

MINUTES

**McCall City Council
Regular Meeting
McCall City Hall -- Legion Hall
September 22, 2016**

Call to Order and Roll Call
Pledge of Allegiance
Approve the Agenda
Business Agenda
Consent Agenda
Proclamations
Business Agenda cont.
Public Comment
Work Session
Business Agenda cont.
Executive Session
Return to 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, Council Member Giles, Council Member Swanson, and Council Member Witte all answered roll call. Council Member Scott was absent.

City staff members present were Nate Coyle, City Manager; Bill Nichols, City Attorney; Delta James, City Planner; Jay Scherer, Airport Manager; Traci Malvich, Human Resources Manager; Justin Williams, Police Chief; Nathan Stewart, City Engineer; Kurt Wolf, Parks & Recreation Supervisor; and Shay Tyler, Deputy Clerk.

Mayor Aymon led the audience in the Pledge of Allegiance.

APPROVE THE AGENDA

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

BUSINESS AGENDA

AB 16-232 Employee Benefit Update

Human Resource Manager Traci Malvich presented the Employee Benefit update. Due to current regulations imposed by the Idaho Department of Insurance, Cigna is not able to offer a level-

funded plan to a municipality located in Idaho without doing some additional filings. Cigna just became aware of the restrictions when they attempted to file our plan documents with the Idaho Department of Insurance late last week, and there is not sufficient time to get the additional filings completed by October 01, 2016. Based on conversations with Cigna, the broker, the Idaho Department of Insurance and staff; Cigna has revised the plan type from level-funded to fully insured in order to comply with current state regulations. The change did not result in any changes to the benefit level for members, or the cost to either the City of McCall or employees with this change.

Cigna is actively working with the Idaho Department of Insurance to complete all requirements to offer a level-funded plan in the future. The hope is that the authorization from the Department of Insurance will be in place by January 01, 2017. If the level-funding option is approved by the Department of Insurance by January 01, 2017, the intent would be to convert our fully-insured plan to a level-funded plan on January 01, 2017. If the authorization is not in place by January 01, 2017, the coverage would remain in place as a fully-insured plan.

Changing from fully-insured to level-funded on the calendar year will likely improve the performance of the level-funded option. There is no risk to the City with a fully-insured plan, it is the same type of plan as the City has had in the past. If the City remains fully-insured for the entire plan year, we would not have the ability to share in the direct savings potentially realized by lower than expected claims. If the City is able to convert to a level-funded plan on January 01, 2017, we would have a nine month plan and would be eligible to share the direct savings if the claims utilization is lower than anticipated for that nine month period.

Council Member Scott joined the meeting at 5:43 p.m.

Council Member Swanson moved to approve the fully-insured Cigna plan design, effective October 1st 2016, and authorize the Human Resources Manager to sign all necessary documents. Council Member Giles seconded the motion. In a roll call vote Council Member Swanson, Council Member Giles, Mayor Aymon, Council Member Scott and Council Member Witte all voted aye and the motion carried.

CONSENT AGENDA

Staff recommended approval of the following items:

1. Council Special Minutes – September 1, 2016
2. Payroll Report for Period ending September 9, 2016
3. Clerk's License Report
4. AB 16-223 Request for Approval of an HRA, FSA and COBRA Third Party Administration Agreement

Council Member Witte moved to approve the Consent Agenda as submitted. Council Member Swanson seconded the motion. In a voice vote all members voted aye and the motion carried.

PROCLAMATIONS

AB 16-228 Proclamation – 2016 Fire Prevention Week October 9-15 – “Don’t Wait – Check the Date! Replace Smoke Alarms Every 10 Years”

The City of McCall, Idaho is committed to ensuring the safety and security of all those living in and visiting the City of McCall. Fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire. This year’s Fire Prevention Week campaign, “Don’t Wait – Check the Date! Replace Smoke Alarms Every 10 Years,” represents the final year of the National Fire Prevention Association’s (NFPA) three-year effort to educate the public about basic but essential elements of smoke alarm safety.

Why focus on smoke alarms three years in a row? Because NFPA’s survey data shows that the public has many misconceptions about smoke alarms, which may put them at increased risk in the event of a home fire. For example, only a small percentage of people know how old their smoke alarms are, or how often they need to be replaced.

As a result of those and related findings, the NFPA is addressing smoke alarm replacement this year with a focus on these key messages:

- Smoke alarms should be replaced every 10 years.
- Make sure you know how old all the smoke alarms are in your home.
- To find out how old a smoke alarm is, look at the date of manufacture on the back of the alarm; the alarm should be replaced 10 years from that date.

In an effort to support the national proclamation of Fire Prevention week and bring awareness to the citizens of McCall, staff requests that the Council proclaim October 9-15, 2016 as fire prevention week in McCall.

Council Member Swanson moved to proclaim October 9-15, 2016, as Fire Prevention Week throughout the City of McCall and authorize the Mayor to sign the proclamation. Council Member Scott seconded the motion. In a roll call vote Council Member Swanson, Council Member Scott, Mayor Aymon, Council Member Giles and Council Member Witte all voted aye and the motion carried.

AB 16-229 Proclamation – October 2016 as Arts and Humanities Month

The month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for 30 years. The arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind; and enhance and enrich the lives of every American. The arts and humanities play a unique role in the lives of our families, our communities, and our country; and the nonprofit arts industry also strengthens our economy by generating \$135 billion in total economic activity annually, 2.2 billion in government revenue, and by supporting the full-time equivalent of 4.1 million jobs nationwide.

In an effort to support the national proclamation of Arts and Humanities, staff requests that Council Proclaim October as Arts and Humanities month in McCall.

Council Member Giles moved to proclaim October as Arts and Humanities Month and authorize the Mayor to sign all necessary documents. Council Member Witte seconded the motion. In a roll call vote Council Member Giles, Council Member Witte, Mayor Aymon, Council Member Scott and Council Member Swanson all voted aye and the motion carried.

BUSINESS AGENDA continued

Council Member Scott was recused from the following discussion.

AB 16-221 Request for Approval of PUD-05-01, SUB-09-01: Whitetail Planned Unit Development and Cabin Sites Plat Minor Amendments

City Planner Delta James presented stating that the Shore Lodge Whitetail LLC has submitted the following applications:

1. Minor amendment to the final plat of Whitetail Cabin Sites Subdivision to eliminate Lot 5 and Open Space J in order to enlarge Lots 4, and 6 and create Open Space D. The number of platted lots within the subdivision is thereby reduced by one unit; and
2. Minor amendment to the Whitetail Planned Unit Development (PUD) to:
 - a. Incorporate changes to the Whitetail Cabin Sites plat as proposed by the companion minor plat amendment application.
 - b. Modify the density calculations for the Whitetail PUD as caused by the reduction of one unit resulting from the Whitetail Cabin Sites plat amendment.

Amy Pemberton, The Shore Lodge Whitetail LLC representative, went over the maps showing what areas are affected and the changes that are being requested. The McCall Area Planning and Zoning Commission reviewed the minor Subdivision Plat Amendment and minor PUD Amendment land use applications at a regularly scheduled meeting on September 6, 2016 and unanimously recommended the applications for approval by McCall City Council.

Council Member Witte moved to approve PUD-05-01 Minor Amendment to Whitetail PUD as recommended by the McCall Area Planning and Zoning Commission and authorize the Mayor to sign all necessary documents. Council Member Swanson seconded the motion. In a roll call vote Council Member Witte, Council Member Swanson, Mayor Aymon, and Council Member Giles all voted aye and the motion carried. Council Member Scott has recused.

Council Member Witte moved to approve SUB-09-01 Cabin Sites Minor Amendment to Subdivision Final Plat as recommended by the McCall Area Planning and Zoning Commission and authorize the Mayor to sign all necessary documents. Council Member Swanson seconded the motion. Council Member Witte, Council Member Swanson, Mayor Aymon, and Council Member Giles all voted aye and the motion carried.

Council Member Scott re-joined the Council

AB 16-227 SH-55 and Railroad Traffic Congestion and Pedestrian Safety Discussion

City Manager Nate Coyle presented the Railroad traffic congestion and pedestrian safety discussion requested by City Council regarding the concerns at the SH-55 (3rd Street) and

Railroad Avenue intersection. This intersection, along with others along SH-55, is being studied as part of the City's Transportation Master Plan.

City Engineer Nathan Stewart discussed what has transpired over the last couple of months in collecting data to help determine what is needed at this intersection. Kittleson Engineers has also been working on comparisons to similar intersections in other cities, line of site issues, etc. Another traffic study will be done in October to collect off season data. All data will be compiled and presented to the Council after these studies are complete.

Erika Bowen from the Idaho Transportation Department (ITDs) reported that a corridor study is being conducted from Banks/Lowman to New Meadows. In the spring of 2017, they will be giving a report on the analysis and recommendations gathered from the study. Ms. Bowen explained that certain criteria needs to be in place to warrant a traffic light and she recommended other alternatives be looked at first since the traffic congestion is mostly an issue during peak seasons or events. A few different options were discussed such as flashing pedestrian lights and a crossing guard.

City Manager Coyle shared that the City put aside \$14,400 for a pilot program for a temporary person directing traffic during peak hours during peak seasons and events.

Council Member Swanson was supportive for temporary staff during peak times to help with pedestrian and would like to see monies set aside. He would like to see the traffic study finished before making a decision.

Chris Danley, an expert in pathways and walkable cities, discussed some of the projects he has been a part of here locally and in Sandpoint. He gave his opinion that a rectangular flash beacon is low cost but does not feel it is a good fit for the Railroad intersection. However, it would be good for the cross walk at Shore Lodge or the Pancake House, for example.

Council gave direction to collect the data and wait for the traffic study to be completed. At that time, schedule to bring it before the Council again to discuss. The goal is to make a decision before Winter Carnival. Council was affirmative to hold on to the monies set aside by the City Manager until the decision is made.

PUBLIC COMMENT

Mayor Aymon called for public comment at 6:25 p.m.

Josh Gerard, 610 Lenora Unit #10 expressed concerned about the activities and the condition of a vacant lot adjacent to unit 10 which is not a part of the HOA. He would like the City to check on it. Council Member Swanson suggested that he contact Code Enforcement.

Mayor Aymon temporarily closed the public comment at 6:30 to move to the work session.

WORK SESSION

AB 16-222 McCall Area Chamber of Commerce and Visitors Bureau update

McCall Area Chamber of Commerce President Richard Jayo gave an update on the Chamber activities and presented the 2017 budget. He gave a brief overview of grant funding and covered the different subcommittees and their functions.

He invited the Council to attend the Regional Economic Summit on Oct 3rd at Shore Lodge.

PUBLIC COMMENT cont.

Mayor Aymon reopened the public comment at 6:40 p.m.

City Manager Coyle shared the circumstances and history of the dumpster easement issue between Tom Kalange and Bob Hunt of The Yacht Club. There is a dispute over the location of the dumpster and its easements. The dumpster is owned by Lakeshore Disposal but is considered abandoned property because of a land purchase deal between the two parties that fell through which made the rights to the dumpster go back to Tom Kalange by default. The dispute is where to store the dumpster so it keeps getting pushed back and forth between the two properties and in doing so property has been damaged. Police Chief Justin Williams reported on his discussion with Mr. Kalange and Mr. Hunt. Because the dumpster went back to Mr. Kalange by default, he has the right to have it removed however he sees fit. Chief Williams discussed the criminal and civil issues caused by the actions of both parties. Because the dumpster belongs to Lakeshore Disposal, they will contact The Yacht Club to let them know that the dumpster will be removed.

Hearing no further comments, Mayor Aymon closed the comment period at 7:17 p.m.

BUSINESS AGENDA continued

AB 16-225 Approval Request for a 12” Brush Chipper Purchase (FY17)

Parks Supervisor Kurt Wolf presented the request for a 12” brush chipper purchase. The Parks Department has funding in the amount of \$34,000 for FY17 for the purchase of a used/new 12” Brush Chipper to be shared between Parks, Golf, and Public Works. There were three options based on availability, parts & service, warranty, and price. He reported that after investigating the different options, it was decided that the Morbark was the best option as it is much simpler to use compared to the others and has a good warranty and maintenance plan. Parks Supervisor Wolf would like to purchase this piece of equipment and asks for Council approval.

Council Member Scott moved to approve the purchase the new Morbark brush chipper through GoodFellow Crushers in Ogden Utah, and authorize the Mayor to sign all necessary documents. Council Member Swanson seconded the motion. In a roll call vote

Council Member Scott, Council Member Swanson, Mayor Aymon, Council Member Giles and Council Member Witte all voted aye and the motion carried.

AB 16-226 Approval Request for Wastewater Lagoon Monitoring Well Installation: Rebid and Contract Award

City Engineer Nathan Stewart presented the request for the wastewater lagoon monitoring well installation for rebid and contract. SPF Water Engineering completely reevaluated their sampling protocol and identified some additional deficiencies. They were able to make this balance by finding some saving in the work they do and are optimistic that they will be able to stay on budget even with the increase in drilling costs. City Engineer Stewart recommendation is to award the contract to Haz-Tec Drilling Inc.

Council Member Swanson moved to authorize staff to issue a “Notice of Award” to Haz-Tec Drilling, Inc. and authorize the Mayor sign all necessary documents. Council Member Scott seconded the motion. In a roll call vote Council Member Scott, Council Member Swanson, Mayor Aymon, Council Member Giles and Council Member Witte all voted aye and the motion carried.

AB 16-224 Commercial Application: MYL High Flying Club, LLC

Airport Manager Jay Scherer presented the commercial application of the MYL High Flying Club, LLC. In accordance with the Minimum Standards for Commercial Operators at the McCall Municipal Airport, MYL High Flying Club, LLC is seeking approval to operate at McCall Airport. The club is applying as an Independent Operator and meets all requirements as set forth in the appropriate requirements matrix in Appendix C of the Minimum Standards. The club currently has 10 members and two aircraft and is subleasing hangar 210A.

The Airport Advisory Committee reviewed the application during their September 8, 2016 meeting and recommends approval.

Council Member Scott moved to approve the application of MYL High Flying Club, LLC. Council Member Swanson seconded the motion. In a roll call vote Council Member Scott, Council Member Swanson, Mayor Aymon, Council Member Giles and Council Member Witte all voted aye and the motion carried.

Council Member Giles recused himself from the following two attorney contract discussions.

AB 16-230 Approval Request for Renewal of City Attorney Contract

City Manager Nate Coyle presented the request for the renewal of the City Attorney contract. The current retainer agreement with White Peterson expires on September 30, 2016. The attached agreement renews the professional relationship for another fiscal year. The amount of the monthly retainer is proposed to increase by \$200 per month which is the first increase requested in the last seven years. The fees for services outside the retainer again remain unchanged from the current agreement and have not changed in the past seven years. The agreement is also modified to exclude from the retainer legal services related to procurement bidding disputes; public records requests requiring attorney review and redaction of exempt

information (but not simple review of redactions made by staff); citizen initiative review and procedures; and major revisions of whole chapters or titles to McCall City Code. The FY14 General Fund budget includes \$100,000 for legal services. The current annual retainer amount is \$67,200. The proposed increase would result in an annual retainer of \$69,600.

City Attorney Bill Nichols explained the changes in the contract. Due to the extensive time spent on the procurement on the crack sealer trailer, it was decided that those type of issues be in addition to the regular contract. The same reasoning was applied to large public record requests. There has been a recent change at the State level to citizen initiatives that will now require more time from the legal staff therefore it was separated out as well.

Council Member Scott moved to approve the Agreement for City Attorney Services for FY16 and authorize the Mayor to sign the Agreement. Council Member Swanson seconded the motion. In a roll call vote Council Member Scott, Council Member Swanson, Mayor Aymon, and Council Member Witte all voted aye and the motion carried.

AB 16-231 Approval Request for Extension of City Prosecuting Agreement

City Manager Nate Coyle presented the request for the extension of the City prosecuting agreement with the same terms to the end of the calendar year. At the July 28, 2016 Council Meeting, the Council approved the Assignment of the 2015-16 Prosecution Services Agreement with Jay Kiiha to White Peterson. On May 1, 2016, Jay Kiiha joined White Peterson. At this time Mr. Kiiha is only requesting an extension of Prosecutorial Service to the end of the calendar year. The City will need to do a Request for Proposals for prosecutorial services, and Mr. Kiiha has agreed to assist the City with their process.

Council Member Witte moved to approve the Extension of City Prosecuting Agreement with Jay Kiiha and authorize the Mayor to sign all necessary documents. Council Member Swanson seconded the motion. In a roll call vote Council Member Witte, Council Member Swanson, Mayor Aymon, and Council Member Scott all voted aye and the motion carried.

Council Member Giles rejoined the Council

AB 16-215 Wastewater Consolidation Discussion # 2

City Manager Nate Coyle presented the wastewater consolidation discussion. He gave a review of the outline and timeline, and the recreational water/sewer district. Next, there was a lengthy discussion of governing body structure and zoning. The discussion continued to cover advisory committee establishment and district organizational structure. City Manager Coyle discussed the personnel needs both at the District level and at the City to operate efficiently. The Council was updated on the meeting with the Department of Environmental Quality (DEQ), and there was a discussion on permits and long term agreements with land owners.

Upcoming Meetings Schedule Discussion

Council discussed upcoming meetings.

Warrant Registers

Staff presented the Warrant Registers for approval.

Council Member Swanson moved to approve the Warrant Registers as submitted. Council Member Scott seconded the motion. In a voice vote, all members voted aye and the motion carried.

EXECUTIVE SESSION

At 8:25 p.m. Council Member Scott moved to go into Executive Session for:

- **Personnel – 74-206(1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general**
- **Exempt Records - 74-206(1)(d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code.**

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

The Council discussed personnel issues and records exempt from disclosure.

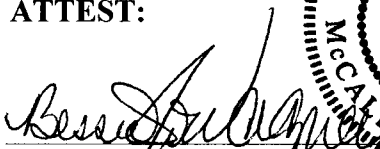
RETURN TO OPEN SESSION

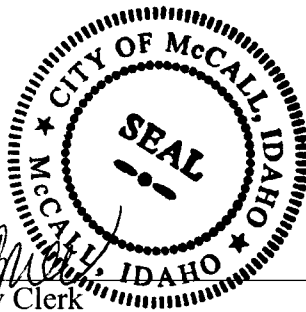
At 9:10 p.m. Mayor Aymon moved to return to Open Session. Council Member Giles seconded the motion. In a voice vote, all members voted aye and the motion carried.

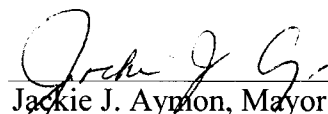
ADJOURNMENT

Without further business, Mayor Aymon adjourned the meeting at 9:10 p.m.

ATTEST:


Bessie Jo Wagner, City Clerk




Jackie J. Aymon, Mayor