

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
October 10, 2013**

Agenda

Call to Order and Roll Call
Approve the Agenda
Reports
Committee Minutes
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 5:33 p.m. Council Member Aymon, Mayor Bailey, Council Member Scott, Council Member Swanson, and Council Member Witte all answered roll call.

City staff present was Gene Drabinski, City Manager; Bill Nichols, City Attorney; Linda Stokes, City Treasurer; Michelle Groenevelt, Community Development Director; Eric McCormick, Golf Superintendent; Peter Borner, Public Works Director; Dennis Coyle, Parks and Recreation Director; Nathan Coyle, Airport Manager; Larry Stokes, Interim Chief of Police, and BessieJo Wagner, City Clerk.

APPROVE THE AGENDA

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

REPORTS

Gene Drabinski, City Manager, updated Council on the Police Chief candidate, the status of Divot Lane, and the meeting with Pete Wagner, DEQ Director Boise Region.

Nathan Coyle, Airport Manager, informed Council that there was no update to the land acquisition. He also noted the FAA had changed offices.

Michelle Groenevelt, Community Development Director, updated Council on the newest Planning and Zoning candidate and the Lardo Bridge project.

There was a brief discussion about the Golf Course projects and the budget.

Dennis Coyle, Parks and Recreation Director, briefed Council on the status of the disc golf course.

There was a brief discussion regarding the Police Department staff.

There was a brief discussion regarding Public Works projects.

Council discussed Local Option Tax and building permit activity.

The Council received copies of the following:

1. Golf Advisory Committee – March 20, 2013
2. Golf Advisory Committee – April 17, 2013
3. Golf Advisory Committee – May 8, 2013
4. Golf Advisory Committee – June 12, 2013
5. Golf Advisory Committee – July 10, 2013
6. Golf Advisory Committee – August 14, 2013
7. McCall Centennial Committee – July 9, 2013
8. McCall Centennial Committee – August 27, 2013
9. McCall Improvement Committee – July 25, 2013
10. McCall Redevelopment Agency – July 16, 2013
11. McCall Redevelopment Agency – August 20, 2013
12. Planning and Zoning Commission – August 6, 2013
13. Planning and Zoning Commission – September 10, 2013
14. Public Art Advisory Committee – June 5, 2013
15. Public Art Advisory Committee – August 13, 2013
16. Parks and Recreation Advisory Committee – September 9, 2012
17. Parks and Recreation Advisory Committee – November 28, 2012
18. Parks and Recreation Advisory Committee – December 19, 2012
19. Parks and Recreation Advisory Committee – February 21, 2013
20. Parks and Recreation Advisory Committee – March 13, 2013
21. Parks and Recreation Advisory Committee – April 17, 2013
22. Parks and Recreation Advisory Committee – May 15, 2013

Mayor Bailey led the audience in the Pledge of Allegiance at 6:00 p.m.

PUBLIC COMMENT

Mayor Bailey called for public comment at 6:01 p.m.

Justin Williams, Police Chief Candidate, and his spouse, Chantell Williams, were introduced to Council. They gave a brief history of their family and shared their impressions of McCall.

Ken Krahn, 907 Strawberry Lane, expressed his concern with the Conifer Lodge. He stated his concern was the number of people and the number of cars illegally parked on Strawberry Lane. He also stated there was a commercial trash can. He asked if the goals for the city would be obtainable. He suggested limiting the number of light poles on Third Street to save money and objected to planting the trees that would uproot the sidewalks.

Margie Elliott –president of Home Owners Association in the Woodlands expressed her concern with the Brady Retreat. She stated that parking, noise, garbage, and taking over the common area were all problems. She asked Council how a business such as this could come into a neighborhood. Mayor Bailey stated this type of business would be discussed later in the meeting.

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

BUSINESS AGENDA

AB 13-180 Idaho Transportation Department Office of Highway Safety Grant Memorandum of Understanding

Larry Stokes, Interim Police Chief, introduced the proposed Memorandum of Understanding (MOU) between the Idaho Transportation Department Office of Highway Safety and the McCall Police Department. The MOU would be a part of a Nationwide Program dedicated to reduce the number of traffic related injuries and deaths. Chief Stokes specified the MOU requirements and what the reimbursable expenses were. He also listed what items the grant monies would be used for such as speed detection equipment.

Council discussed the aesthetics of the equipment.

Council Member Scott moved to approve participation in the traffic enforcement mobilizations and direct the Mayor to sign the Memorandum of Understanding. Council Member Swanson seconded the motion. In roll call vote Council Member Scott, Council Member Swanson, Council Member Aymon, Mayor Bailey, and Council Member Witte voted aye and the motion carried.

AB 13-184 Submission of the Section 4(f) “De minimus” impact finding for Rotary Park SH-55 North Fork Payette River Bridge (Lardo Bridge) replacement project (added 10/07/13)

Dennis Coyle, Parks and Recreation Director, stated that Bionomics Environmental was performing the environmental evaluation for the Sh-55 North Fork Payette River Bridge (Lardo Bridge) replacement project. He stated the project would involve minor impacts to Rotary Park, and a finding of “*de minimus*” impact would be anticipated. He stated that to complete the necessary documentation, ITD is in need of a written statement from the officials with jurisdiction over Rotary Park stating the project would not adversely affect the activities.

Council Member Witte moved to approve the submission of the Section 4(f) “de minimus” impact letter and form and authorize the Mayor to sign all necessary documents. Council Member Aymon seconded the motion. In roll call vote Council Member Witte, Council Member Aymon, Mayor Bailey, Council Member Scott, and Council Member Swanson voted aye and the motion carried.

AB 13-182 Personal Property Lease Agreement – Artist Leasing Art to the City of McCall
– Phil Wilcomb

BessieJo Wagner, City Clerk, presented Council with the lease renewal for artwork by Phil Wilcomb. She stated the lease would be for November 10, 2013 through November 10, 2014. The value of the art piece, estimated by the artist, was \$2,250.

Council Member Scott moved to approve the Personal Property Lease Agreement with Phil Wilcomb and authorize the Mayor to sign all necessary documents. Council Member Swanson seconded the motion. In voice vote Council Member Scott, Council Member Swanson, Council Member Aymon, Mayor Bailey, and Council Member Witte all voted aye and the motion carried.

AB 13-183 LID No. 3 Status Report – Information Only

Linda Stokes, City Treasurer, presented the LID No. 3 status report to Council. When the bonds were paid off in 2009, the LID No. 3 Fund only needed to borrow \$128,902. In 2008 it was calculated that the LID No. 3 fund would only be able to pay back \$34,221. Since that date, the calculated amount the LID No. 3 fund would be able to repay increased each year. The final calculated amount the LID No. 3 Fund will pay back to the General Fund would be \$114,826.

There was a short discussion on the LID process.

AB 13-181 Council Discussion Regarding Short Term Rentals and Conditional Use Permits

This item was tabled on the September 12, 2013 regular City Council meeting. Mayor Bailey requested Council discuss what constituted a “lodge” as referenced in the McCall City Code 3.3.02. Mayor Bailey asked for a status update regarding the requirements for a Conditional Use Permit (CUP) and short term rentals referred to as a “lodge”. Staff met and determined that The Conifer Lodge was a large vacation rental, but not unlike numerous other vacation rentals found throughout the City and Impact Area. The Conifer Lodge was not built to any commercial standards. There were no zoning or building codes that regulated the number of people who occupied a dwelling. Staff concluded that The Conifer Lodge was not a “lodge” as the type that is grouped with social hall and club within the land use table 3.3.02 which would require a CUP. Staff discussed the idea of creating a standard for the number of occupants but ran into a number of issues such as violations of the Fair Housing Act, family reunions, weddings, and enforcement. Staff’s opinion was that the property did not need a CUP.

Council discussed whether a CUP would be required. They also discussed ways to regulate the number of guests allowed. Bill Nichols, City Attorney, cautioned placing restrictions on rentals due to a possible violation of the Fair Housing Act. Council discussed regulating parking, the

number of allowed vehicles, or regulate through the issue of health and safety. Mr. Nichols noted on street parking was regulated either from the City or Homeowners Associations.

Mayor Bailey asked staff and Mr. Nichols to review what limits and authority the City would have to regulate large vacation rentals.

AB 13-179 Discussion and direction regarding the “Tomlinson Dock”, which is a private dock located on City property just east of the Marina

Mayor Bailey requested that the Council discuss the “Tomlinson Dock” parked on City Beach next to Marina. Mayor Bailey stated that the dock was not on the property Mile High Marina leased from the City, contrary to a memo from former City Manager, Lindley Kirkpatrick. Mayor Bailey stated it was on the submerged land leased with the State of Idaho. Mayor Bailey asked if it was legal for the dock to be located where it is. He also asked if there was an easement and who granted the easement.

Bill Nichols, City Attorney, stated he was not aware of any easement documentation. He also stated that he was given no direction by the previous City Manager. Dennis Coyle, Parks and Recreation Director, suggested postponing any decisions on the Tomlinson Dock until Mile High Marina’s lease was up in 3 years. Mr. Nichols requested any relevant documents be forwarded to him.

Mayor Bailey requested all documents be forwarded the City Attorney, Bill Nichols, and that Council review the documents related to the “Tomlinson Dock” to make a determination if further action should be taken.

CONSENT AGENDA

Staff recommended approval of the following items:

1. City Council Regular Meeting Minutes – August 22, 2013
2. Warrant Registers
3. Payroll Report for Period ending September 27, 2013

There was a brief discussion on the Warrant Registers.

Council Member Witte moved to approve the Consent Agenda as presented. Council Member Aymon seconded the motion. In a Voice vote, all members voted aye and the motion carried.

EXECUTIVE SESSION

At 7:41 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. Council Member Swanson

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

Council discussed the legal implications of re-opening the contract with Lake Shore Disposal.


RETURN TO OPEN SESSION

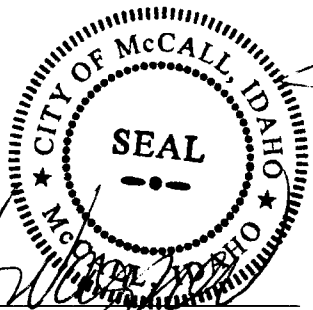
At 9:03 p.m., Mayor Bailey moved to return to Open Session. Council Member Swanson seconded the motion. In a voice call vote, all voted aye and the motion carried.


ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 9:04 p.m.

ATTEST:


BessieJo Wagner, City Clerk




Donald C. Bailey, Mayor