

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
March 13, 2014**

Agenda

Call to Order and Roll Call
Approve the Agenda
Reports
Pledge of Allegiance
Public Comment
Proclamation
Business Agenda
Consent Agenda
Executive Session
Open Session
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Aymon called the regular meeting of the McCall City Council to order at 5:30 p.m. Mayor Aymon, Councilor Giles, Councilor Scott, Councilor Swanson, and Councilor Witte all answered roll call.

City staff members present were Gene Drabinski, City Manager, Bill Nichols, City Attorney; Linda Stokes, City Treasurer; Eric McCormick, Golf Superintendent; Dennis Coyle, Parks and Recreation Director; Peter Borner, Public Works Director; Nathan Coyle, Airport Manager; and BessieJo Wagner, City Clerk.

APPROVE THE AGENDA

Councilor Witte moved to approve the agenda as submitted. Councilor Swanson seconded the motion. In a voice vote all members voted aye and the motion carried.

REPORTS

Gene Drabinski, City Manager, reported on the Idaho Power meetings and the CIP group. Mr. Drabinski stated the CIP group agreed on the top ten projects that would require external funding.

Dennis Coyle, Parks and Recreation Director, updated Council on the Fairway Park restroom project.

Peter Borner, Public Works Director, updated Council on the status of the pothole repairs. Councilor Witte thanked the crew for their efforts in repairing the potholes.

Eric McCormick provided Council with an update on the status of the Golf Course greens.

The Council received copies of the following Committee Minutes:

1. Airport Advisory Committee – January 3, 2013; February 7, 2013; March 7, 2013; June 6, 2013; July 18, 2013; August 1, 2013; August 22, 2013; September 9, 2013; November 11, 2013; January 17, 2014
2. Environmental Advisory Committee – January 21, 2014
3. McCall Redevelopment Agency – January 21, 2014
4. Planning & Zoning Commission – February 4, 2014
5. Tree Advisory Committee – February 2, 2014

Mayor Aymon led the audience in the Pledge of Allegiance at 5:50 p.m.

PUBLIC COMMENT

Mayor Aymon called for public comment at 5:51 p.m.

Hearing no comments, Mayor Aymon closed the public comment.

PROCLAMATION

AB 14-38 Arbor Day Proclamation

Dennis Coyle, Parks and Recreation Director, presented the Arbor Day Proclamation to Council. He stated that Arbor Day is celebrated nationally on the last Friday of April. He stated McCall typically designates a day in June as the official Arbor Day due to inclement weather in April. Mr. Coyle stated that this year McCall will celebrate Arbor Day on Saturday, June 21.

Councilor Swanson moved to approve the submission of the 2014 Arbor Day Proclamation and authorize the Mayor to sign all necessary documents. Councilor Giles seconded the motion. In a roll call vote, Councilor Swanson, Councilor Giles, Mayor Aymon, Councilor Scott, and Councilor Witte all voted aye and the motion carried.

BUSINESS AGENDA

AB 14-40 Environmental Advisory Committee (EAC) Member Appointments

Dennis Coyle, Parks and Recreation Director, presented the Environmental Advisory Committee (EAC) Member Appointments to Council. He stated that the EAC consisted of six members who serve three year terms, and a high school representative. There were 3 vacancies on the EAC and one position was for re-appointment. He stated BessieJo Wagner, City Clerk, posted a request for volunteers for the EAC in the Star-News. Mr. Coyle stated the EAC recommended the appointment of Leslie Van Niel, Michael J. Everett, and Krystan Welborn to the EAC. The Committee also recommended the re-appointment of Morgan Zedalis. One position would finish a member's term to 2015; the others would be for 3 year terms.

Councilor Swanson moved to appoint the following to the Environmental Advisory Committee to the terms specified: Leslie Van Niel to a term to expire January, 2015; Michael J Everett to a term to expire January, 2017; Morgan Zedalis to a term to expire January, 2017; and Krystan Welborn as the High School representative. Councilor Scott seconded the motion. In a voice vote all members voted aye and the motion carried.

AB 14-37 Xerox Workstation Lease Agreement

BessieJo Wagner, City Clerk, and Gene Drabinski, City Manager, informed Council of the maintenance issues with the current machine. The current machine's lease would expire in 2014. The maintenance issues required an early replacement with a new Xerox W7845P Work Centre. Council noted the decreased lease rate.

Councilor Giles moved to approve the Image Management Agreement with Boise Office Equipment and authorize the Mayor to sign all necessary documents. Councilor Witte seconded the motion. In a roll call vote Councilor Giles, Councilor Witte, Mayor Aymon, Councilor Scott, and Councilor Swanson all voted aye and the motion carried.

Councilor Scott was recused for the next item.

AB 14-43 Commercial Hangar 102 Lease Termination and Establishment of a New Lease

Gene Drabinski, City Manager, addressed the Council regarding the pricing of items in an effort to give a premise to the requested pricing for the term of the lease.

Nathan Coyle, Airport Manager, presented the Commercial Hangar 102 Lease Termination and Establishment of a New Lease. He stated that the owner of Hangar 102, Aviation Properties LLC (Dan Scott), requested an agreement for termination of the existing lease and enter into a new commercial lease for Hangar 102. He explained that the existing lease was assigned to Aviation Properties LLC in 2010 and had 13 years remaining on the current lease term. Mr. Coyle stated that to satisfy lender requirements for refinancing, a term with no less than 25 years has been requested by Mr. Scott. Mr. Coyle explained the time frame the hangar's lease rate would become current with current lease rates.

Mr. Coyle continued, stating that Mr. Scott had requested the City's consideration for entrance into a lease that mirrors the existing FBO lease for Hangar 103 with regard to lease term and rental rates. Mr. Coyle provided additional supporting information for the lease proposal and potential benefits to the City.

Pending approval by Council, the City would receive a pro-rated lease payment in the amount of \$2,450.60 upon execution of the agreement. The city requested an additional payment from Mr. Scott in the amount of \$187.50 as a shared cost for procurement of a new legal description and parcel depiction to replace an inadequate parcel depiction within the existing lease for this hangar.

Councilor Witte asked about the lease language and what would happen to the credit. Mr. Coyle provided a history of the current lease.

Councilor Giles expressed concern for the lack of a rate of escalation provision in the lease. He discussed the costs of the runway relocation and the snow removal equipment replacement and asked Mr. Coyle if those would happen by 2020. Mr. Coyle explained the timeframe of airport

improvements and was confident the runway relocation would be done by 2020. He was not certain if the snow removal equipment would be replaced by 2020. Councilor Giles noted that with the taxiway relocation and acquisition of the snow removal equipment, the current lease structure may not cover the increases in the annual cost of operating the airport. He requested postponing a vote on the Hangar 102 lease until Council discussed the lease rate and template in a future work session.

Dan Scott, Aviation Properties, 300 Deinhard Lane, addressed the Council. He provided a summary of the terms of the lease for Hangar 102 and the reasons for the new lease. He agreed that a commercial lease rate needed to be established, but the current situation was time sensitive and would not allow the time to wait for Council to determine lease rates. He explained the different types of operations within the airport and how lease rates vary with the varying operations. Mr. Scott also expressed his concerns if the lease was not approved and the hangar was purchased by a private owner. Laura Scott, Aviation Properties, addressed Council with the reasons for refinancing and timeframe requirements that the business required to secure financing.

Councilor Giles requested Mr. Coyle provide Council with financial data regarding airport operations and improvements. Mr. Coyle stated he would have the information in approximately 2 weeks.

There was discussion on the lease templates for commercial and private lease rates. Councilor Giles asked if there were any other lease changes that were time sensitive. Mr. Coyle stated he was not aware of any and gave a brief explanation of the process for scheduling the hangar leases. Councilor Giles stated he would like more time for a work session in advance of future lease changes. Mr. Coyle asked the purpose of the request and if a work session would be required prior to every lease transaction or if it would be for the overall picture of the lease template and rates. Mr. Giles clarified the work session would be on the overall picture and to develop a strategy for addressing fee structures, lease rates, and escalation provisions. Mr. Drabinski requested clarification if the desired outcome would be a plan to develop a business strategy or address the lease rates. Councilor Giles clarified the work session would be to discuss lease rates and escalation provisions.

Councilor Swanson moved to approve termination of the existing lease of Commercial Hangar 102 by and between Aviation Properties LLC and the City of McCall, and subsequently approve the new lease for Hangar 102 to Aviation Properties LLC and authorize the Mayor to sign all necessary documents. Councilor Witte seconded the motion. Councilor Swanson, Councilor Witte, Mayor Aymon, and Councilor Giles all votes aye and the motion carried.

Councilor Scott returned to the Council.

AB 14-39 Agreement for Non-Litigation Legal Services under the Airport Land Acquisition Effort

Nate Coyle, Airport Manager, presented the Agreement for Non-Litigation Legal Services under the Airport Land Acquisition Effort. He stated that due to the increased complexity of the land acquisition efforts undertaken by the airport, the FAA recommended that the City procure non-litigation oriented legal counsel for guidance to City staff within the remaining acquisition process. The cost incurred for the agreement would be eligible for partial reimbursement under

the Airport Improvement Program (AIP) land acquisition effort. The FAA reviewed and concurred with services and estimated fees as outlined within the draft agreement. Mr. Coyle explained that as a part of the selection process for legal counsel, qualifications from four separate firms were considered. He stated that White Peterson was selected pending Council's concurrence of the selection.

Councilor Giles expressed appreciation of the work done. He noted discrepancies in the dates on the agreement and the date the agreement would be signed. He requested the agreement date change to March 14, 2014. Bill Nichols, City Attorney, confirmed that date would be acceptable noting that no work had been performed under the contract. Council Witte noted a duplicate definition on Paragraph 1.2 and Paragraph 1.8., and that Paragraph 2.4, pg 3, had a sentence with 2 verbs.

Councilor Giles moved to approve the Agreement with White Peterson for Non-Litigation Legal Services for Land Acquisition as amended with the date and authorize the Mayor to sign all necessary documents. Councilor Scott seconded. In a roll call vote Councilor Giles, Councilor Scott, Mayor Aymon, Councilor Swanson, and Councilor Witte all voted aye and the motion carried.

AB 14-42 Farmers Market Discussion

BessieJo Wagner addressed Council noting the McCall City Code, as it related to the Farmers Market, was outdated and needed to be rewritten. She stated that in the process of rewriting the code, City Staff was asking Council for direction on what the Farmers Market should look like.

Susie Marshall addressed the Council and gave her understanding of the history of the Farmers Market.

Council questioned the need for an ordinance for a Farmer's Market. When asked by Council, Bill Nichols, City Attorney, stated it was a policy decision by the City Council. There was consensus to place the item on the March 28th Work Session agenda.

There was discussion about the definitions of a farmer's market, fruit stand, and a hawker. The discussion also included fees. Mrs. Wagner gave a brief history of the fees. Mrs. Wagner requested direction from City Council. Council requested information regarding the history of the original ordinance and information from other cities' farmer's markets and associated ordinances. They requested the information be ready for the March 28, 2014 City Council Work Session.

AB 14-41 An Update regarding the development of a Memorandum of Understanding between the City of McCall and the Payette Lakes Recreational Water and Sewer District (PLRWSD)

Gene Drabinski, City Manager, presented Council with an update on the Memorandum of Understanding (MOU) between the City of McCall and the Payette Lakes Recreational Water and Sewer District (PLRWSD). Mr. Drabinski provided Council with a thorough history of the relationship between the City of McCall and PLRWSD. He stated that a draft operational structure was presented to the City Council in September, but questions arose that needed to be addressed before moving forward with the MOU. He noted that Peter Borner, Public Works Director, and Dale Caza, PLRWSD, would continue to meet on a regular basis to develop framework of working together in a collaborative way. Mr. Drabinski stated a draft MOU was

presented to Council on November 7, 2013. Council recommended changes at that time and the document was sent back to the PLRWSD Board for their consideration.

Mr. Drabinski gave Council a progress report related to the development of the MOU. He stated the MOU would have 3 primary elements consisting of Joint Maintenance of Disposal, a Multiyear Plan for Treatment, and a Multiyear Plan for Collection. He noted the plans would require cross training of staff. Mr. Drabinski requested feedback from Council and asked what direction Council would like to proceed.

Mayor Aymon stated she liked the plan, but did not want JUB Engineers to be involved with the project. Mr. Borner informed Mayor Aymon that JUB would not be the engineers.

There was a brief discussion on each department's facilities, and sludge removal. Mr. Drabinski, Mr. Borner, and Councilor Swanson agreed the MOU proposal was a good plan. Councilor Witte was in favor of the MOU and moving forward with it. She was also in favor of including the irrigators in the discussions between PLRWSD and the City of McCall.

Upcoming Meetings Schedule Discussion

Mayor Aymon requested the Farmer's Market discussion be placed on the April 10 agenda. Councilor Swanson agreed with Councilor Giles and requested the airport lease rate discussion be placed on the April 25th Council work session.

CONSENT AGENDA

Staff recommended approval of the following items:

1. City Council Regular Minutes – February 27, 2014
2. Warrant Registers
3. Payroll Report for Period ending February 28, 2014

There was a brief discussion on the minutes and the warrant register.

Councilor Scott moved to approve the Consent Agenda with the Minutes as corrected. Councilor Swanson seconded the motion. In a roll call vote, Councilor Swanson, Councilor Witte, Mayor Aymon, Councilor Giles, and Councilor Scott all voted aye and the motion carried.

EXECUTIVE SESSION

At 8:23 p.m., Mayor Aymon moved to go into Executive Session for

- **Records Exempt from Disclosure - 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;**

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

Council discussed the proposed second amendment to the Wastes Management Contract.

RETURN TO OPEN SESSION

At 9:00 p.m., Mayor Aymon moved to return to Open Session. Councilor Swanson seconded the motion. In a voice call vote, all voted aye and the motion carried.

AB 14-44 Second Amendment V2 to Exclusive Agreement for Collection and Disposal of Solid Waste – Lake Shore Disposal - Direction to staff re: Exclusive Agreement for Collection and Disposal of Solid Waste

Councilor Scott moved to direct the attorney to take the course of action as proposed in executive session. Councilor Giles seconded the motion. In a voice vote all members voted aye and the motion carried.

ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 9:01 p.m.



ATTEST:

Bessie J. Wagner
Bessie J. Wagner, City Clerk

Jackie J. Aymon
Jackie J. Aymon, Mayor