

MINUTES

**McCall City Council
Regular Meeting
McCall City Hall -- Legion Hall
September 24, 2015**

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

CALL TO ORDER AND ROLL CALL

Mayor Aymon called the regular meeting of the McCall City Council to order at 5:32 p.m. Mayor Aymon, Councilor Giles, and Councilor Witte all answered roll call. Councilor Swanson was absent. Councilor Scott joined the meeting at 5:35 p.m.

City staff members present were Nate Coyle, City Manager; Bill Nichols, City Attorney; Michelle Groenevelt, Community Development Director; Delta James, City Planner; Dennis Coyle, Parks and Recreation Director; Justin Williams, Police Chief; Peter Borner, Public Works Director; BessieJo Wagner, City Clerk; and Lisa Kundrick, Deputy City Clerk.

Mayor Aymon led the audience in the Pledge of Allegiance at 5:34 p.m.

APPROVE THE AGENDA

The agenda was amended to postpone the Tree Committee annual report until October 22, 2015.

Councilor Giles moved to approve the agenda as amended. Councilor Witte seconded the motion. In a voice vote all members voted aye and the motion carried.

WORK SESSION

AB 15-171 McCall City Code Title 4 Business Regulations Re-write – Review of Chapter 3 Snow Removal and Chapter 5 Pawnbrokers

BessieJo Wagner, City Clerk, presented the McCall City Code Title 4 Business Regulations Re-write – Review of Chapter 3 Snow Removal and Chapter 5 Pawnbrokers stating changes to Title 4 regarding licensing of pawnbrokers and snow removal contractors.

Mrs. Wagner stated that Item 4.5.9 (B), *Stolen Property, Return to True Owner* was changed. The provision was removed for a pawnbroker to return stolen property to its true owner. Police Chief Williams recommended removing this text at the current time, having stolen property turned over to the Police Department instead.

Councilor Witte asked why the pawnbroker license would be transferrable. Council discussed limiting a Pawnbroker license transfer only as it relates to location and not transferrable to another person. The reference to \$200 in Item 4.5.1 (F) will be removed and the fee will be placed in the fee structure resolution.

Attention was turned to licensing of snow removal contractors. Recent changes included adding Item 4.3.1 (B) to request a completed application for each contractor. The term of *snow removal contractor* was added to the Definitions section. Item 4.3.2 was removed, which stated that under no circumstances can snow be plowed with the blade or bucket down in contact with the road surface. This provision is currently in place as a common practice. Also, Item 4.3.4 was added for violations and penalties.

Peter Borner, Public Works Director, requested a statement be added to address contractors who push snow onto adjacent private property without permission.

Council discussed the application for each contractor and whether to have each driver complete an application or have the contractor list the drivers. After discussion it was decided to be more consistent to make the contractor responsible for his employees, if they have any. City Attorney Nichols recommended adding these requirements for the contractor and eliminating the wording about individual driver applications. However, Mr. Nichols suggested requiring the contractor to keep a log of who is operating each day in case of a damage claim.

Councilor Witte asked about the structure for fines and if there was any escalation of fines for repeat offenses. Police Chief Williams stated he would recommend an incremental fine schedule to discourage repeat offenses.

Mrs. Wagner outlined the next steps for Title 4. The fees related to Title 4 will be ready to review at the October 22 Council meeting. On November 5 the entire ordinance will be ready for review. There will be a public hearing at the November 19 meeting to adopt fees, and at this meeting Title 4 could be adopted.

PUBLIC COMMENT

Mayor Aymon called for public comment at 6:11 p.m.

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

PROCLAMATIONS

AB 15-174 Proclamation – October as Arts and Humanities Month

This proclamation was presented by BessieJo Wagner, City Clerk stating that this proclamation was suited for the community.

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

AB 15-175 Proclamation – 2015 Fire Prevention Week October 4-10

Fire Chief, Mark Billmire, discussed the importance of Fire Prevention Week, which has been recognized annually every October since 1922. Chief Billmire reminded Council of the Fire Department's program to provide free smoke detectors on request. The Fire Department will also come to homes and change smoke detector batteries. Chief Billmire highlighted that three out of five fatalities involving structure fires happen because there is no working smoke detector present and most structure fires happen between 11:00 p.m. and 7:00 a.m.

Councilor Giles moved to proclaim October 4-10, 2015 as Fire Prevention Week throughout the City of McCall and authorize the Mayor to sign the proclamation. Councilor Scott seconded the motion. In a roll call vote Councilor Giles, Councilor Scott, Mayor Aymon, and Councilor Witte all voted aye and the motion carried.

BUSINESS AGENDA

AB 15-168 McCall Redevelopment Agency (MRA) Board of Commissioner Appointment

Michelle Groenevelt, Community Development director presented this recommendation from the McCall Redevelopment Agency. Currently there are two vacancies on this board. Shelly Johnson is a local plumber and has expressed interest to fill one of the vacancies for the term through 2018.

Councilor Scott moved to appoint Shelly Johnson to the McCall Redevelopment Agency Board for a term to expire May 2018. Councilor Witte seconded the motion. In a roll call vote Councilor Scott, Councilor Witte, Mayor Aymon, and Councilor Giles all voted aye and the motion carried.

AB 15-176 Greystone Village #3, Lot 3, Block 3, 1539 McCall Avenue; Lease Termination and Establishment of a New Lease from Hannes and Deborah Kury to Scott and Shawna Johnson

BessieJo Wagner, City Clerk, presented the proposal to approve the lease for 1539 McCall Avenue. The owner of 1539 McCall Avenue, Hannes and Deborah Kury, have a sale pending and would like to request termination of the existing lease at the time of closing with a subsequent request for establishment of a new lease to Scott and Shawna Johnson. Upon their request the purchasers have been provided a copy of the proposed Amended and Restated Ground Lease V2.

Councilor Scott moved to approve termination of the existing lease of 1539 McCall Avenue from Hannes and Deborah Kury at the time of closing and subsequently approve the new Amended and Restated Ground Lease V2 for Greystone Village #3, Lot 3, Block 3, 1539 McCall Avenue, to Scott and Shawna Johnson and authorize the Mayor to sign all necessary documents. Councilor Witte seconded the motion. In a roll call vote Councilor

Scott, Councilor Witte, Mayor Aymon, and Councilor Giles all voted aye and the motion carried.

AB 15-173 Renewal of City Attorney Contract – White Peterson

This was presented by BessieJo Wagner, City Clerk. The contract was reviewed at the last Council meeting, and there have been no changes to this contract since then. The current retainer agreement with White Peterson expires on September 30, 2015. The attached agreement renews the professional relationship for another fiscal year. The amount of the monthly retainer and the fees for services outside the retainer again remain unchanged from the current agreement and has not changed in the past 6 years.

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

AB 15-178 Approval for Consent to Assignment of Lease for Hangar 209, Michael S. Chapman Trust

Nate Coyle, City Manager and interim Airport Manager, presented this Landlord's Consent to Assignment of Lease on behalf of Michael Chapman and Wolfe Properties & Investments LLC. Michael Chapman as the trustee of Michael S. Chapman Trust is the owner of Hangar 209 and is coordinating use of this privately owned hangar as collateral through Wolfe Properties & Investments LLC. Wolfe Properties & Investments LLC has requested consideration for issuance of a landowner's consent to assignment for completion of this process. A landlord's consent to assignment of a lease allows a lender, Wolfe Properties & Investments LLC in this case; to step into the position of the lessee should the lessee default or be in danger of defaulting upon the lease agreement for this hangar. In the scenario of a default, the lender then becomes the lessee until the defect is cured, and the lender fulfills the terms of the lease agreement.

Councilor Witte moved to approve the enclosed consent form and authorize the Mayor to sign any and all documents. Councilor Scott seconded the motion. In a roll call vote Councilor Witte, Councilor Scott, Mayor Aymon, and Councilor Giles all voted aye and the motion carried.

AB 15-179 McCall Code Enforcement Discussion and Work Session

Justin Williams, Chief of Police, conducted an educational discussion about code enforcement in the City of McCall. The Code Enforcement Team includes Dave Brauneisen and Sergeant Pete Rittenger with the help of patrol officers. The function of Code Enforcement is to ensure the cooperation of citizens regarding issues such as zoning, parking issues, and animal control. Besides enforcement duties the team is also involved in projects like animal vaccine clinics, bike rodeos, city clean-up days, neighborhood watch programs, business outreach, and Hawkers' permits.

Chief Williams noted that the Team's jurisdiction is only within city limits, not the Impact Area. The County has adopted McCall's City Code for the Impact Area; however, the City has no authority to act in this region. The Team is only allowed to make recommendations to the County.

Chief Williams discussed the objective of enforcement. The Team may start with verbal warnings to obtain voluntary compliance before leading to a citation. This is in the form of a Notice of Violation before it becomes an infraction and then a misdemeanor. This is to ensure a viable and thriving environment for all citizens. Chief Williams encouraged all citizens to observe how the City appears from a visitor's standpoint, paying attention to little violations that citizens may not notice on a regular basis but would be more conspicuous to a visitor. Chief Williams gave the illustration of a broken window that may not garner much attention but then leads to vandalism and decay until it ultimately becomes an eyesore and a threat to public safety.

Chief Williams stated that some of the most common offenses that involve Code Enforcement are animals at large, parking violations, abandoned vehicles, slash piles, and sign violations. Chief Williams then presented a slide with a snapshot of the types of calls Code Enforcement receives.

Chief Williams explained that the practice of code enforcement is difficult in McCall because of reduced staffing leading to inconsistent enforcement over the years, making it difficult to take a proactive approach.

A future goal for the Team is to work toward standardization, having consistent enforcement for all issues, and this in turn will increase public trust. One way to do this is by standardizing the violations within the code so they all start at the same level using the Notice of Violation. Another tool would be to make the Notice of Violation infractions payable to the City, not the County, likewise keeping the infraction out of the County's system until there is further need for escalation.

Councilor Giles asked about the term "grandfathering". Chief Williams explained that almost all grandfathered agreements are verbal. There are some cases when there may be a good reason for the agreement. Nonconforming signs may fall into this category because the sign in question may have existed before the code was changed. Grandfathering generally pertains to something being in place before the regulation was placed, which creates a nonconforming use.

Michelle Groenevelt, Community Development Director, stated that code enforcement is a challenge with only having a part-time officer during the week. Also, City Staff spend a considerable amount of time on issues in the Impact Area. However, the system is getting better now that Community Development is working alongside the Prosecuting Attorney's office.

Chief Williams added that with the current part-time availability of the Code Enforcement Officer, this only allows for a reactive approach and not a proactive approach.

Mayor Aymon asked about the practice of having officers on bicycles. Chief Williams replied that they were regular patrol officers but current workload does not allow for the extra time on bicycles. Mayor Aymon stated that she thinks there are times this would be ideal. Chief Williams explained that the Police Department has lost several positions so there are no officers available to do this currently. Chief Williams added that Council needs to define to what extent they want certain aspects of enforcement covered. To do so would require additional staffing.

Mayor Aymon asked how Notice of Violation infractions are currently used and expressed her desire to use these on a City basis to keep from filling the County court with minor infractions. Chief Williams added his support for using this method because they could be issued by others

other than police personnel such as Community Development, and save some of the burden on the Police Department. Fines are paid to the City, like a parking ticket.

Councilor Giles added that Council is not interested in maintaining status quo regarding code enforcement and wants to improve conditions. The Council thanked Chief Williams for presenting the information.

Upcoming Meetings Schedule Discussion

Council discussed items for upcoming meetings.

CONSENT AGENDA

Staff recommended approval of the following items:

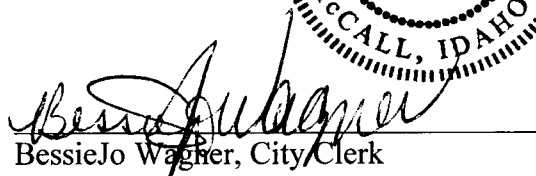
1. Payroll Report for Period Ending September 11, 2015
2. Alcohol and Catering Licenses Report
3. Warrant Registers

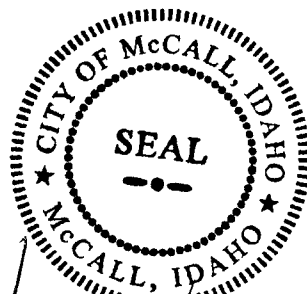
Councilor Witte moved to approve the consent agenda as amended. Councilor Giles seconded the motion. In a voice vote all members voted aye and the motion carried.

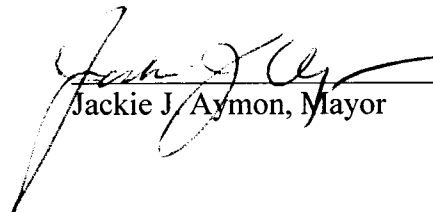
ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 7:25 p.m.

ATTEST:


BessieJo Wagner, City Clerk




Jackie J. Aymon, Mayor