

# MINUTES

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**McCall City Council  
Regular Meeting  
Legion Hall (McCall City Hall - Lower Level)  
March 27, 2014**

## Agenda

Call to Order and Roll Call  
Approve the Agenda  
Work Session  
Pledge of Allegiance  
Public Comment  
Proclamation  
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 5:31 p.m. Councilor Giles, Mayor Aymon, and Councilor Witte all answered roll call. Councilor Scott and Councilor Swanson were absent.**

City staff present was Bill Nichols, City Attorney; Michelle Groenevelt, Community Development Director; Dennis Coyle, Parks and Recreation Director; Carol Coyle, Grant Coordinator; Peter Borner, Public Works Director; Nathan Coyle, Airport Manager; and BessieJo Wagner, City Clerk

## **APPROVE THE AGENDA**

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

## **WORK SESSION**

### **AB 14-47 Annual Report to Council – Clerk and Local Option Tax**

BessieJo Wagner, City Clerk, presented the Clerks Annual Department Report and the LOT Annual Report to Council. She stated that there was a need for additional learning in the area of Fair Housing.

**Mayor Aymon led the audience in the Pledge of Allegiance at 5:50 p.m.**

## **PUBLIC COMMENT**

**Mayor Aymon called for public comment at 6 p.m.**

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

## **PROCLAMATION**

### **AB 14-46 Fair Housing Month Proclamation 2014**

BessieJo Wagner, City Clerk, presented the 2014 Fair Housing Month Proclamation to Council. The Idaho Department of Commerce asks each community in Idaho to publish a Fair Housing Proclamation each April to raise awareness of everyone's entitlement to Fair Housing. Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability).

**Councilor Witte moved to proclaim April, 2014 as Fair Housing Month in the City of McCall, and authorize the Mayor to sign the proclamation. Councilor Giles seconded the motion. In a roll call vote Councilor Witte, Councilor Giles, and Mayor Aymon all voted aye and the motion carried.**

### **AB 14-56 2014 Mayors Day of Recognition and National Service Day Proclamation**

Mayor Aymon presented the 2014 Mayors Day of Recognition and National Service Day Proclamation to Council. She explained that the nation's mayors are increasingly turning to national service as a cost-effective strategy to address city challenges. By unleashing the power of citizens, AmeriCorps and Senior Corps programs have a positive and lasting impact – making our cities better places to live. To spotlight the impact of national service and thank those who serve, mayors across the country will participate in the second-annual Mayors Day of Recognition for National Service on April 1, 2014. Participation may include news releases, proclamations, registration on the Mayors Day of Recognition webpage, local activities, or other events.

A coordinated day of recognition presents a unique opportunity to spotlight the key role that national service plays in solving local problems and challenges. Participating in the day will highlight the impact of citizen service, show support for nonprofit and national service groups, and inspire more residents to serve in their communities. The proclamation recognizes the valuable contribution of all volunteers toward improving the quality of life of those in McCall, the State of Idaho, and the Nation.

**Councilor Giles moved to approve participation in the 2014 Mayors Day of Recognition program and proclaim April 1, 2014 as the National Service Recognition Day in the City of McCall. Councilor Witte seconded the motion. In a roll call vote Councilor Giles, Councilor Witte, and Mayor Aymon all voted aye and the motion carried.**

## **BUSINESS AGENDA**

### **AB 14-49 Centennial Committee Annual Report to Council**

Dean Martens, Co-Chair of the McCall Centennial Committee, presented the Committee's annual report to Council.

### **AB 14-50 Resolution 14-06: State Local Agreement Redevelopment Area Sidewalk Improvements - Project No. A014(341) Key No. 14341**

Carol Coyle, Grant Coordinator, presented Resolution 14-06 authorizing the execution of the State Local Agreement for the Redevelopment Area Sidewalk Improvements to Council. The City of McCall applied to the Idaho Transportation Department Community Choices for Idaho Program for funding for design and construction of sidewalk, streetscape, and storm water improvements on Fir Street, Pine Street, and Roosevelt Avenue in McCall. Funding of \$198,000 was approved by the Idaho Transportation Board for the project. The McCall Redevelopment Agency has pledged \$200,000 toward the project. The Idaho Transportation Department requires a State Local Agreement (SLA) to be executed for the project, along with a resolution authorizing the agreement.

**Councilor Witte moved to approve Resolution 14-06 authorizing the execution of the State Local Agreement for the Redevelopment Area Sidewalk Improvements and authorize the Mayor to sign all necessary documents. Councilor Giles seconded the motion. In a roll call vote Councilor Witte, Councilor Giles, and Mayor Aymon all voted aye and the motion carried.**

### **AB 14-54 Transportation Investment Generating Economic Recovery (TIGER) VI Discretionary Grant application for downtown improvements**

Carol Coyle, Grant Coordinator; and Peter Borner, Public Works Director, presented the development of a TIGER Discretionary Grant application and the request of the expenditure of \$5000 from the FY14 City Council budget for Horrocks Engineering assistance with the application to Council. The US Department of Transportation has released its Notice of Funding Availability for the TIGER VI Discretionary Grant Program. The City of McCall submitted a TIGER application in 2010 but was not awarded funding. Since that time, the City of McCall has adopted the McCall Area Pathways Master Plan, the McCall Downtown Master Plan update, and is currently working on the McCall Capital Improvement Plan. The City Manager, Community Development Director, Public Works Director, Parks and Recreation Director, City Engineer, Information Systems Manager, Communications Coordinator, Water/Sewer Superintendent, Streets Superintendent, and Grant Coordinator met on March 18 to review grant criteria and discuss the feasibility of submitting an application this year. It was agreed that an application should be pursued.

Since the implementation of the Downtown Master Plan is a priority project identified through various planning documents, the design and construction of street and sidewalk improvements in the downtown core is the recommended project for the TIGER application. The City Manager and Staff requested approval to move forward with application preparation. In order to submit a competitive application, Horrocks Engineering would be tasked with preparing the scope, cost estimate, cost benefit analysis and other application requirements. Funding from the FY14 Council budget of \$5,000 (Economic Development Support) was requested to assist the PW Department (\$10,000 Streets/Sewer/Water) with the cost of the task order. The scope, estimated

cost, timeline, and matching funds request will be presented to Council at the April 10 meeting for consideration. Approval to submit the application will be presented to the Council at the April 24 meeting.

**Councilor Giles moved to approve the development of a TIGER Discretionary Grant application and approve the expenditure of \$5000 from the FY 14 City Council budget for Horrocks Engineering assistance with the application. Councilor Witte seconded the motion. In a roll call vote Councilor Giles, Councilor Witte, and Mayor Aymon all voted aye and the motion passed.**

**AB 14-45 Surplus Property Parks and Recreation Van– Resolution14-05**

Dennis Coyle, Parks and Recreation Director, presented Resolution 14-05 declaring the Econoline EC3 Van as surplus and authorizing the sale of the 2000 Ford Econoline EC3 Van to Valley County. Idaho Code §67-5732A allows the conveyance of surplus personal property to other state and local agencies. Annually City staff identifies several items as surplus property. The Parks and Recreation Director has determined that the Econoline Van no longer serves the needs of the department and would like to sell the 2000 Ford Econoline EC3 Van to Valley County.

**Councilor Witte moved to adopt Resolution 14-05 authorizing the sale of the 2000 Ford Econoline EC3 Van to Valley County and authorize the Mayor to sign all necessary documents. Councilor Giles seconded the motion. In a roll call vote Councilor Witte, Councilor Giles, and Mayor Aymon all voted aye and the motion carried.**

**AB 14-51 City of McCall Parks and Recreation Donation Policy**

Dennis Coyle, Parks and Recreation Director, presented the City of McCall Parks and Recreation Donation Policy to Council stating that McCall is very fortunate to receive support from hundreds of community members who regularly give time, money, property, and individual expertise to help ensure the Parks and Recreation Department continues to thrive and provide vital benefits and quality of life for McCall residents and visitors. It is the intent of the Donation Policy to provide guidelines for effectively managing these donations, of insuring that philanthropic traditions are fostered, that donors are treated with consistency and fairness, and that contributions are recognized in ways that support park and recreation resources, programs, and values.

Mayor Aymon asked if there would be any allowance for creativity on the recognition plaques or would there be a standard saying. Mr. Coyle stated that the recommendation would be for a standard saying: “Donated by...” or “In Memory of...”

Mr. Coyle clarified that currently most donations have been in the form of trees or benches but hopes that in the future there may be more involved donations at a higher level and would like to have a policy in place to be able to address all donations equally.

Mr. Coyle stated that the Parks and Recreation Advisory Committee recommended that the Giving Level Standards be stricken from the document. He agreed with the recommendation stating that it would be difficult to state that one level of giving was any more or less worthy of recognition. There was general Council consensus to remove the Giving Level Standards.

Bill Nichols, City Attorney, stated that a policy would be helpful in the face of a large donation for staff to have guidance.

Councilor Witte suggested that the Adoption Program be removed as it was not necessary. She stated to try to keep the policy simple.

**AB 14-52 Discussion Regarding Short Term Rentals: Definition of issues and tools for management**

Michelle Groenevelt, Community Development Director, lead the discussion regarding short term rentals including the definition of issues and tools for management. The issue for the City Council was to discuss and determine if short-term rentals should be regulated within the City of McCall and McCall Impact Area. To date, vacation or short-term rentals have not been required to obtain any land use approvals for this type of use within residential zones. However, short term rentals located within the City limits are required to obtain a business license. Short-term rentals within the City limits are subject to paying Local Option Tax and play an important role in the McCall economy.

Councilor Giles expressed concern regarding how to deal with the two existing issues, the two large homes that rent to more than 20 people at a time, and communicate a solution to the owners of these short term rentals.

Ms. Groenevelt stated that staff was looking for the right tool to address the issue and recognized that there was probably not one solution to fit all situations. She stated that staff was requesting clear direction from the Council regarding short term rentals.

Councilor Giles stated that he was unsure how the City could mitigate the issues brought about by the two large short term rentals. He suggested that a possible solution could be that Council could sit down with the owners of these two properties and discuss the issues and possible solutions. Ms. Groenevelt agreed that these were the identified properties with issues that needed to be addressed. She also summarized that with the more than 160 other short term rentals there were no identified issues and seemed to be operating well. She stated that staff was hoping to work with Council on a solution for the two properties that would not create a lot of administration work for City Staff.

Councilor Giles reiterated that he felt a conversation with the property owners, with specific solutions, was the way to solve the issues.

Mayor Aymon asked for clarification as to who had business licenses for short term rentals. Ms. Groenevelt stated that only short term rentals within the City limits had business licenses. BessieJo Wagner, City Clerk, clarified further stating that if the short term rental was managed by a property rental business then that business would have a license and would identify all the homes that were under their management. The homes that were rented by owner are required to have an individual business license. Every home is required to have a permit posted in the short term rental identifying them as a short term rental.

Councilor Giles discussed the option of regulating through the business licensing process. He asked if it would be possible to regulate the number of cars that would fit in the drive way. Bill Nichols, City Attorney commented that by regulating the number of cars would regulate the second effect and could be possible through the business regulations. It would have to be by

property specific and the enforcement would be complaint driven. He also stated that by looking at regulations that relate to health and safety could also possibly be used to regulate the issues.

Mayor Aymon suggested that if there were complaints then enforcement needed to happen whether it was related to parking or noise. She also stated that Home Owner Associations (HOA) should be encouraged to ramp up their rules and enforcement.

Councilor Witte stated that as far as enforcement, it may be that people are not breaking the law but excessive number of people in one location could be disrupting to a neighborhood. She suggested that a possible solution may be that during the business licensing process a Conditional Use Permit (CUP) would be required if a rental advertises a number of sleeping spaces that seems out of proportion to the character of the neighborhood. That would eliminate the need to require a CUP of all short term rentals.

Ms. Groenevelt posed the question if through the business license process could there be a reference related to occupancy. Mr. Nichols stated that a two person per bedroom standard was used to differentiate an acceptable group home in a single family residential neighborhood versus an unacceptable group home, was used to determine how many people were going to be housed there. He stated that that if they exceed that number then there were things that could be done. He also stated that there were solutions to the problem but the best way to start was by enforcing what was already in place.

Ms. Groenevelt stated that with the use of the CUP process it would not address the current problem.

There was some discussion regarding establishing a noise ordinance.

Mayor Aymon asked if Joel and Julie Hellerman from mccallcabins.com, who were present in the audience, would like to speak on the issue.

Joel Hellerman stated that he liked the direction of not establishing regulations that would be difficult to administer. He recommended that owners be held accountable for their homes and the people they rent to. He also commented that it was difficult for enforcement during peak tourist weekends.

Julie Hellerman stated that they had heard of these large homes and the issues with parking and noise. She also stated that the home owners should be contacted with the issues. She felt that the City should ensure that these home owners were not breaking the laws and if they were they needed to be held responsible. Mayor Aymon asked what specific laws Ms. Hellerman thought these home owners were breaking. She stated parking and number of people in the homes. She also thought that there was a noise ordinance.

Mayor Aymon asked if the City could make a flyer for each of the short term rentals stating the parking, noise, and people per bedroom expectations. There was continued discussion regarding this idea. There was some concern with how to determine if the information would be passed on to the renters.

There was discussion regarding what enforcement measures were possible including filing lawsuits. The discussion also included what a HOA could enforce.

Ms. Groenevelt asked for direction from the Council. Mr. Nichols stated that a place to start would be with the parking issues. Councilor Witte was concerned that this approach would not be very effective. Mayor Aymon thought that with the posting on the internet the experiences people had while renting at that location could help.

Councilor Giles opined that staff should start with the property that is not in a HOA and come up with a solution on how to address the issues and what is a legal way to solve those issues.

Mr. Nichols suggested that staff look for a resort community that has already successfully addressed the issues of short term rentals and then vet it per Idaho Law.

Mr. Hellerman stated that Lincoln City, Oregon had something already in place to address short term rentals. He stated that he was going to do some research on what had been implemented about five years prior. He stated that their issues were similar and there was a permitting process for rentals.

Mayor Aymon requested that the Fire Chief and Police Chief be present for the next discussion.

Ms. Groenevelt stated that the building codes did not address occupancy; however the fire code limits the number of people for condominiums but not for single family homes.

Councilor Giles requested the Julie and Joel Hellerman come up with a proposal on how to mitigate the issues of Conifer Lodge from their point of view and business perspective.

Council requested that staff do some research on how other communities mitigate the issue of large amount of people in short term rentals in residential neighborhoods.

#### **AB 14-53 Introduction to Carbon Monoxide**

Michelle Groenevelt, Community Development Director, presented the introduction to Carbon Monoxide detector requirements discussion to Council. St. Luke's McCall, area fire departments, and some concerned citizens have formed a carbon monoxide prevention committee. Their goal is to increase the use of carbon monoxide detectors in homes and business with fuel burning appliances. Every year at least 430 people die in the U.S. from accidental carbon monoxide poisoning. In the McCall area, there have been two incidents affecting over 30 people this past winter and some required medical attention at St Luke's McCall Hospital. Local fire and EMS agencies deal with carbon monoxide issues weekly.

Carbon Monoxide, (also known as CO), is found in fumes produced by such sources as gas heat, wood/pellet stoves, gas water heaters, idling automobiles in attached garages or any other source that produces combustion. CO from these sources can build up in enclosed or partially enclosed spaces. The most common symptoms of CO poisoning are headaches, dizziness, weakness, nausea, vomiting, chest pain, and confusion. People who are sleeping or who have been drinking alcohol can die from CO poisoning before ever having symptoms. Nicknamed "the silent killer", CO is totally undetectable by human senses. Detection of CO is impossible without the use of CO detectors. The good news is that carbon monoxide poisoning is preventable.

People who come to the McCall area and stay in a hotel, or rent a vacation home expect to be safe. The support from the City of McCall would be very beneficial in their endeavor of

increasing awareness of CO. With the adoption of the 2012 international building and fire codes, new buildings should have CO detectors installed. The fire code allows the fire department to enforce the use of CO detectors retroactively in type I (institutional) and R (residential) occupancies. The code would be applicable in McCall to hotels, vacation rental houses, camp dormitories, etc. The requirement has already been added to the City of McCall business license application, which should help compliance over the years. If the city passed a resolution supporting the CO detector requirements, this would be advantageous for the campaign.

**Upcoming Meetings Schedule Discussion**

Council reviewed the Upcoming Meetings Schedule.

**CONSENT AGENDA**

Staff recommended approval of the following items:

1. Warrant Registers
2. Payroll Report for Period ending March 14, 2014
3. License Report

A brief discussion took place regarding the Warrant Register and corrections to the minutes.

Councilor Giles Councilor Witte

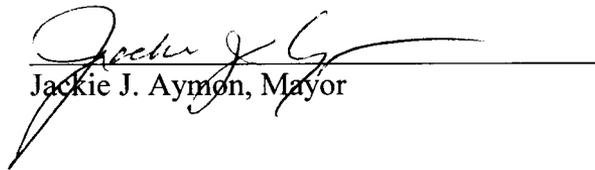
**ADJOURNMENT**

Without further business, the Mayor adjourned the meeting at 7:56 p.m.

ATTEST:



  
BessieJo Wagner, City Clerk

  
Jackie J. Aymon, Mayor