

MINUTES

**McCall City Council
Regular Meeting
McCall City Hall -- Legion Hall
February 9, 2017**

Call to Order and Roll Call
Pledge of Allegiance
Approve the Agenda
Department Reports
Committee Minutes
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 5:30 p.m. Mayor Aymon, Council Member Scott, and Council Member Witte all answered roll call. Council Member Giles and Council Member Swanson were absent.

City staff members present were Nate Coyle, City Manager; Bill Nichols, City Attorney; BessieJo Wagner, City Clerk; Linda Stokes, City Treasurer; Delta James, City Planner; Jay Scherer, Airport Manager; Meg Lojek, Library Director; Justin Williams, Police Chief; Tara Woods, Recreation Supervisor

Mayor Aymon led the audience in the Pledge of Allegiance.

APPROVE THE AGENDA

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

DEPARTMENT REPORTS

City Manager

City Manager Nate Coyle gave a brief update on the 5-year Capital Plan, campus Facility Planning, curbside recycling, and the July 4th planning process.

Community Development

Staff answered clarifying questions.

Library

Staff answered clarifying questions.

Parks and Recreation

The survey results for the Holiday lights was cool blue same as the snowflake lights. Mayor Aymon requested that the new Administrative Assistant and Parks Supervisors be introduced at the next Council meeting.

Public Works

City Manager Coyle reported that the new City Engineer's tentative start date is early to mid-March, and Winter Carnival went very well from a Public Works perspective.

COMMITTEE MINUTES

The Council received the following Committee Minutes for review:

1. Environmental Advisory Committee – November 15, 2016
2. McCall Historical Preservation Commission – November 21, 2016
3. Library Building Committee – December 21, 2016
4. Library Building Committee – January 11, 2017
5. Library Building Committee – January 18, 2017
6. Library Building Committee Interview #1 – January 25, 2017
7. Library Building Committee Interview #2 – January 25, 2017
8. Library Board of Trustees – December 20, 2016
9. McCall Redevelopment Agency – November 15, 2016
10. Planning and Zoning Commission – December 6, 2016
11. Public Art Advisory Committee – April 6, 2016
12. Parks and Recreation Advisory Committee – December 7, 2016
13. Tree Advisory Committee – December 6, 2016

CONSENT AGENDA

Staff recommended approval of the following items:

1. Payroll Report for Period Ending December 16, 2016
2. Clerk's License Report
3. Warrant Register – GL
4. Warrant Register – Vendor
5. AB 17-29 Request for Approval of the Amerigas Contract for Propane for 2017
6. AB 17-28 Request for Approval of the Lease Assignment for Hangar 106A

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

BUSINESS AGENDA

AB 17-26 Environmental Advisory Committee Request to adopt a Green Business Certification Program Brochure

Recreation Supervisor Tara Woods presented the Environmental Advisory Committee's (EAC) request to adopt a green business certification program brochure and window decal. The Committee has been working on implementing a Green Business Program for businesses within the City of McCall. The EAC completed surveys in spring 2016 and found support for the idea.

The Recreation Department has agreed to fund the \$206 needed to print 200 program brochures, two 2x3 advertisements in the Star News, and 100 decals. EAC members will personally hand out the program brochure to businesses to provide more information as well as answer program questions.

Businesses will be asked to submit a written statement showing how they qualify. Once the EAC has received the statements, each application will be reviewed and discussed during the monthly EAC meetings. Businesses will be notified and presented with decals upon approval.

Staff is requesting that the Council approve the content of the brochure; the graphics and design will be approved by the City's Communications Manager before going to print.

Council Member Witte moved to approve the Environmental Advisory Committee Request to adopt a Green Business Certification Program Brochure with changes as noted and graphical designs to be approved by the City Communication Manager. Council Member Scott seconded the motion. In a roll call vote Council Member Witte, Council Member Scott, and Mayor Aymon all voted aye and the motion carried.

AB 17-24 Request to submit a Rotary Club Grant Application for the Library Capital Campaign and for the Parks and Recreation Mile High Mile Swim Event

Library Director Meg Lojek and Recreation Supervisor Tara Woods presented the Rotary Club grant application for the Library Capital Campaign and Recreation Mile High Mile Swim Event. The McCall Rotary Club offers a grant program to support various community enhancement projects and programs. The McCall Public Library wishes to apply for funding to add to the capital campaign for Library expansion. The McCall Parks and Recreation Department wishes to apply for funding to enhance the Mile High Mile swim event held in July 2017. Both projects fit within the funding parameters of the grant program.

Council Member Scott moved to approve the Rotary Club Grant Application for the Library Capital Campaign and for the Parks and Recreation Mile High Mile Swim Event, and authorize the Mayor to sign all necessary documents. Council Member Witte seconded the motion. In a roll call vote Council Member Scott, Council Member Witte, and Mayor Aymon all voted aye and the motion carried.

PUBLIC HEARINGS

AB 17-25 Request to Approve CUP-16-15 Conditional Use Permit Application for Mile High Drive - Large Short Term Rental

Mayor Aymon opened the public hearing at 6:00 PM

City Planner Delta James presented the request for approval of the CUP-16-15 Conditional Use Permit application for Mile High Drive large short-term rental. The Dearden Family Irrevocable 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-six (36) individuals. Due to septic system capacity issues, the applicant has agreed to reduce the maximum occupancy to twenty-five (25) individuals and upgrade the septic system within one year as required by the Central District Health Department.

No changes were proposed to the building or site. Operation of the property as a large short-term rental includes established quiet times from 10 p.m. to 10 a.m. which are posted on the property and included in the rental agreement, notification to renters to use slow speeds on the access road and to avoid use of neighbors' driveways as a place to turn around, required onsite parking, annual dust abatement, and provision of property management contact information to neighbors to which concerns can be directed. These operational measures are intended to minimize the impacts of the large short-term rental on the neighborhood.

The applicant has agreed to all Conditions of Approval recommended by the McCall Area Planning and Zoning Commission. At its January 3, 2017 regularly scheduled meeting, the McCall Area Planning and Zoning Commission held a properly noticed public hearing and recommended approval of the Conditional Use Permit to City Council.

Owner Dave Holland and Property Manager Candice Leonard stood for questions. Mayor Aymon asked about the decibel reader. Ms. Leonard explained how the decibel reader works which was installed in December 2016 and has had great results. The rental agreement has all the rules listed and is also verbally explained in an orientation at time of occupancy. Neighbors are encouraged to contact the property manager for any issues with parking or noise. There were additional questions asked regarding events, noise control, age limit of renters, and how issues are handled.

Public Comment

Les Bechdel, 1401 Hwy 55 North and President of the Home Owners Association (HOA), stated that the Hollands have been very communicative and easy to work with and he appreciates their efforts. He expressed his concern of large parties at the residence causing noise, parking, and emergency access issues. His opinion is that a limit of 16 is a better number and hopes the lower number of 25 will make things better. This rental has changed the atmosphere of the neighborhood. Mr. Bechdel expressed concerned with the water usage as it is a well system and it is hard to figure the appropriate fees per home. He would like to see some limitations regarding buses coming in as it is very tight.

Ralph McKenzie, 1580 Mile High Drive, questioned how the zoning was changed from R1 residential single family to C36 commercial and did not get to give input on something that drastically changed the use of their neighborhood. He feels this rental is more like a hotel with very little oversight. Another concern is well head protection and the 50 foot activity radius. The current drive way originally went to the well head but when this home was built, the drive was extended up to the house. He is concerned with the amount of activity and possible pollution issues with the drive this close. Does not understand from a land planning stand point to go from an R1 to a commercial activity in the middle of the neighborhood. He is concerned with the traffic exiting the property causing some safety issues. He asked to mitigate no more than 10 cars, 8 would be better, and maybe the commercial entity could bring Mile High Drive to city specifications from the highway. He would like to see the driveway moved away from the well head, limit large vehicles such as buses, RVs, camper trailers, and boats as there is no room for them to turn around. He does not feel it is his or the neighbors' job to police the property so would like to see the property manager onsite or more present, especially at night. The commercial zoning does not feel compatible with this subdivision.

Delta James addressed the zoning issue stating that the zoning is still R1 and has not changed. The short-term rental use has not been defined as commercial use in McCall City Code.

Ronda McKenzie, 1580 Mile High Drive, stated that this last summer has been better but there still has been issues with cars lining the street and camp trailers parking on the well head lot. Her concerns are the same as Ralph's. She wanted to know why since Central District Health stated that the septic was only built for like 8 and not 25 that nothing is expected to change for a year. Mayor Aymon stated that is up to Central District Health. Mrs. McKenzie continued by saying everyone who bought property there chose to live in a single family subdivision. While the Hollands lived there, they were good neighbors but since the home is now a rental, she does not think they are anymore. They do not even attend the HOA meetings. She had many concerns with the number of people that come through there creating safety issues. She is concerned that there is not enough police support as well. She wants safety back in their neighborhood.

In rebuttal, Mr. Holland stated that he did not see how it would be possible to regulate the water usage. Ms. Leonard stated that they take all the linens off site to clean to save on water usage. They are hoping that by not allowing weddings and events, it will help mitigate some of the issues. The speed bump is a great idea. They are trying to keep an open communication with the home owner association. Mr. Holland stated he stopped going to the HOA meetings due to confrontational behavior of another homeowner.

City Attorney Bill Nichols asked if it was necessary to allow campers. Ms. Leonard explained why they allow campers and Mr. Holland stated that there is an area beside the garage for campers and they try to educate their renters how to appropriately use the parking area. Mayor Aymon asked about laws governing campers on public and private roads. City Planner James stated that there is no parking on public roads but the private road is governed by the HOA. Council Member Witte asked who regulates the private road. Bill Nichols stated that the restrictions or lack of them are set at the time the subdivision built the road. If there are issues, the homeowners need to take it to court but it is not a City issue on a private street.

Council Member Scott needed explanation of why this application could not be denied. City Attorney Nichols explained that in the past there were no restrictions in the zoning code until an ordinance was made to change that. However, the ordinance grandfathered in existing short-term rentals and only allows restriction decisions to be made. The short story is it is a non-conforming pre-existing use that will continue to be a non-conforming use and the Council does not have the authority to deny but can only place conditions on it of said use and make sure it has adequate infrastructure.

City Planner James gave clarification on a few issues. The current septic operation has no immediate concerns other than it is not adequate for larger numbers which is why Central District Health is giving them a year to upgrade the system. She has included language for the Council regarding prohibiting fireworks if they want to add it to the motion. As to the well head issue, the Department of Environmental Quality (DEQ) is on the distribution list and no comments have been received. There is an existing easement that allows for the close proximity of the driveway with the well head that predates this issue.

Mayor Aymon closed the Public Hearing at 7:03 PM

There was a discussion. Mayor Aymon felt it prudent to not regulate too strongly as it is unfair to put stipulations on a rental but not on the homeowners in the surrounding area. Police Chief Justin Williams gave an explanation for the possible reason behind the statement that the city police were not supportive. One is over excessive call-ins for issues they cannot regulate. Two, the police do not have the authority to regulate over parking on private roads. The HOA has far more power in controlling that aspect. This is a quality of life issue not a criminal issue. City Planner James pointed out that violations of the land use condition of approval is a civil issue and not something that the police enforce outside of noise ordinance violations or criminal activity. Council Member Witte would like to see the boat trailers and buses be restricted.

City Attorney Nichols stated that the Council can revisit the conditions if they prove to be unsuccessful due to continued violations. The conditional use could be revoked and occupancy reduced to less than 20. This would require burden of proof documentation and bringing it back through the process for the Council's consideration.

Mayor Aymon reopened public hearing 7:15 p.m. to ask additional questions regarding parking, and reclosed Public Hearing at 7:16 p.m.

City Planner James provided the wording for the additional condition of prohibiting the use of fireworks on the property.

Council Member Scott moved to approve the CUP-16-15 Conditional Use Permit Application for Mile High Drive Large Short-Term Rental as amended with an 8th condition that the applicant shall prohibit the use of fireworks on the property and shall include this as a provision of the rental agreement 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 Scott, Council Member Witte, and Mayor Aymon all voted aye and the motion carried.

PUBLIC COMMENT

Mayor Aymon called for public comment at 7:19 p.m.

Hearing no comments, Mayor Aymon closed the comment period.

BUSINESS AGENDA - Continued

AB 17-32 City Prosecutor Introduction – Paul Fitzer

City Manager Nate Coyle presented the new City Prosecutor Paul Fitzer. In January of 2017, the City of McCall entered a contract with Paul Fitzer to serve as the new prosecutor for the City. Paul Fitzer introduced himself. He thanked the Council for the opportunity to work for the City of McCall and everyone has been great to work with. He briefly discussed what his work load has been like so far and answered questions.

AB 17-27 McCall Police Chief Winter Carnival Update

Police Chief Justin Williams gave a review of the Winter Carnival festivities, including comparisons of calls for service for the 2016 Winter Carnival and the impact of the carnival on the police department. There were 13 City Police Officers and 22 external assisting personnel and there was \$5616 spent, which is approximately \$100 less than last year. There were 120 calls for service in comparison to the 127 for last year. Numbers were comparable and in some cases almost identical to last year. It was very uneventful from a law enforcement stand point. The additional personnel was brought in specifically for the parade as the police department does not have the staff available to man the posts necessary to control the event.

AB 17-30 Core Values Discussion

City Manager Nate Coyle presented a brief discussion on the Core Values per the Council's request as two of the members are not present. It has come to his attention that the City lacks a base or core value from which to make decisions. Sometimes the decision making process is black and white but other times it resides in a grey area. He has been working with City Department Heads in an exercise to establish core values for work ethics and the decision making process for the City of McCall. He would like to share this exercise with the City Council to determine the values which the Council believes would be appropriate for the City. Manager Coyle asked that the Council take a few moments to complete the exercise and once collected, shared and compared the core values discussed and recommended by City Department Heads. Some of the items that stood out with the Department Heads was professionalism which includes technical experts in the field, strong integrity, transparency to the community, being authentic and honest with community, innovative, pride and ownership in the work done. Strong leadership to staff and in the community was also important. The Council compared their list calling out additional values such as fairness, trustworthy, respectful, fiscal stewardship, work wise balance and teamwork, respect other people's time, kindness, being good listeners. Manager

Coyle will collect comments from the absent Council members and compile the information to present at the next Council meeting.

AB 17-31 Joint Wastewater Advisory Group Update to Council

City Manager Nate Coyle gave an update of the Joint Wastewater Advisory Group (JWAG). At the February 8th JWAG meeting, the primary focus was on the extension and annexation processes. Six out of the eight JWAG members were in favor of the annexation process. City Manager Coyle has a different perspective and his recommendation is to continue moving forward with the annexation and present the rates so that process is not held back but at the same time have staff working on the extension process in the background in case the first option falls through. He asked the Council for their feedback.

The Council discussed. Council Member Scott would like more time. This is a huge complex decision with major ramifications. Council Member Witte agrees that more information is needed to make a good decision, and agreed with the importance to continue with the pursuit of the extension option. Mayor Aymon expressed some concerns about the cost of the extension, lack of information in regard to the rate study findings, the \$500 thousand deficit in the City budget from losing the utility income, DEQ permit, the upgrade to the farmers, Joint Powers agreement complications, the loss of the construction season, and the cost of bonding increasing if it is prolonged. She asked for clarification about the loss of the construction season implications and City Manager Coyle gave more explanation. There was a discussion of future meetings schedule.

Upcoming Meetings Schedule Discussion

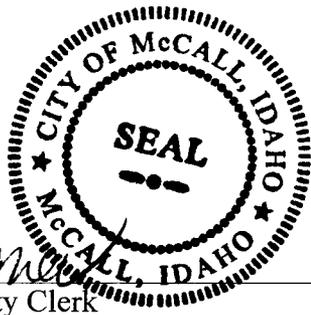
Council discussed upcoming meetings. City Clerk BessieJo Wagner presented the idea of having Public Hearings at 5:30 instead of 6:00. The Council preferred to keep it at 6:00 p.m.

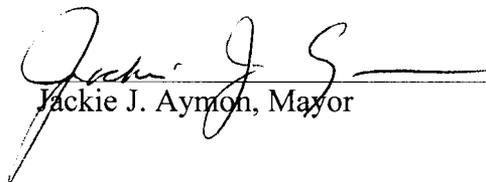
ADJOURNMENT

Without further business, Mayor Aymon adjourned the meeting at 8:19 p.m.

ATTEST:


BessieJo Wagner, City Clerk




Jackie J. Aymon, Mayor