

MINUTES

**McCall City Council
Regular Meeting
McCall City Hall -- Legion Hall
September 28, 2017**

Call to Order and Roll Call
Pledge of Allegiance
Approve the Agenda
Consent Agenda
Staff Recognition
Proclamations
Business Agenda
Public Hearing
Business Agenda cont.
Public Comment
Business Agenda cont.
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 Holmes, and Council Member Witte all answered roll call. Council Member Nielsen was absent.

City staff members present were Bill Nichols, City Attorney; BessieJo Wagner, Interim City Manager/City Clerk; Shay Tyler, Deputy Clerk; Linda Stokes, City Treasurer; Delta James, City Planner; Kurt Wolf, Parks and Recreation Director; Phillip Bowman, City Engineer; Morgan Bessaw, Permit Technician; Gail Draper, Accounts Specialist

Also in attendance was Andrew Mentzer, West Central Mountains Economic Development Council, John Lillehaug, Tree Committee Chair; Matt Linde, Parks and Recreation Advisory Committee

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 Special Minutes August 25, 2017
2. City Council Special Minutes September 7, 2017
3. Payroll Report for Period ending September 8, 2017
4. Clerk Licenses Activity Report
5. Warrant Register – GL
6. Warrant Register – Vendor
7. AB 17-213 Treasurer’s Report for August
8. AB 17-211 Request to Approve the One Year Renewal of Agreement for City Attorney/Civil Legal Services with White Peterson Gigray & Nichols, P.A.
9. AB 17-212 Request to Approve to Reject the Additional Terrorism Insurance for FY18 offered by ICRMP
10. AB 17-204 Request to Adopt Resolution 17-20 for the Authorization of the Destruction of Records

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

STAFF RECOGNITION

AB 17-218 Request to Presentation of Certificate of Appreciation to Gail Draper for 13 years of service Recognition

City Treasurer Linda Stokes presented the certificate of appreciation of service recognition. Gail Draper is retiring from the City on September 29, 2017. She has served the City in multiple roles and multiple departments for over 13 years. The City Council would like to present a Certificate of Appreciation for Gail’s dedication and service to the McCall community.

Mayor Aymon presented the Certification of Appreciation to Gail Draper.

PROCLAMATIONS

AB 17-205 Request to Proclaim October 5, 2017 as a Very Special Celebration Of Geraldine “Geri” Shaw’s 100th Birthday

City Clerk BessieJo Wagner presented the proclamation. Skeeter Shaw, daughter-in-law of Geraldine Shaw, affectionately known as Geri, requested a proclamation be made to recognize Geri Shaw’s 100th birthday. Geri was born Geraldine Fitzgerald on October 5, 1917 in International Falls, Minnesota, and moved to Idaho with her family in her teens. She met her husband, John Shaw, when she came to live with her mother in McCall. Geri and John were married for 62 years and had 3 children, and many grandchildren. She taught piano and was the pianist for many churches over the years. She currently lives in Emmett but travels often to visit her ranch in McCall.

Council Member Giles moved to proclaim October 5, 2017 as a Very Special Celebration of Geraldine “Geri” Shaw’s 100th Birthday in the City of McCall and authorize the Mayor to sign the proclamation. Council Member Witte seconded the motion. In a voice vote all members voted aye and the motion carried.

Mayor Aymon read the proclamation and presented it to Tom Shaw, Geri's son.

AB 17-215 Request to Proclaim October as Arts and Humanities Month

City Clerk BessieJo Wagner presented the proclamation. 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 Witte moved to proclaim October as Arts and Humanities Month and authorize the Mayor to sign all necessary documents. Council Member Giles seconded the motion. In a voice vote all members voted aye and the motion carried.

Mayor Aymon read the proclamation.

AB 17-217 Request to Proclaim October 8-14, 2017 as Fire Prevention Week – “Every Second Counts – Plan 2 Ways Out!”

City Clerk BessieJo Wagner presented the proclamation. 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, “Every Second Counts – Plan 2 Ways Out!,” is the National Fire Prevention Association's (NFPA) effort to reinforce the importance of having an escape plan.

In a fire, seconds count. Seconds can mean the difference between residents of our community escaping safely from a fire or having their lives end in tragedy. They want to bring focus to the necessity of being prepared for a fire with these key messages:

- Draw a map of your home using a grid with all members of your household, marking two exits from each room and a path to the outside from each exit.
- Practice your home fire drill twice a year. Conduct one at night and one during the day with everyone in your home, and practice using different ways out.
- Teach children how to escape on their own in case you can't help them.
- Make sure the number of your home is clearly marked and easy for the fire department to find.
- Close doors behind you as you leave – this may slow the spread of smoke, heat, and fire.
- Once you get outside, stay outside. Never go back inside a burning building.

In an effort to support the national proclamation of Fire Prevention week and bring awareness to the citizens of McCall, staff requests the Council proclaim October 8-14, 2017 as Fire Prevention Week in McCall.

Council Member Holmes moved to proclaim October 8-14, 2017, as Fire Prevention Week throughout the City of McCall and authorize the Mayor to sign the proclamation. Council Member Giles seconded the motion. In a voice vote all members voted aye and the motion carried.

Mayor Aymon read the proclamation.

BUSINESS AGENDA

AB 17-210 West Central Mountains Economic Development Council Report

Andrew Mentzer, Executive Director, gave an update on the activities of the West Central Mountains Economic Development Council (WCMEDC). The WCMEDC's mission is to encourage Valley County communities, businesses and organizations to act more cohesively towards an improved local economy; to solicit or assist projects that substantially strengthen the local economy (through business stimulation; community & infrastructure development; sector development); to inspire and solicit creative ("outside the box") solutions for issues at hand; to attract businesses and economic opportunities to the region; and to assist in the creation and maintenance of a climate that fosters economic growth and viability.

Mr. Mentzer gave a brief update on the Economic Summit, website training portal, grants for pathways, the micro grant for Cascade medical cluster for training for a paramedic and two certified nursing assistants, the open space levy, Idaho National Lab, small business trainings, and government contracting. He asked for leads who could benefit from their services. Mayor Aymon asked about finding people for the trade industry.

PUBLIC HEARING

AB 17-214 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 6:00 p.m.

City Planner Delta James presented the continued public hearing for the Conditional Use Permit for Conifer Lodge. The Tuft Family Revocable Trust has submitted a Conditional Use Permit 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.

At its August 24, 2017 meeting, Council opened a properly noticed public hearing, received public testimony, closed public testimony, and continued the public hearing to receive additional information

regarding rental history of the property, traffic impact of the short term rental use, and the conditions of approval applied to two previously approved large short-term rental properties.

Mayor Aymon called out the request for certified property managers and asked City Attorney Bill Nichols if Idaho had a certification process. He answered that as far as he is aware, the State of Idaho does not have an occupational license for property managers. There might be private groups such as the Building Owners Management Association that offer certification.

Steve Millemann reported that the attorneys from all parties had met and felt it was productive. He went over the changes to the conditions that came about from the meeting. The applicant agreed to external decibel readers with a dashboard at the owner and manager's homes, and hired an experienced property manager who lives in McCall to add to the phone list. They also added that the property manager will be present for all wedding events, requiring renters to park trailers at another location if no space in the parking area, and made changes to the game room to reduce noise including carpet and disconnecting the sound mechanism on games. The applicant still objects to restrictions to occupancy under 35 and the yearly percentage.

Council Member Holmes recused herself at 6:32 p.m. due to the fact she the business she works for will be catering an event at Conifer Lodge in the near future.

Staff answered clarifying questions and the Council had a lengthy discussion on what options were available to them and legal ramifications. City Planner James shared the due process the City has in place for violations to the CUP and stated it does not need to be added to the conditions. The question of the City's ability to limit occupancy was asked and City Attorney Nichols cautioned against limiting the occupancy because courts are more amenable to property owners over the neighbors, and on January 1, 2018 this type of business will be considered residential use by State law. He explained when the home was built it was given a residential permit and that permit is attached to the property not the owner so change in ownership will not affect the permit type. Again he reiterated that after January 1st, all of these businesses will be considered residential regardless. The neighbors can challenge the Council's decision if they have what is called 'standing'. He explained judicial review, which is a type of lawsuit, and its process. It is not a jury trial and the judge's decision can be contested and sent to the State court.

Hearing no more comments, Mayor Aymon closed the public hearing at 6:51 p.m.

Council Member Witte moved to close the public hearing. Council Member Giles seconded. In a voice vote all voted aye and the motion carried.

The Council deliberated. Mayor Aymon, Council Member Witte, and Council Member Giles all expressed frustration about the Council's hands being tied as they cannot deny the CUP or limit occupancy, and only allowed to add mitigating conditions to try to limit the impact. Council Member Giles pointed out the necessity of following and enforcing the CUP, and Mayor Aymon stressed the importance of reporting issues to both the property manager and law enforcement.

Council Member Giles moved to approve conditional use permit application CUP-17-03 as recommended and documented by the applicant as submitted with Council Member Witte's

addition to condition #3 and by the McCall Area Planning and Zoning Commission 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, and Mayor Aymon all voted aye and the motion carried.

Council Member Holmes rejoined the meeting at 6:55 p.m.

BUSINESS AGENDA Continued

AB 17-216 Request to Approve Silverpine Village Townhouses Planned Unit Development Final Plan (PUD-16-01), Subdivision Final Plat (SUB-16-04) and Escrow Agreement

City Planner Delta James presented the request to approve Silverpine Village Townhouses Planned Unit Development Final Plan (PUD-16-01), Subdivision Final Plat (SUB-16-04) and Escrow Agreement. The applications are for a development consisting of thirty (30) townhome units in nine (9) duplex structures and four (4) triplex structures located on approximately 2.41 acres adjacent to the existing Alpine Village Plaza. The duplex units include three bedrooms and the triplex units include two bedrooms. An Escrow Agreement has been submitted to provide financial assurances for the deferred improvements in the amount of 125% of the estimated costs in accordance with MCC 3.10.10.

At its September 5, 2017 regularly scheduled meeting, the McCall Area Planning and Zoning Commission unanimously recommended the PUD Final Plan and Subdivision Final Plat for approval by City Council. Additionally, City Council approved a Development Agreement for the project on July 13, 2017.

Steve Millemann, representing attorney, presented a revised PUD Escrow Account Agreement, explained the reasons behind the changes, and answered the Council's questions.

Council Member Holmes moved to approve PUD-16-01 Final Plan as recommended by the McCall Area Planning and Zoning Commission and authorize the Mayor to sign all necessary documents. Council Member Witte seconded the motion. In a roll call vote Council Member Holmes, Council Member Witte, Mayor Aymon, and Council Member Giles all voted aye and the motion carried.

Council Member Witte moved to approve SUB-16-04 Final Plat as recommended by the McCall Area Planning and Zoning Commission 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 Holmes all voted aye and the motion carried.

Council Member Giles moved to approve the Silverpine Village Escrow Agreement as amended and authorize the Mayor to sign all necessary documents. Council Member Holmes seconded the motion. In a roll call vote Council Member Giles, Council Member Holmes, Mayor Aymon, and Council Member Witte all voted aye and the motion carried.

PUBLIC COMMENT

Mayor Aymon called for public comment at 7:12 p.m.

Ken Krahn, 907 Strawberry Lane, was upset and did not feel the Council did their homework, and he demanded they stand up against these types of businesses inside of residential areas.

Julia Thrower, attorney at Coast to Mountain Environment Law & Mediation, representing neighbors on Flynn, Conifer and Strawberry Lanes stated the Conifer Lodge understands the law around this is murky but believes this case does not fall under the non-conforming use. She spoke of the traffic issues, and feels quiet times protects the neighborhood.

Mark Tapscott, 928 Strawberry Lane, feels the Council should get on board with making laws to govern this type of business, and he highlighted Bozeman, Montana as an example. He also accused the City of not following their own rules on the application.

James Graham, 201 W. Lake Street, President of the Idaho Hockey Foundation, spoke on the letter of denial of LOT funds for travel costs for the hockey team and the need for financial support. Not receiving the LOT funds has put the owner at a financial disadvantage and the future of the team is at stake. Mayor Aymon explained the Council chose to fund repairs at the ice skating rink in place of the travel costs. She also explained the primary uses the LOT funds are to counteract tourism impact and there is only so many dollars to go around. Who the money is allotted to each year can change.

Hearing no comments, Mayor Aymon closed the comment period at 7:27 p.m.

BUSINESS AGENDA Continued

AB 17-207 Tree Committee Annual Accomplishment Report for FY17

Parks & Recreation Director Kurt Wolf and John Lillehaug, Tree Committee Chair, presented the annual accomplish report for FY17. The Tree Committee is responsible for the location, selection, and identification of any trees, which qualify as a landmark tree or stand, of identifying and inventorying street trees, of reviewing development proposals that may affect landscaping and provide comment to the Planning and Zoning Commission and City Council. Mr. Lillehaug shared some of the highlights of the year including when the Lorax came to visit on Arbor Day, working with school children on planting trees, and posting articles on tree care in the Star News. He also gave a report on the insect infestations in the Douglas Firs and Ponderosa Pines.

AB 17-206 Parks and Recreation Advisory Committee Annual Accomplishment Report FY17

Parks & Recreation Director Kurt Wolf and Matt Linde, Parks and Recreation Advisory Committee Member, were present for the committee's annual accomplishment report. The Parks and Recreation Advisory Committee is established pursuant to Idaho Code 50-210 to advise and make recommendations to the McCall City Council on matters pertaining to the operations, management and programming of the McCall Parks and Recreation Department. The Committee consists of seven voting members.

Mr. Linde stated the recreation programs were reduced as the goal was to produce quality over quantity, and attendance was high in the youth tennis, basketball, youth & adult soccer, softball, and mountain biking programs. A great highlight of the year were movie nights and the goal was to continue them. Attendance numbers at the Mile High Swim were down so ideas are being pushed around to promote better participation. He shared the success of Mountain Madness Softball, Senior Softball Tournament, Bike Rodeo, McCall Ball, and July 4th Festival. He reported Rotary Park is almost complete, Brown Park upgrade is in the design stage, River Front Park parking is complete, Roberts Park boat ramps are complete, cleaning up the old dock and debris is at the beginning stages, Golden Glove landscaping is in progress, noxious weed control is ongoing, and the Woolly Pathway at Spring Mountain Boulevard are in. The Trips and Tours program has been very successful with the senior community, the winter basketball league is being promoted, working towards increasing the number of movie nights, and \$5000 goal of gaining business sponsorships for the recreation programs is underway.

Director Wolf stated that he and Tara have been asked to be presenters at the annual Idaho Recreation and Park Association Conference in Moscow so they are working on the application. Mr. Linde spoke of the goal of a store front for Parks & Recreation where they could sell items to raise funds, current park repair items needs, and the concession stand set up. Staff answered the Council's questions about different projects.

AB 17-219 Request Approval of the Lease Agreement with Michael Byrne for the Golf Course Restaurant

Interim City Manager BessieJo Wagner presented the lease agreement with Michael Byrne for the Golf Course restaurant. At the September 14th Council Meeting Council reviewed the draft lease agreement with Michael Byrne for the Golf Course Restaurant. There was Council consensus to move forward with a 9% lease rate with options of 2 five year renewals, the first at 10% and the second at 11%. Both the City Attorney and Mr. Byrne have reviewed for any final comments.

Staff and the Council went over the changes and made some minor adjustments and corrections for the final copy. There were two substantive changes made, one was to Section Three, Restaurant Operations, in reference to the minimum time the restaurant would be open during the winter months. After some discussion it was determined that the restaurant should be open a minimum of 5 days a week during the winter with a provision that with City Manager approval the restaurant could be open less. The second substantive change was made Section Five, Rent, where it refers to Continuous Operation and Hours of Business, the penalty for closing for more than the agreed upon times an additional rent of \$300 a day would be imposed.

Council Member Giles moved to approve the 5 year term Lease with Cougar Restaurant Enterprises, Inc. for restaurant services at the McCall Golf Course with as amended and authorize the Mayor to sign all necessary documents. Council Member Holmes seconded the motion. In a roll call vote Council Member Giles, Council Member Holmes, Mayor Aymon, and Council Member Witte all voted aye and the motion carried.

AB 17-209 Request to Designate an Agent of the City who is Authorized to Execute the "Agreement to Mediate"; and Attend the Mediation with the Authority to Settle the Case if Appropriate

Interim City Manager BessieJo Wagner presented the request to designate an agent of the City who is authorized to execute the "Agreement to Mediate", and attend the mediation with the authority to settle the case if appropriate which is has been requested by Legal Counsel. Mediation in the McCall Airport eminent domain case has been scheduled for October 17, 2017 at 9:30 a.m. at the law office of Givens Pursley (counsel for the Defendants) in Boise.

Council Member Giles moved to designate BessieJo Wagner, Iterim City Manager, as authorized to execute the "Agreement to Mediate"; and attend the mediation with the authority to settle the case if appropriate. Council Member Witte seconded the motion. In a roll call vote Council Member Giles, Council Member Witte, Mayor Aymon, and Council Member Holmes all voted aye and the motion carried.

Review of the Governance Manual Rules of Order

Interim City Manager BessieJo Wagner gave a review of the rules of order for Council procedures as outlined in the Governance Manual per Mayor Aymon's request for the newly appointed Council Members. The Governance Manual, and its governance policies and rules of procedure, are designed to provide guidance for the Council and City Administration. They are not to be considered restrictions or expansions of Council authority. These rules have been prepared from review of many statutes, ordinances, court cases and other sources but they are not intended to be an amendment or substitute for those statutes, ordinances, court decisions or other authority.

Upcoming Meetings Schedule Discussion

Council discussed upcoming meetings. There were some items added for Special Meetings and dates and times set.

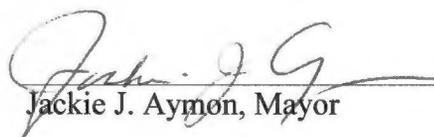
ADJOURNMENT

Without further business, Mayor Aymon adjourned the meeting at 8:50 p.m.

ATTEST:


BessieJo Wagner, City Clerk




Jackie J. Aymon, Mayor