

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
June 25, 2015**

Agenda

Call to Order and Roll Call
Pledge of Allegiance
Approve the Agenda
Report
Public Comment
Business Agenda
Consent Agenda
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Aymon called the regular meeting of the McCall City Council to order at 5:34 p.m. Mayor Aymon, Councilor Giles, and Councilor Scott all answered roll call. Councilor Swanson and Councilor Witte were absent.

City staff members present were Bill Nichols, City Attorney; Michelle Groenevelt, Community Development Director; Linda Stokes, Treasurer; Traci Malvich, Human Resources Manager; and BessieJo Wagner, City Clerk.

Mayor Aymon led the audience in the Pledge of Allegiance.

APPROVE THE AGENDA

Councilor Scott moved to approve the amended agenda to remove AB 15-111 Presentation of Idaho Road Scholar Program Certificates. Councilor Giles seconded the motion. In a voice vote all members voted aye and the motion carried.

REPORT

AB 15-110 McCall Improvement Committee Annual Report to City Council

Sadie Noah, Chairperson, presented the annual report to Council for the McCall Improvement Committee (MIC). The MIC has 12 active members who meet throughout the year on a monthly basis and more often during the summer when there is more activity. The most prominent event of the committee is the McCall in Bloom contest. Since its inception five years ago, participants and contestants have increased from 12 to over 70 and the committee hopes it will grow to almost 100 participants. Ms. Noah explained how the McCall in Bloom contest works and how it can be supported by being a participant. The MIC also participates in America in Bloom on a national scale, which they won last year in their population category. The main fundraising event

is the annual Valentines Day Ball, which raised several thousand dollars, which goes to funding the two contests and other projects. Because McCall has won its population category in America in Bloom so many times they were placed in the Circle of Champions and will be competing at this level for 2015, which will be more difficult. The America in Bloom judges will be visiting McCall on July 23 and 24, 2015. The money raised from McCall in Bloom and the Valentines Day Ball goes into an account where it is used for projects. Currently \$4K is committed to a Rotary Park art project, which is getting closer to completion. Council thanked Ms. Noah and the MIC for the report.

PUBLIC COMMENT

Mayor Aymon called for public comment at 5:44 p.m.

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

BUSINESS AGENDA

AB 15-108 Sabala Foundation Fireworks Display

BessieJo Wagner, City Clerk, presented this request on behalf of the Sabala Foundation for a fireworks display permit. Every year the Sabala Foundation does a fireworks display to coincide with the RJS Foundation Tournament. This year the fireworks display is planned for June 27, 2015. The fireworks display is free of charge and open to the public.

Councilor Scott moved to approve the fireworks display permit for June 27, 2015 and authorize the Mayor to sign the application for permit. Councilor Giles seconded the Motion. In a roll call vote Councilor Scott, Councilor Giles, and Mayor Aymon all voted aye and the motion carried.

AB 15-107 Chamber of Commerce July 4, 2014 Celebration Approvals

BessieJo Wagner, City Clerk, presented on behalf of the McCall Area Chamber of Commerce. The Chamber submitted requests and application pertaining to the 2015 Fourth of July holiday. The items for approval included a request for extension of the noise ordinance and a request for a fireworks permit. An event plan was included in the Council packet for review. Mayor Aymon asked if alcohol in open containers would only be allowed in the beer garden. City Clerk Wagner acknowledged that the open container law was not suspended this year so it would be confined to only the beer garden in Carey Park.

Councilor Giles moved approve the request and extend the noise ordinance until midnight on July 4, 2015, approve the fireworks display permit for July 4, 2015, and authorize the Mayor to sign all necessary documents. Councilor Scott seconded the motion. In a roll call vote Councilor Giles, Councilor Scott, and Mayor Aymon all voted aye and the motion carried.

AB 15-113 Valley County Sheriff's office Request for Participation in Hazard and Disaster Mitigation

BessieJo Wagner, City Clerk, presented on behalf of the Valley County Sherriff's office. John Coombs with the Valley County Sheriff's office requested that the McCall City Council appoint

a point of contact and an alternate to be on the Valley County All Hazard Mitigation Committee. To comply with FEMA's requirements Valley County is in the process of applying for a Pre-Disaster Mitigation grant, on behalf of all jurisdictions in Valley County, to conduct a complete revision of the All Hazard Mitigation Plan. With this grant the applicants are required to provide a 25% (\$3,750) match against the \$15,000 requested in the grant. The participation on the committee would be applied toward the 25% match, a soft match. With the time and expertise of the committee members and all participants (excluding federal employees) Mr. Coombs feels that the match requirement should easily be met. Mayor Aymon asked what type of person they needed. Mrs. Wagner thought it might be one or two Council members with perhaps a Staff alternate. Mayor Aymon and Councilor Scott volunteered to be committee members.

Councilor Giles moved to appoint Mayor Aymon and Councilor Scott as committee members representing the City of McCall to the Valley County All Hazard Mitigation Committee and authorize the Mayor to sign the letter of support. Councilor Scott seconded the motion. In a voice vote all members voted aye and the motion carried.

Councilor Witte joined the meeting at 6:06 p.m.

AB 15-112 Citizen Request to Amend City Code to restrict where Cell Phone and Commercial Towers May be Placed within the City of McCall and the Area of Impact

Robert Lyons of 903 Ann Street, McCall, approached Council regarding cell towers and regulating their placement within the City. Currently the City has no ordinances specifically addressing cell towers and there are only a few places in the Code that address cell towers. A cell tower does require a Conditional Use Permit in all zones except R16, R18, and business parks where they are prohibited. Mr. Lyons pointed out that there are many cities where ordinances are being adopted to address the placement of cell towers. Mr. Lyons also noted the very large uproar against the recently proposed cell tower to be placed at the Golf Course.

Mr. Lyons requested the Council address this issue immediately and that there needs to be established rules prohibiting towers in these sensitive and important areas in McCall. Mr. Lyons presented himself as part of a concerned group of citizens who would like to participate in creating an ordinance to regulate this. Mr. Lyons pointed out that if nothing is done at this time it will only be a matter of time until there is a major issue with cell tower placement, which could potentially result in a lawsuit. Mr. Lyons stressed the importance of being proactive in dealing with this issue.

Mayor Aymon asked what other resort towns do with their cell towers. Mr. Lyons replied that cities like Jackson, Wyoming and Spokane, Washington have restrictions on placing cell towers near residential zones, parks, or recreational areas.

Mayor Aymon asked what type of concerns Mr. Lyons has with cell towers. Mr. Lyons stated that they are not attractive, they do not belong in residential areas, and there are health issues arising from people that live near them, in addition to decreased property values. Mr. Lyons stated his opinion that since McCall is a recreation town and a major portion of the population is visitors that broad cell phone coverage and the latest technology are not necessary. He also added that improvements in technology will result in broader coverage, not requiring as many towers in the area.

Mayor Aymon stated she was not opposed to the idea at all, but she thought the Conditional Use Permit process worked well. Mr. Lyons thought the CUP process would work fine in industrial zones, but he thought it was not appropriate for residential zones, parks, or recreational areas.

Bill Nichols thought the idea of regulating cell towers has merit, but he cautioned Council to exercise care in making this decision. Mr. Nichols acknowledged that there are communities that have prohibited cell towers in residential zones, although there are only limited industrial areas in McCall to place a tower if that were the rule. Mr. Nichols noted that many households are getting rid of their land lines and relying on cell phones as their primary phone more than ever. The increased demand for cell service could impact home businesses as well as public safety. Mr. Nichols advised Council to make decisions based on facts.

Mayor Aymon stated her worry about public health and safety and if there are special needs for communication for emergency services, etc. Mayor Aymon stated she was not opposed and agreed this is certainly a proactive approach, but also acknowledged that more information is needed, like finding out what other cities do and what other cities' ordinances look like. Mayor Aymon asked Mr. Lyons to provide Council with more information and it will be considered on a future agenda and be discussed and reviewed.

City Attorney Nichols advised that it is important to get industry input on the matter to find out what can or cannot be done. Those communication industries that would be regulated by the ordinance have a stake in it and it would be worthwhile to listen to their side of the issue as well.

Council thanked Mr. Lyons for his presentation.

AB 15-109 McCall Redevelopment Agency (MRA) Plan Boundary Expansion

Michelle Groenevelt, Community Development Director, presented on behalf of the McCall Redevelopment Agency (MRA). The MRA has been discussing a boundary expansion for three years. This proposal does not change the tax revenue allocation area or boundary. The MRA owns a parcel of land outside the current boundary. By including this parcel within the MRA area the property can be sold, leased, or developed by the Agency in the future. The identified expansion area is located within the Central Business District. In order to expand the boundary, a plan for the parcels would need to be developed or modified. Ms. Groenevelt handed out a map showing the boundary plan expansion to include six additional parcels located in the Central Business District. This parcel is on Railroad Avenue near Pine Street and is a remaining parcel from the Railroad Avenue reconstruction. There have been conversations about what to do with that parcel and it has been surveyed. There was discussion about those six parcels and it was felt that they were consistent with the zoning and land use plan. Community Development is working through the process to get the plan boundary expansion. The decision to be made tonight is whether or not to refer the expansion plan back to the Planning and Zoning Commission so they can look at it and give a recommendation.

City Attorney Nichols added his explanation that expanding the boundary would allow MRA to do something with those parcels if someone came forward with a proposal. That is the reason for the expansion. It does not affect the revenue allocation area so it does not affect the income source to pay off the existing bonds, but it would allow the Urban Renewal Agency to do some sort of project in that additional piece.

Ms. Groenevelt reviewed the process and timeline. If Council approves of the plan it would be referred to the McCall Area Planning and Zoning Commission. They would look at the plan expansion and make a recommendation back to Council. If referred it will be seen by Planning and Zoning at their next meeting in July and would probably come back to Council for final approval in August.

Councilor Giles moved to refer the MRA plan boundary expansion, not tax revenue allocation area, as presented to the McCall Area Planning and Zoning Commission. Councilor Scott seconded the motion. In a roll call vote Councilor Giles, Councilor Scott, Mayor Aymon, and Councilor Witte all voted aye and the motion carried.

AB 15-114 City Manager Recruitment Media Request Response

Tom Grote, editor of the Star News, sent a memo to Council, City Attorney, and staff on May 25, 2015 requesting transparency in the selection of a City Manager. Council discussed this agenda item tonight and requested input from Traci Malvich, Human Resources Manager.

Ms. Malvich began by stating that laws are clear in that the requested information is not releasable unless a written waiver is provided by the applicant. Ms. Malvich agreed with this ruling and felt that any decision to provide a written waiver should be left up to the candidate. Ms. Malvich also reminded Council that meeting in executive session regarding the consideration for hiring an employee is intended to protect the prospective employee's rights and information. She added that employment applications are confidential personnel documents and stated that her department is very cautious with that information. Ms. Malvich would not recommend, even if full disclosure were requested, publishing an applicant's employment application on the City's website, not just because of the liability but also the staff resources involved in redacting personal information.

Ms. Malvich also stated that the City could not honor the request to identify the gender of applicants, as gender is a protected class by Federal law and cannot and should not be considered as any part of the hiring process, and is therefore considered an invalid request.

Ms. Malvich then addressed the interview process, which is designed ultimately to be a personal encounter with the hiring committee and the candidate, and she felt that it is not meant to be a spectacle open to any that wish to attend. Ms. Malvich could not find a valid example of a relevant employment interview being conducted in a public setting. If an interview were held in such a setting and the public was allowed to attend, members of the audience would be advised not to participate, which would be difficult to enforce. Ms. Malvich felt that the preliminary review by Council of the applicants is a process which should be conducted without distractions, where frank conversations can be had without political influence. Personal and private information will be discussed during this setting and is not releasable, again, without written consent of those applicants.

Ms. Malvich stated that opening the selection process to public view could have the opposite effect as what the desired outcome is, so the opinions, feelings, and biases of each Council member towards each candidate are not meant to be a political process, to be reviewed and approved or rejected by members of the public. The decision is to be made by the Council and they are the hiring body for this position. Ms. Malvich recommended having some public involvement, much like when the Police Chief and the last City Manager were hired, where it was open to the public to come and meet and greet the candidates when they were down to the

final two or three candidates present in McCall where they could actually shake hands and ask questions. That level of public involvement is appropriate. Beyond that, one would not see the real gain in publishing that information. If there were 50 applicants and only three consented to publishing their personal information, it would give a potentially misleading picture for those who are interested in looking in that information. Again, staff resources would be required to redact personal information. Ms. Malvich concluded that it is not a risk she would recommend taking.

Councilor Giles commented that he felt passionately about the interview process and thanked Ms. Malvich for her thoughts and recommendations. Councilor Giles likened the process to Federal Government confirmation hearings, a very public setting, as he would prefer to watch and listen for himself. Councilor Giles proposed that perhaps Council could work with Ms. Malvich and City Attorney Nichols and come up with a similar process for the final candidates that are interviewed, where it is done with respect, the rules are followed, and no State or Federal laws would be violated.

Ms. Malvich responded that if that were the decision by Council, then she would recommend the interview could take place in open session, but restated her feelings that Council deliberations to make any selection should be held in executive session as is allowable by law.

City Attorney Nichols expressed his preference that a process be used similar to what was done with the Police Chief or the last City Manager, that there is a public involvement process. He added that particularly with this position the Council would want the ability to ask hard questions, and the applicant should have the protection of responding in an executive session. Mr. Nichols also warned that subjecting applicants to a public interview may limit the pool of applicants if they see that the process does not protect their identity. As an early-stage applicant they would expect their name to be kept confidential to protect their current employment; however, those in the final round would expect to have their name released and would have to allow that. Mr. Grote would be well within his rights to ask for a public records request for information for the list of those names, but not necessarily the application or that part of it. Ms. Malvich also pointed out that the employment application asks whether it is acceptable to contact a candidate's present employer, and if that were declined, she would assume that they would not want their name published at this stage in the process.

Councilor Giles asked for clarification that if the process narrowed down the applicants to five top candidates for interview, then those top candidates could potentially have their names released. Ms. Malvich confirmed that it is perfectly legal to release their names only. Councilor Giles stated that he would support that.

Ms. Malvich stated again that only the names are releasable and that information may become visible in an internet search and is the only thing the City can legally release. Personal contact information can be requested for release, but the applicant may choose to refuse this. If a candidate makes it to the interview stage and still does not want to release their name publicly they may have to withdraw from the interview process, which has happened in the past.

Councilor Giles thanked Mr. Nichols and Ms. Malvich for the explanation and said he was clear on it now.

Councilor Witte added that she would prefer Council to avoid the appearance of treating different applicants differently, and that a public process would help dispel any notion of that. Councilor Witte felt that the last hiring of the City Manager was a very open, public process that showed transparency where members of the public were invited to come and basically interview the candidate or the final two candidates. There were comments at that time that that was the most public process in hiring a City Manager that one had ever seen. Councilor Witte thought it worked well and engaged the public at a crucial decision making time, and she thought it should be repeated this time. However, Councilor Witte agreed with Ms. Malvich in that she would tend to favor privacy earlier in the process.

Councilor Scott agreed with Councilor Witte and noted there may be liability issues with releasing too much information at an earlier stage of the selection process and that those discussions would be better held in private.

Councilor Giles thanked Council for the input but stated his position had not changed. He realized it may not appear practical, but he felt that transparency is extremely important, and he felt comfortable with providing each of the items that the Star News suggested, with the one caveat that the City Attorney agrees that the request was legal and provided guidance on how to do that. He stated his feeling that the process should definitely be open at the final interviews. Councilor Giles said he could not think of a single question he wouldn't ask if this room was filled with citizens. He added that perhaps it would ensure that no inappropriate questions were asked.

Mayor Aymon stated that she liked the process that was done in the past and she did not want to jeopardize the pool of applicants. Mayor Aymon noted that even though this is a high-profile, very important position, it is still an employee like other employees, and they need to have the same respect and the same protection other department heads and other employees have.

City Attorney Nichols advised how to proceed. Council can make a motion to change the process, but if there are not enough consensuses then Human Resources will proceed according to the model that has been followed.

Councilor Giles moved that the interview of the final candidates be conducted in open session and open meeting, subject to the advice and counsel of the City Attorney and Human Resources Manager on how to do that while following Idaho State Law. The rest of the process would be the same as in the past. The motion was not seconded and therefore died on the floor.

Upcoming Meetings Schedule Discussion

There will be a budget work session tomorrow, June 26, 2015.

CONSENT AGENDA

Staff recommended approval of the following items:

1. Council Regular Minutes – December 18, 2014
2. Council Regular Minutes – January 8, 2015
3. Council Special Minutes – January 13, 2015
4. Payroll Report for Period Ending June 5, 2015

5. Clerk's License Report
6. Warrant Registers

Councilor Witte questioned the hanging flower baskets for the Golf Course Clubhouse as the cost was \$600. She thought it was something that was not necessary and would like more information on it.

Mayor Aymon commented that she and Councilor Swanson were at the JWAG meeting and was presented a binder by Mr. Gigray of all the options for consolidation, and she asked that Nate Coyle procure one of those binders for Council.

Councilor Scott moved to approve the Consent Agenda with the minutes as corrected. Councilor Giles seconded the motion. In a voice vote all members voted aye and the motion carried.

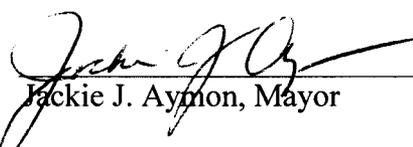
ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 6:52 p.m.

ATTEST:


Bessie Jo Wagner, City Clerk




Jackie J. Aymon, Mayor