD approved the revision. The State/Local agreement would require a resolution to be passed, as well as a \$2000 fee to be paid to ITD for administration of the project.

Council Member Swanson moved to adopt Resolution No. 13-10 authorizing the Mayor to enter into, on behalf of McCall, a State/Local Agreement with Idaho Transportation Department for Key No. 13517 - Rotary Park Rehabilitation. Council Member Aymon seconded the motion. In a roll call vote Council Member Swanson, Council Member Aymon, Mayor Bailey, Council Member Scott, Council Member Witte all voted aye and the motion passed.

AB 13-50 2013 Co-Operative Chip Seal Agreement with Valley County, Idaho

Peter Borner, Public Works Director, presented the 2013 Co-Operative Chip Seal Agreement with Valley County, Idaho to Council. Mr. Borner gave a brief history of the cooperation

between Valley County and the City of McCall with shared usage of the chip sealing equipment and operations. As a result, Sampson Trail from Deinhard Lane to the southern City limits were chip sealed.

City Council approved \$158,797 for chip sealing City Streets for the summer of 2013. Mr. Borner stated that Valley County offered the City of McCall the use of their chip sealing equipment and personnel to aid the City to obtain a more cost effective and timely chip sealing program. The offer included training on their equipment. The co-operative agreement would allow the City the flexibility it needed to chip seal City streets during the appropriate time and it would provide significant savings over a contractor being hired.

The City streets identified for chip sealing this summer would be Deinhard Lane, Boydston Street, Warren Wagon Road and a portion of Spring Mountain Boulevard.

There was a brief discussion on how many miles would be chip sealed. Mr. Borner stated approximately 2 miles of road would be chip sealed.

Council Member Witte moved to approve the 2013 Co-Operative Chip Seal Agreement with Valley County, Idaho and authorize the Mayor the sign all necessary documents. Council Member Swanson seconded the motion. In a roll call vote Council Member Aymon, Mayor Bailey, Council Member Scott, all voted aye and the motion passed.

AB 13-45 Annual Reports to Council – Clerk and Local Option Tax

BessieJo Wagner, City Clerk, presented the Annual Reports for Clerk and Local Option Tax to Council. Mrs. Wagner updated Council on the roles, responsibilities, and accomplishments of the Clerk's office. She also briefed Council on current expenditures and how the department was funded.

Mrs. Wagner also briefed Council on the Local Option Tax accomplishments. Council discussed what the Local Option Tax was allowed to fund and the responsibilities the Clerk's office had in administering the Local Option Tax.

AB 13-48 Discussion re: Dispatch Fees work group with Valley County Commissioners and McCall City Council

Gene Drabinski, City Manager, presented the Dispatch Fees work group with Valley County Commissioners and McCall City Council for discussion. He stated Commissioner Willy requested McCall kick the meeting off. Mr. Drabinski requested a council member volunteer or be nominated. Council Member Witte volunteered to participate in the work group.

AB 13-52 Design and Plan an Effective, Responsive Council/Manager Government Seminar Follow-up

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.

The Council appointed Nic Swanson and Jackie Aymon to review and interview Stan McNutt.

Council Member Aymon updated the Council on her conversation with Mr. McNutt. She said once Mr. McNutt completed his interviews, he would research and compile a document that would help the Council Members be better city leaders. He would also provide something in writing in the form of policies and procedures. Once those are completed, he would return to McCall to hold a seminar. Council Member Aymon mentioned the process could take 2 to 4 weeks. Council Member Aymon mentioned Mr. McNutt completed a document for Bainbridge Island that would be similar to the document to be prepared for McCall. Council Member Swanson discussed Bainbridge Island's document and highlighted elements that could help McCall's City Council. Mayor Bailey suggested meeting with Mr. McNutt on March 29, 2013. Council agreed on that date.

CONSENT AGENDA

Staff recommended approval of the following items:

1. Warrant Registers
2. Payroll Report for Period ending March 1, 2013

A brief discussion took place regarding the Warrant Register.

Council Member Witte moved to approve the Consent Agenda. Council Member Scott seconded the motion. In a Voice vote all voted aye and the motion passed.

ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 8:18 p.m.

Donald C. Bailey, Mayor

ATTEST:

BessieJo Wagner, City Clerk