

MINUTES

**McCall City Council
Regular Meeting
Idaho First Bank Community Room
August 24, 2017**

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

CALL TO ORDER AND ROLL CALL

Mayor Aymon called the regular meeting of the McCall City Council to order at 5:02 p.m. Mayor Aymon, Council Member Giles, Council Member Nielsen, and Council Member Witte all answered roll call.

City staff members present were Bill Nichols, City Attorney; BessieJo Wagner, Interim City Manager/City Clerk; Shay Tyler, Deputy Clerk; Linda Stokes, City Treasurer; Erin Greaves, Communications Manager; Delta James, City Planner; Jay Scherer, Airport Manager; Traci Malvich, Human Resources Manager

Mayor Aymon led the audience in the Pledge of Allegiance.

APPROVE THE AGENDA

Council Member Witte 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.

CONSENT AGENDA

Staff recommended approval of the following items:

1. City Council Regular Minutes July 27, 2017
2. City Council Special Minutes August 3, 2017
3. City Council Regular Minutes August 10, 2017
4. Payroll Report for Period ending August 11, 2017
5. Clerk Licenses Activity Report
6. Warrant Register – GL
7. Warrant Register – Vendor

8. AB 17-178 Treasurer's Report for July
9. AB 17-179 Request to Approve Closeout of AIP Snow Removal Equipment Grant 3-16-0023-22
10. AB 17-180 Request to Approve the FAA AIP Improvement Program Grant Acceptance for the Fuel Apron and Taxiway Rehabilitation, Notice of Award, and Construction Contract

Council Member Giles moved to approve the Consent Agenda as submitted. Council Member Nielsen seconded the motion. In a roll call vote Council Member Giles, Council Member Nielsen, Mayor Aymon, and Council Member Witte all voted aye and the motion carried.

BUSINESS AGENDA

AB 17-182 Request for approval of Health Insurance Plan for FY18

Human Resource Manager Traci Malvich presented the Health Insurance Plan for FY18. She provided information on health insurance renewal options for FY18 budget. Human Resources has received quotes from CIGNA, Blue Cross, and III-A (Idaho Independent Intergovernmental Authority). Based on the quotes received from the carriers mentioned, staff recommended selecting Blue Cross to provide group health insurance for FY18.

HR Manager Malvich discussed the details of the specific plan options proposed by Blue Cross and III-A. Blue Cross provided two plans for consideration, Option 1, and Option 2. III-A provided an option which is identical in design to Blue Cross Option 1. She went over the two cost comparisons of each option. The first comparison for each plan option shows the total savings as compared to the current FY18 budget. The second comparison for each plan option shows the total cost as compared to the FY17 budget. The costs stated in the summary are for the City paid portion of health insurance only.

There was a brief question and answer period on specific coverage items.

Council Member Giles moved to select FY18 health insurance plan Blue Cross Option 2, and authorize the Human Resources Manager to sign all necessary documents. Council Member Witte seconded the motion. In a roll call vote Council Member Giles, Council Member Witte, Mayor Aymon, and Council Member Nielsen all voted aye and the motion carried.

AB 17-174 Request for Ordinance Adoption of Fiscal Year 2018 Budget

City Treasurer Linda Stokes presented the ordinance for adoption of FY18 budget. Council had set a tentative budget in the amount of \$23,748,175 on July 14, 2017. The FY18 Tentative Budget included the growth and annexation property tax amounts from the county Clerk, the 3% maximum allowable property tax increase, and no available foregone amount.

Council conducted a duly noticed public hearing at the August 10, 2017 Council meeting regarding the tentative (proposed) FY18 budget. There was no public comment at that time. The public hearing was continued until August 24, 2017 for written comment only. No written comment had been received.

Receiving no written comments, Mayor Aymon moved to close the Public Hearing on the Proposed FY18 Budget at 5:17 p.m. Council Member Nielsen seconded. In a voice vote all members voted aye and the motion carried.

Council Member Witte moved to suspend the rules, read by title only, one time only Ordinance No. 959. Council Member Giles seconded the motion. In a roll call vote Council Member Witte, Council Member Giles, Mayor Aymon, and Council Member Nielsen all voted aye and the motion carried.

Deputy Clerk Shay Tyler read the ordinance:

An ordinance entitled the FY18 annual appropriation ordinance for the fiscal year beginning October 1, 2017, appropriating the sum of \$23,748,175 to defray the expenses and liabilities of the City of McCall for said fiscal year, authorizing a levy of a sufficient tax.

Council Member Witte moved to adopt Ordinance No. 959 setting the FY18 City of McCall budget appropriation at \$23,748,175, and authorize the Mayor to sign all necessary documents. Council Member Nielsen seconded the motion. In a roll call vote Council Member Witte, Council Member Nielsen, Mayor Aymon, and Council Member Giles all voted aye and the motion carried.

AB 17-175 Request for Ordinance Adoption Setting Council and Mayor Salaries per Month at \$225 and \$375 Respectively

Interim City Manager BessieJo Wagner presented the ordinance to set the Council and Mayor monthly salaries. At the August 10, 2017 Council meeting, the Council decided to change the salary for Council Members from \$200 per month to \$225 per month and the Mayor's salary from \$350 per month to \$375 per month. City Council Members and the Mayor also receive all benefits afforded to regular full time employees of the City of McCall as described in the annual "Employee Benefits Guide" including Idaho PERSI retirement benefits.

The ordinance and summary to adopt these changes would go in effective January 1, 2018.

Council Member Witte moved to suspend the rules and read by title only one time only Ordinance 961. Council Member Giles seconded the motion. In a roll call vote Council Member Witte, Council Member Giles, Mayor Aymon, and Council Member Nielsen all voted aye and the motion carried.

Deputy Clerk Shay Tyler read the ordinance:

An ordinance of the City of McCall, Valley County, Idaho, amending chapter 8, *City Council; Mayor*, of Title 1, *Administrative*, of the McCall city code as follows: in section 1.8.5: *Salary of the Council Members* changing the salary to two hundred twenty five dollars (225.00); in section 1.8.11: *Salary of Mayor*, changing the salary to three hundred seventy five dollars (375.00) and providing an effective date.

Council Member Giles moved to adopt Ordinance 961 setting Council Member salaries to \$225 per month and the Mayor's salary to \$375 per month, approve the publication of the Summary, 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, and Council Member Nielsen all voted aye and the motion carried.

AB 17-176 Select Council Member to serve on the McCall Redevelopment Agency Board

Interim City Manager BessieJo Wagner presented the McCall Redevelopment Agency Board member selection request. Biennially at the first meeting of the Council, after a general Council Election, the members designate one of their number as a voting member of the McCall Redevelopment Agency (MRA). With the resignation of Council Member Nic Swanson who also served on the MRA, the Council needs to select one of their members to serve on the MRA until January 11, 2018.

Council Member Nielsen agreed to take the position.

Council Member Witte moved to appoint Colby Nielsen to serve on the McCall Redevelopment Agency Board of Commissioners for a term to expire on January 11, 2018. Council Member Giles seconded the motion. In a roll call vote Council Member Witte, Council Member Giles, Mayor Aymon, and Council Member Nielsen all voted aye and the motion carried.

AB 17-185 Request to Appoint an Applicant to Fill a Vacancy on City Council or Direct staff to re-advertise

Interim City Manager BessieJo Wagner presented the vacancy on the City Council to either appoint a candidate to fill the position from the previous applicants or to open the position to new applicants. With the resignation of Council Member Scott, the Council will need to appoint someone to the City Council for a term to expire on January 11, 2018. Applicants must be a qualified elector, at least 18 years of age, a U.S. citizen, and their primary residence must be within the city limits for at least 30 days prior to submitting their application.

The Council had a vacancy in July of which a press release was submitted to the paper to run the vacancy request for two weeks. The vacancy was also posted on the City's website and Facebook page. As a result four applications were received. The Council interviewed the four possible candidates for the Council position to finish out the current year. Those candidates were Cami Hedges, Colby Nielsen, Michael Everett, and Melanie Holmes. The Council appointed Colby Nielsen to fill that vacancy.

McCall City Code 1.8.8 states that as a whole, the Council may consider the matter of appointment to fill the vacancy and make their recommendation to the mayor for appointment. The Council may choose to either consider one of the other three applicants to fill this current vacancy or they may choose to advertise again for applicants to fill the vacancy. The resumes of Cami Hedges, Michael Everett, and Melanie Holmes were provided.

The Council discussed. All Members wanted to re-advertise the position for new applicants with the exception of Council Member Giles who felt there were good choices with the existing applicants, and thought it sent out a bad message to those who had already applied. He asked that a motion be made for the decision. If re-advertised, the ad would run for two weeks. September 7, 2017 was selected as the interviewing date.

Council Member Witte moved to direct staff to advertise for Laura Scott's vacated position. Council Member Nielsen seconded the motion. In a roll call vote Council Member Witte, Council Member Nielsen, Mayor Aymon all voted aye and the motion carried. Council Member Giles voted no.

Mayor Aymon opened the public hearing at 5:30 p.m.

AB 17-181 Request to Approve SUB-17-01 Subdivision Final Plat, Development Agreement and Escrow Agreements for the Shore Lodge Cottages Subdivision

City Planner Delta James presented the request to approve SUB-17-01 Subdivision Final Plat, Development Agreement and Escrow Agreements for the Shore Lodge Cottages Subdivision. The application is for Shore Lodge Cottages, a new twenty three (23) lot subdivision within the Whitetail Planned Unit Development (PUD). The applicant has also submitted a Development Agreement application to amend the existing Whitetail PUD Development Agreement to allow recordation of the Final Plat prior to completion of water, sewer, private road infrastructure, and landscaping within the open spaces. The proposed deadline for completion of all improvements is December 31, 2018. An Escrow Agreement has been submitted to provide financial assurances for the deferred improvements in the amount of \$1,844,902.13 (125% of the estimated costs in accordance with MCC 3.10.10). Additionally, the applicant proposed to extend the December 31, 2017 deadline to December 31, 2019 for completion of improvements within Whitetail Phase 1A as outlined in the Second Amendment to the Development Agreement filed on May 31, 2012. An Amendment to the Escrow Account Agreement Phase 1A extends the associated financial assurances.

At its July 11, 2017 regularly scheduled meeting, the McCall Area Planning and Zoning Commission held a properly noticed public hearing and unanimously recommended the final plat and Development Agreement for approval by City Council.

Dan Scott, applicant, spoke on the location of the cottages and briefly discussed the property plans. Amy Pemberton, attorney, reported there will be some minor changes to the plat in regards to the Army Corp Permit for the wetland areas which should be received by the end of the month. Those modifications will be included on the final plat prior to recording. She also discussed some adjustments that were requested by Payette Lakes Recreational Water and Sewer District.

City Planner James verified some details of the development agreement's default clause, and answered the Council's questions.

Receiving no written comments and hearing no public comments, Mayor Aymon closed the public hearing at 5:40 p.m.

Council Member Witte moved to approve SUB-17-01 Final Plat as recommended by the McCall Area Planning and Zoning Commission and authorize the Mayor to sign all necessary documents. Council Member Nielsen seconded the motion. In a roll call vote Council Member Witte, Council Member Nielsen, Mayor Aymon, and Council Member Giles all voted aye and the motion carried.

Council Member Giles moved to approve the Third Amendment to Whitetail PUD Development Agreement, Shore Lodge Cottages Escrow Agreement, and Amendment to Whitetail Phase 1A Escrow Agreement 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, and Council Member Nielsen all voted aye and the motion carried.

AB 17-177 Request to Approve CUP-17-03 Conditional Use Permit to Entitle the Continued Use of the Conifer Lodge at 925 Conifer Lane as a Short Term Rental with Occupancy of 20 or more persons

Mayor Aymon opened the public hearing at 5:42 p.m.

Mayor Aymon disclosed that two months ago she received a phone call from Mark Russell, a resident in the Conifer Lodge neighborhood, who was very concerned. Mayor Aymon let him know that she understood his concerns about short term rentals. When he asked if he could share with his neighbors that the Mayor was in support of the opposition, she corrected him stating he could only say she understands the issues around large short term rentals. She did not give him permission to say she was supportive of the opposition.

City Planner Delta James presented the request for CUP-17-03 Conditional Use Permit to entitle the continued use of the Conifer Lodge at 925 Conifer Lane as a short term rental with occupancy of 20 or more persons. The Tuft Family Revocable Trust has submitted the application for the continued short term rental use of a residential property with an advertised maximum occupancy of thirty-five (35) individuals. The use of the property as a large short-term rental pre-dates the City's ordinance requiring a Conditional Use Permit for such use. Therefore, it is a pre-existing use that cannot be denied, but that upon which conditions may be placed to mitigate issues such as traffic, noise, etc.

No changes were proposed to the existing building, which was constructed in 2004 and includes 10 bedrooms and 7 bathrooms. The site plan illustrates that onsite parking is provided for up to 9 vehicles (2 in the garage and 7 outside) with controlled access off of Strawberry Lane, a paved road. No parking area was proposed off of Conifer Lane. Operation of the property included prohibition of the use of outdoor audio/video equipment and quiet times from 10 p.m. to 8 a.m. which are posted on the property and included in the rental agreement.

At a special meeting held July 18, 2017 the McCall Area Planning and Zoning Commission (P&Z) held a properly noticed public hearing and recommended approval of the Conditional Use Permit to City Council with conditions as described in the attached staff report. The applicant objected to several of these conditions.

City Planner James went over the recommended conditions which include quiet hours requirements, video surveillance and interior/exterior audio meters, property manager requirements, maximum overnight occupancy, yearly occupancy restrictions, rental data to be provided with the tax payments, parking restrictions, driveway access, trash location, landscaping plan to discourage parking in a certain location, business license and local option tax remittance.

Steve Millemann, attorney for the applicant, briefly covered the State statues governing short term rentals. He covered the home's history, discussing what the applicant has done to address the noise issues, visual impact such as fencing, trash receptacle location, management plan accountability, parking, and video surveillance. Mr. Millemann addressed the conditions that the applicant does not agree to specifically the number of occupancy, audio meters, and snowmobile trailers and RVs. Kitty Tuft, co-owner of 925 Conifer Lane, spoke on their efforts to address the noise issues, video, they meet personally with each guest, signs are posted, ban on outside music or amplification, fencing and garbage, landscaping plans, game room issue such as adding A/C unit so window will

remain closed. Frank Tuft, co-owner of the home, gave a background on him and his family history, his desire to be able to have the same amenities as his neighbors to have a trailer on his property, and expressed how he would like to get along and work with his neighbors.

City Attorney Bill Nichols went through a slide show summary of the new House Bill 216 statute which legislates short term rentals, and explained how it affects cities and communities.

Public Comments in Favor of the Applicant

Randy Hulbert, 1670 Warren Wagon, spoke that in the beginning he was not happy about the Conifer Lodge and had to threaten legal action before the owner met with him to draw up some rules. The conditions put in place with this conditional use permit are far better than what was originally drafted and he is content with them.

Neil Smith, 1081 W. Rivercrest Circle South in Jordan, Utah has known the Tufts for many years spoke on the character, their needs for this income for retirement. He stated that this short term rental is their life and future.

Claudia Smith, 1081 W. Rivercrest Circle South in Jordan, Utah spoke on the need for rentals for large families, and how the Tufts put their heart in to the building of their home. She spoke on the size of their family gatherings which are over 30 people and the difficulty in finding places big enough to accommodate them when they come here to visit.

Mark Mathews, 909 Ann Street, plows the snow at Conifer Lodge and has only witnessed parking on Conifer on a couple of times and never seen anyone on the area that is blocked off. Council Member Giles asked for clarification on how many and how difficult it is to fit a snowmobile truck and trailer into the parking space. Mr. Matthews answered that two trucks and trailers could park on the west side leaving room for 5 cars in the drive plus the 2 in the garage.

Debra Walgren, 1912 Nordic Circle who owns a large short term rental in Island Park. She manages three large cabins over 27 plus people. She spoke about how her town and Fremont County dealt with large short term rentals by researching successful ordinances in other areas and drafted what is called the Fremont County Home Occupation Transient Rental Permit which is required of all vacation rentals regardless of size or occupancy. Safety was important but a big focus on neighborhood enjoyment addressing response time, and the effort has been very successful. Occupancy is based on square footage which is 150 sq. ft. per person. She felt the 75% annual restriction was wrong. Council Member Giles asked questions about snowmobile trailers and parking. Ms. Walgren stated that if there is not enough parking, it is the renter's responsibility to find additional parking somewhere else.

John Farmer, 630 Ruby Street, talked about his youth and relation to the Tufts, their love for McCall, and felt they were trying to be good neighbors.

Jens Jensen, 223 Ernesto, spoke about the investment put in by an owner/business owner and expressed concerned that regulation could be put forth in the future that could hurt his business. Personally, he cannot tell the difference from one large of 19 over a group of 35. He thought that if the City is going to regulate noise, it should be through a noise ordinance.

Dick Stones, 3609 Fox Run of New Meadows, spoke of the good nature of the Tufts and the difficulty of screening of renters. He was in favor of renting to a group of 35.

Paul Ryan, 342 Whitetail Drive, has been in the home and it can easily accommodate 35 people. The rules are clearly posted and behavior and conduct rules are everywhere, and it is a large lot back off the road and not that noticeable from the road. It is not the nicest home in the neighborhood yet not the worst either. It could use some landscaping upgrades. Mr. Ryan also pointed out there are trailers and boats all up and down the neighborhood and some people living in trailers on empty lots. He feels the Tufts should be allowed to continue to do what they have been doing over the last seven years.

Mark Saben, 1415 Jefferson Road, shared that snowmobilers brought \$33.8 million into Valley County in 2015-2016. He is not against control measures but feels it is good business to embrace these type of facilities to support the snowmobile industry.

Public Comments in Opposition of the Applicant

Pam Fitzsimmons, 934 Flynn Lane, observed that it took the Tufts 6 years to build the home so it appears they are not good planners. In addition, they had told everyone in the neighborhood that the home was for their family but failed to mention it was going to be a business. She feels disrespected, and correspondence has been condescending. She does not feel the CUP is a comprehensive enough plan.

Peter Fitzsimmons, 943 Flynn Lane, feels the Tufts are not honest due to what the neighborhood was told when they were building and in the information presented to P&Z. Mr. Fitzsimmons knew someone who attended a party at Conifer Lodge where there was at least 100 people and he finds this upsetting. He spoke on the size of the home and thinks the information presented in the CUP is deceptive.

Ken Krahn, 907 Strawberry Lane, talked about the amount of traffic, both car and pedestrian, in what is zoned a low density area. He is concerned about property values going down due to the problems caused by the Lodge, and about the safety issues created by the amount of traffic going through the neighborhood.

Julia Thrower, 917 Conifer Lane, representing attorney of 21 people in the neighborhood, spoke to the safety issues on Strawberry Lane as it is a bike path and the quietness of the neighborhood. She shared a recording of loud music at 10:35 p.m. that went on until 2:15 a.m. where the police were called out twice which had little effect, and shared another clip of noisy kids in the game room at around 8 p.m. She wants to make sure that the CUP is enforceable and asked to require padding for the game room. Other property managers, such as Vacasa LLC, uses noise monitoring. She shared information how this problem is being addressed in other parts of the country. She also shared information on noise monitoring products and explained how the monitor can be set by the owner and if it goes over the level it will text the manager. This puts the responsibility on the property manager rather than the neighbors. The response time is too slow and neighbors are frustrated by the lack of management. Ms. Thrower also spoke about the need of a property management company who can actually take care of the issues, having the occupancy based on legal bedrooms, and would like to see stronger language regarding parties, and pet violators.

Mark Russell, 936 Conifer Lane, compared Conifer Lodge to North Beach and stated the Tufts have not reached out and no one has the Tufts phone numbers. He feels the house should be shut down until everything is in place mentioning the fence as an example. He brought up issues with Planning and Zoning, traffic issues, and snow storage.

Mark Tapscott, 928 Strawberry Lane, stated people do not adhere to the quiet hours, and do not pay attention to the police citations. He does not feel the Tufts are good property managers and would like to see it professionally managed.

Christopher Justice, 932 Strawberry Lane, stated the neighborhood was great until the Lodge was put in. He does not feel it is fair for the neighbors to bear the burden of policing the home. He wants to see things made right.

Bill Yensen 934 Conifer Lane, has lived on Conifer Lane for many years, and feels that the zoning laws should be enforced as they are written.

Gail Bray, representing 932 Strawberry Lane, stated that though this home was built under the guise of a family home, the Tufts do not live there and it has been a business from the beginning. She cannot imagine Mr. Tuft would be showing up in the early morning hours to deal with issues and thinks it should be managed by a professional. She also wanted to know why language Mr. Millemann put in his July 13th letter restricting the non-renters was omitted. She feels the 75% restriction would be a nightmare to enforce and feels many of the problems would be mitigated by just reducing the number of occupants to 20 and get rid of the 75% restriction.

Eric Wakild, 924 Strawberry Lane, echoes the issues of safety due to the traffic, and has never met the Tufts nor does he have their phone numbers. He uses his home as a short term rental but he is appalled by the impact the Conifer Lodge has on the neighborhood. There is a charm about the neighborhood being ruined. He made the plea to regulate short term rentals, especially the larger homes.

Art Troutner lives on 193 W. Lake Fork Road and owns 943 Strawberry Lane, stated Conifer Lodge is intrusive to a quiet neighborhood. This is a place where people live and feels it is unfair to those who live there to operate a business the way it has been operated.

Larry Hettinger, 925 Strawberry Lane, wanted to point out that his neighbor, Mark Tapscott, is a fireman including ambulance calls, and he needs his rest which is difficult to do with what currently goes on at that property. The people who live in the neighborhood have lives and Conifer Lodge is disruptive.

Rebuttal

Steve Millemann feels that the CUP addresses all the issues, and that they can be enforced. He went over the police calls, addressed the conditions presented by opposite council which had not been presented to P&Z or his office, and confirmed the number beds. He spoke on the Aug 10-11 incident and how the new conditions would have made a difference. Eviction is included in the management plan. He clarified what is an event, and pointed out the website has been modified recently to remove verbiage regarding events. He explained why keeping a 35 limit is important as historically 30-75% of the Tufts rentals are over 30 people and reducing the number would restrict the Tufts income. City Planner James verified that the topic of events was hashed out, and

pointed out traffic requirements in the CUP. Mr. Tuft explained what has been done to make the home safer, and Mrs. Tuft explained how lowering the max occupancy would affect their ability to rent, the rental price, etc.

Council Member Witte asked for elaboration on pre-existing use and pre-existing occupancy and how that might affect the Council's decision. Attorney Nichols explained that the courts have characterized a non-conforming use which is someone who had a piece of property used in a particular manner, possibly pre-zoning. Then a new zoning code is implemented or a change in zoning code, turning what was previously lawful into unlawful. Typically the property is "grandfathered" in and so as long as there are no expansions or changes, enforcement of the code is not applicable. He explained how the City's zoning laws are applicable to the Conifer Lodge. The Tufts do have an argument that their property use was in place before the change in zoning. Limiting the occupants is an option but a certain amount of respect needs to be given to the Tuft's argument. Mr. Millemann explained that he came up with the percentages in his letter, for groups of 30 and above came from the rental records, and interjected that this is not a non-conforming use.

There was a brief question and answer between the Council and the applicants. Gail Bray provided the Council with the number of days with occupancy for last two years.

Attorney Nichols also explained that the CUP does not have an expiration date but State statute can have a duration note but specific finding needs to be listed and what those are. Violations are a complaint driven process, if there is a consistent pattern of violations, there are processes to revoke a CUP. Due process needs to be followed. If the property is sold, the CUP is required to review. There is no best practice in place. McCall is one of the first places to address regulating short term rentals, it has expanded greatly to all communities other than resort towns due to the internet rental agencies.

Receiving no more written correspondence and hearing no more comments, Mayor Aymon closed the public hearing at 9:10 p.m.

Mayor Aymon expressed that harmony is important in a neighborhood. She spoke about the rights of all property owners, and to think broadly in how to help the neighborhood to negate the negative impacts. Council Member Witte was not ready to make a decision, and stated she would like to look over all of the information presented and digest all the comments. Council Member Giles stated he was also not ready. He suggested a work session to look at the CUP more thoroughly, and suggested a meeting of all of the attorneys. Council Member Nielsen was concerned about enforcement, and interested in exploring solutions.

Attorney Nichols stated that the submitted materials tonight have not been seen by the applicant and since the Council would like to postpone the decision, to provide copies allowing the applicant to address the new information. The public hearing is closed to public testimony but is still open to allow comment from the applicant on the new information presented. He gave the Council instruction to not discuss the subject with anyone and if approached by the public to direct them to come to the next Council meeting on the subject. There is no prohibition for the legal counsels to come together for further discussion.

Mayor Aymon instructed staff to look at what is being done about the game room, and expressed concern about traffic and asked if the City can control the flow. She was also concerned about the

management's response time and suggested they look at hiring a professional. She also asked that the applicant define events more clearly. Council Member Witte directed staff to pull the CUP for the other large short term so the Council can make a consistent decision on events, and provide a breakdown on the number of occupants.

Council Member Witte moved to reopen the public hearing to allow comment from the applicant on the new information presented. Council Member Giles seconded the motion. In a roll call vote Council Member Witte, Council Member Giles, Mayor Aymon, and Council Member Nielsen all voted aye and the motion carried.

Council Member Witte moved to continue the public hearing CUP-17-03 Conditional Use Permit to Entitle the Continued Use of the Conifer Lodge at 925 Conifer Lane as a Short Term Rental with Occupancy of 20 or more persons to the Council Meeting on September 28th, 2017 at 6:00 p.m. Council Member Giles seconded the motion. In a roll call vote Council Member Witte, Council Member Giles, Mayor Aymon, and Council Member Nielsen all voted aye and the motion carried.

PUBLIC COMMENT

Mayor Aymon called for public comment at 9:40 p.m.

Hearing no comments, Mayor Aymon closed the comment period.

BUSINESS AGENDA Continued

AB 17-184 Request Approval of Closing documents to include Deeds and a Bill of Sale for the Sewer Annexation

Interim City Manager BessieJo Wagner presented the request for approval of closing documents to include Deeds and a Bill of Sale for the Sewer Annexation. The City has constructed and currently maintains a wastewater treatment plant, water reuse system, and wastewater collection system separate and apart from the wastewater collection system that has been constructed and is currently maintained by the Payette Lakes Recreational Water and Sewer District (District). There have been discussions and negotiations between the District and the City which resulted in the preparation of the Annexation Agreement, whereby the District will annex the Annexation Area and acquire the City's wastewater system, including, but not limited to, the City wastewater treatment plant, water reuse system, and wastewater collection systems. It is the City's intent, in consideration of its transfer to the District of its wastewater system assets, that the transfer must be pursuant to the Annexation Agreement which provides for the City's retirement of its obligations with respect to the Idaho Bond Bank Authority Revenue Bonds, Series 2004A (the "City 2004 Bonds") and the Idaho Bond Bank Authority Revenue Bonds, Series 2008B (the "City 2008 Bonds") at the time of Annexation.

The City and the District called and held a special election on May 16, 2017, at which there was submitted to the qualified electors proposition of the annexation and bonding, resulting in voter approval of and authorization for Annexation pursuant to the terms and conditions of the Annexation Agreement. The District, working with Bond Counsel, went to market for a bond sale on August 15, 2017 of which the closing date is set for August 31, 2017. Upon closing of these

bonds, and the execution of the closing documents, prepared by legal counsel, the annexation process will be complete. As soon as these documents are available, they will be provided to the Council.

Council Member Nielsen moved to suspend the rules, read by title only, one time only Ordinance No. 960. Council Member Giles seconded the motion. In a roll call vote Council Member Nielsen, Council Member Giles, Mayor Aymon, and Council Member Witte all voted aye and the motion carried.

Deputy Clerk Shay Tyler read the ordinance:

An ordinance of the City Council of the City of McCall, Valley County, Idaho:

- Setting forth recitals of authority, findings, determinations and purposes; and
- Authorizing the transfer of sewer fund personal property and real property to the Payette Lakes Recreational Water and Sewer District, specifically authorizing the Mayor and City Clerk to execute the following documents of transfer:
 - ✓ Special warranty deed and acceptance; and
 - ✓ Assignment, grant, conveyance of easement rights and acceptance; and
 - ✓ Assignment, grant, conveyance of sewer appurtenances easement rights and acceptance; and
 - ✓ Assignment, city of McCall's sewer fund account receivables and acceptance; and
 - ✓ Bill of sale, conveyance and acceptance; and
 - ✓ Closing statement

Authorizing and directing the City Treasurer, in coordination with the administrator of the Payette Lakes Recreational Water and Sewer District, to account and arrange for the transfer of the City sewer fund to the District.

Council Member Witte moved to adopt Ordinance No. 960 authorizing the transfer of City Sewer Fund Personal Property and Real Property to the Payette Lakes Recreational Water and Sewer District and specifically authorized the Mayor and City Clerk to execute the following documents of transfer: A Special Warranty Deed and Acceptance; and Assignment, Grant, Conveyance of Easement Rights and Acceptance; and Assignment, Grant, Conveyance of Sewer Appurtenances Easement and Acceptance; and Assignment, City of McCall's Sewer Fund Account Receivables and Acceptance; and Bill of Sale, Conveyance and Acceptance; and Closing Statement. Authorized and directed the City Treasurer in Coordination with the Administrator of the Payette Lakes Recreational Water Sewer District to account and arrange for the transfer of the City Sewer Fund to the District, approve the publication of the Summary, and authorize the Mayor to sign all necessary documents. Council Member Giles seconded the motion. In a roll call vote Council Member Witte, Council Member Giles, Mayor Aymon, and Council Member Nielsen all voted aye and the motion carried.

Council Member Giles moved to Proclaim McCall City Ordinance No. 960 is of immediate effect and give notice that the same is available for inspection at the Clerk's Office of McCall City Hall during normal office hours Monday through Friday at: 216 E. Park Street, McCall, Idaho 83638 and authorize the Mayor to sign the proclamation. Council Member Witte

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

This item was removed: AB 17-183 Request Approval of a Land Appraisal Engagement Letter

Upcoming Meetings Schedule Discussion

Council discussed upcoming meetings adding special meetings on September 7 at 5:30 for interviewing Council applicants, October 30 for an Executive Session with Peckham McKinney at 6:00 p.m. for recommendation of City Manager candidates, and a tentative morning meeting November 16 to meet potential applicants for the City Manager.

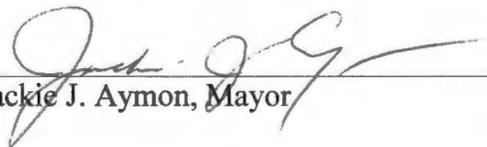
ADJOURNMENT

Without further business, Mayor Aymon adjourned the meeting at 10:07 p.m.

ATTEST:


BessieJo Wagner, City Clerk




Jackie J. Aymon, Mayor