

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
September 12, 2013**

Agenda

Call to Order and Roll Call
Approve the Agenda
Reports
Committee Minutes
Pledge of Allegiance
Public Comment
Business Agenda
Consent Agenda
Executive Session
Open Session
Adjournment

CALL TO ORDER AND ROLL CALL

Mayor Bailey called the regular meeting of the McCall City Council to order at 5:33 p.m. Council Member Aymon, Mayor Bailey, Council Member Scott (via phone), and Council Member Witte all answered roll call. Council Member Swanson was absent

City staff present was Gene Drabinski, City Manager; Bill Nichols, City Attorney; Linda Stokes, City Treasurer; Michelle Groenevelt, Community Development Director; Eric McCormick, Golf Superintendent; Peter Borner, Public Works Director; Traci Malvich, Human Resources Manager; Nathan Coyle, Airport Manager; Larry Stokes, Interim Chief of Police; David Simmonds, Information Technology Manager; Carol Coyle, Grant Coordinator; and BessieJo Wagner, City Clerk.

APPROVE THE AGENDA

Mayor Bailey, with the consent of the Council approved the agenda as submitted.

REPORTS

Gene Drabinski, City Manager, clarified the Airport's future hangar development. Mayor Bailey suggested replacing the dead trees at the airport.

Mr. Drabinski updated Council on the Wastewater Management Working Group. He informed Council that the agenda and minutes would be on the sewer district's website. He reported to Council that the group was looking at operational sharing, alignment, and combining operational functions.

Mr. Drabinski updated Council on recruiting for the Capital Improvement Plan Committee, the agreement with the residents on Divot Lane, and the readdressing on Fairway Ridge. He also briefed Council on the meeting he had with the Grand Payette Hotel partners on parking options.

Michelle Groenevelt, Community Development Director, stated that the Planning and Zoning Commission still had 2 openings. Ms. Groenevelt clarified the location of the Disk Golf Course.

Mr. Drabinski noted that the Golf Course revenue was significantly ahead of last year's August revenue. He added that the green fees increased the revenue.

Peter Borner, Public Works Director, updated Council on the winter storage pond repair issues. Mr. Borner stated the water was drained but the sludge was not removed. He gave options of sludge removal.

There was a brief discussion of Local Option Tax revenue and a future Library talk.

The Council received copies of the following:

1. Chamber of Commerce Board – June 13, 2013
2. Chamber of Commerce Board – July 11, 2013
3. Library Board of Trustees – July 16, 2013
4. Planning and Zoning Commission – July 9, 2013

Mayor Bailey led the audience in the Pledge of Allegiance at 5:58 p.m.

PUBLIC COMMENT

Mayor Bailey called for public comment at 5:59 p.m.

Janet Meckel, 49 East Lake Fork Road, read the attached letter, Attachment 1.

Tony Meckel, 49 East Lake Fork Road, told Council of the meeting he had with the City Manager regarding a letter received from Lake Shore Disposal's attorney. Mr. Meckel stated no one had heard about the contract and Mr. Drabinski was taking the livelihood of people away. Mr. Meckel said Council needed to amend the contract.

At that time Mayor Bailey commented that if any further public comment pertained to the same topic, Council would hear from one more member of the audience. Mayor Bailey clarified the contract.

Gary Swain, 13675 Farm to Market Road, stated he believed Council and Mr. Meckel were taking this personally. Mr. Swain said he did not believe Council would purposely make a decision that would affect so many people. He stated Council made a mistake and the exclusivity of the contract was an oversight. He stated he would like to see Council take the high road and amend the contract.

Mayor Bailey announced the trash issue would be discussed at an executive session at the end of the meeting. Mayor Bailey clarified the public comment was not a time for debate.

Alana Shoemaker stated the contract was a bad mistake.

Council committed to solving the issue by the end of month.

Nic Swanson arrived at 6:09 p.m.

Hearing no further comments, Mayor Bailey closed the public comment.

BUSINESS AGENDA

AB 13-155 Introduction of Cameron Arial, Boise State University PhD Candidate, to City Council

Gene Drabinski, City Manager, introduced Cameron Arial, Boise State University PhD candidate to Council. Mr. Drabinski gave Council a brief summary of Mr. Arial's studies, public involvement, and academic history.

Mr. Arial introduced himself to Council. He explained several financial terms and funding mechanisms and their associated rules. He presented various funding mechanisms for municipal projects and included the positive and negative aspects of each funding mechanism.

AB 13-161 Environmental Advisory Committee Member Appointment - Sean Gould

Sean Gould requested appointment to the Environmental Advisory Committee. The Environmental Advisory Committee voted unanimously in favor of the appointment. With the resignation of Claire Remsberg, there was an open seat on the Committee. The seat was open since May 2013.

There was Council Consensus to approve the appointment of Sean Gould to the Environmental Advisory Committee.

AB 13-152 Historic Preservation Commission Appointment-Gary Thompson, Jr.

Carol Coyle, Grant Coordinator, presented the appointment recommendation of Gary Thompson Jr. Mrs. Coyle reported that Mr. Thompson indicated a willingness to serve on the Commission and met with Brian Corcoran, Historic Preservation Commission member, and staff to discuss the purpose of the Commission. Mrs. Coyle stated Mr. Thompson understood the role of a Commission member. She noted Mr. Thompson was a part time resident of McCall and the Commission stated they will work with him.

There was Council consensus to approve the appointment of Gary Thompson, Jr. to the Historic Preservation Commission.

AB 13-157 Hangar 544 Lease Termination and Establishment of a New Lease

Nathan Coyle, Airport Manager, presented the request to terminate and establish a new lease for Hangar 544. He stated the owner of Hangar 544, Allen Hoyt, had a sale pending and requested termination of the existing lease at the time of closing with a subsequent request for establishment of a new lease to Northwest Development Management Group LLC (William Hardt). Mr. Coyle provided Council with details of Mr. Hardt's pilot license and aircraft. Mr. Coyle noted the Airport Advisory Committee unanimously recommended the lease termination and establishment.

Council Member Aymon moved to approve termination of the existing lease of Hangar 544 from Allen Hoyt at the time of closing and subsequently approve the new lease for Hangar 544 to Northwest Development Management Group LLC, and authorize the Mayor to sign all necessary documents. Council Member Swanson seconded the motion. In voice vote Council Member Aymon, Council Member Swanson, Mayor Bailey, Council Member Scott, and Council Member Witte voted aye and the motion carried.

AB 13-156 Hangar 213 Lease Assignment

Nathan Coyle, Airport Manager, presented the requested approval for assignment of the existing lease for Hangar 213 from John P. Richardson, Gale P. Richardson, and William Furling III Revocable Trust to John P. Richardson, Gale P.P. Richardson, and Furlco LLC. Mr. Coyle stated William Furling III Revocable Trust requested assignment of this lease to allow for a change to “Furlco LLC”. Mr. Coyle also corrected a minor error by updating the reference of “Gale P. Richardson” to “Gale P.P. Richardson”. Mr. Coyle stated there was no change in ownership.

Council Member Witte moved to approve, pending the receipt of completed/notarized documents, the assignment of lease for Hangar 213 from John P. Richardson, Gale P. Richardson, and William Furling III Revocable Trust to John P. Richardson, Gale P.P. Richardson, and Furlco LLC, and authorize the Mayor to sign all necessary documents. Council Member Swanson seconded the motion. In voice vote Council Member Witte, Council Member Swanson, Council Member Aymon, Mayor Bailey, and Council Member Scott voted aye and the motion carried.

AB 13-160 Resolution 13-15 - Personnel Policy Manual Amendment

Traci Malvich, Human Resources Manager, presented Resolution 13-15 - Personnel Policy Manual Amendment. She noted the item had been tabled on August 22, 2013 until the next regularly scheduled Council meeting. Gene Drabinski, City Manager, gave a brief recap of what was discussed at the August 22, 2013 regular City Council Meeting.

Council discussed the definition of sex-based discrimination as defined by the U.S. Equal Employment Opportunity Commission. Bill Nichols, City Attorney, noted there would be a risk in specifying sexual orientation and it would require staff time to clearly define the term. Mr. Nichols said using the term ‘sex’ would fall under the federal definition.

Council Member Witte asked if the no smoking policy included City Property. Mr. Nichols stated it would need to be an amendment to the policy.

Council Member Witte asked for clarification for the following pages:

Pg. 20-Compensatory Time Policy. Mrs. Malvich clarified the compensatory time option could be changed on a yearly basis.

Pg. 21-Compensation Policy established by Council. Council Member Swanson stated that the compensation gets approved through the budget process and promotions and demotions are procedural, not Council approved.

Pg. 33-34-Name Clearing Hearing-Council Member Witte questioned what information would be kept in the personnel file. Mrs. Malvich explained there was a reference of what would be maintained in a personnel file.

Page 35-Council Member Witte suggested rewording the sentence by replacing the phrase ‘The Human Resources Manager who will be responsible’ to ‘The Human Resources

Manager to be responsible'. Bill Nichols, City Attorney, suggested simplifying the sentence to read, 'The Human Resources Manager is responsible'.

Council Member Witte moved to approve Resolution No. 13-15 adopting the revised Personnel Policy Manual as edited and authorize the Mayor to sign all necessary documents. Council Member Swanson seconded the motion. In roll call vote Council Member Witte, Council Member Swanson, Mayor Bailey, and Council Member Scott, voted aye, Council Member Aymon voted no and the motion carried.

AB 13-159 Resolution 13-17 - Heavy Equipment Lease/Purchase- Bid Number PW 13-07

Peter Borner, Public Works Director, presented Resolution 13-17 - Heavy Equipment Lease/Purchase- Bid Number PW 13-07. After the Invitation to Bid was issued, three bids were received (Burks Tractor, CESCO, and Western States Equipment). Mr. Borner stated the bid was awarded to Western States Equipment at the August 22, 2013 meeting. He noted the lease structure would be the same as last fall's lease structure. Mr. Borner clarified the payment schedule and noted a date error would be corrected.

Council Member Aymon moved to approve Resolution 13-17 with date corrected authorizing the Mayor to enter into, on behalf of the City of McCall the lease agreement, the non-appropriations addendum, and the buy-back letter, with CAT Financial Services Corporation and sign all necessary documents. Council Member Witte seconded the motion. In voice vote Council Member Aymon, Council Member Witte, Mayor Bailey, Council Member Scott, and Council Member Swanson voted aye and the motion carried.

AB 13-158 Contract with Novotx, LLC for the purchase of the Elements XS Asset Management Software

Peter Borner, Public Works Director, presented the contract with Novotx, LLC for the purchase of the Elements XS Asset Management Software. Mr. Borner informed Council that the contract signature was the final step in procuring the asset management software. He provided Council with a skeleton schedule. He listed the dates of November 1, 2013 for the design phase, November 15, 2013 for software installation, December 15, 2013 for the workflow, January 1, 2014 training would begin, February 1, 2014 the mock 'go live' would begin, and the 'go live' date would be April 1, 2014.

There was discussion on how much training staff would receive. Mr. Borner commented that staff would receive as much training as needed.

Council Member Swanson moved to approve the contract with Novotx, LLC for the purchase of the Elements XS asset management software and authorize the Mayor to sign all necessary documents. Council Member Scott seconded the motion. In roll call vote Council Member Swanson, Council Member Scott, Council Member Aymon, Mayor Bailey, and Council Member Witte voted aye and the motion carried.

AB 13-149 Consideration of Annexation of parcels at the eastern edge of the City

Mayor Bailey presented an annexation proposal to the City Council. The rationale for the annexation presented was to protect future development of State owned property east of Ponderosa State Park. The property proposed is located within the McCall Impact Area and the planning and zoning and building permits are currently administered through City staff. Mayor Bailey informed Council that the proposed area currently received City sewer, water, and street

snow removal, but did not pay City taxes. He told Council the total assessed taxable value was 4.9 million and if the city tax rate were to be applied, the tax paid would be slightly under \$30,000. He also detailed infrastructure that could be replaced if it were to be annexed.

There was a brief discussion on the process of annexing state land. Council Member Witte commented she did not see why the City would annex state land. Council Member Scott commented that it seemed heavy handed to annex the area. Mayor Bailey stated that because the area receives City services, the property owners should pay City taxes.

Mayor Bailey requested feedback from Council whether to move forward with the annexation of Cee Way Loop. He emphasized more than once it was unfair to City tax payers that the properties receive City services but not pay City taxes. Council Member Witte stated she did not understand the issue well enough to make a decision on the state land. Council Member Aymon expressed her concern with the heartache the annexation would cause to the property owners. She also requested staff input. Michelle Groenevelt, Community Development Director, and Peter Borner, Public Works Director, stated what services the City provided and they concurred that the residents were getting a good deal.

Mayor Bailey recommended staff prepare paperwork to annex. Ms. Groenevelt requested Council provide a sense of what was wanted prior to sending out letters of annexation.

Council Member Witte wanted more details of the annexation process. Council Member Swanson requested the item be tabled for 2 weeks to have more time to consider the implications. Council Member Witte seconded the motion. There was Council consensus to table the item.

AB 13-153 Council Discussion Regarding Short Term Rentals and Conditional Use Permits

Mayor Bailey requested that Council discuss what constitutes a “lodge” as referenced in the McCall City Code 3.3.02. There was a brief discussion of the definition of lodge. Council Member Witte suggested tabling the item until the October 10, 2013 Council meeting. Mayor Bailey stated it was important to discuss but the item could wait until the October 10, 2013 meeting.

AB 13-154 Request for approval to allocate additional funds from Council Contingency to the Centennial Park Monument plaques

Mayor Bailey requested the Council to consider allocating \$1000 from the Council Contingency to the Centennial Park Monument plaques. The City Treasurer verified the funds were available in the Council Contingency FY13 budget. There was a short discussion on the remaining balance of the Council Contingency and amounts already allocated to the Centennial Park.

Council Member Witte abstained from voting due to a possible conflict of interest.

Mayor Bailey moved to approve allocating \$1000 from the Council Contingency to the Centennial Park Monument plaques and authorize the Mayor to sign all necessary documents. Council Member Aymon seconded the motion. In roll call vote Mayor Bailey, Council Member Aymon, Council Member Scott, and Council Member Swanson all voted aye and the motion carried.

AB 13-151 Surplus Property Dump Truck – Resolution 13-16

Peter Borner, Public Works Director, briefed Council on the surplus property dump truck. He stated that Public Works had determined that the 1984 Ford Dump Truck no longer served the needs of the department and wanted to sell the truck to the City of Donnelly. Bill Nichols, City Attorney, clarified there was no restriction on how the City disposed of personal property.

Council Member Swanson moved to adopt Resolution 13-16 authorizing the sale of the 1984 Ford Dump Truck and authorize the Mayor to sign all necessary documents. Council Member Aymon seconded the motion. In roll call vote Council Member Swanson, Council Member Aymon, Mayor Bailey, Council Member Scott, and Council Member Witte voted aye and the motion carried.

AB 13-150 Terrorism Insurance Waiver FY 14

BessieJo Wagner, City Clerk, clarified the additional Terrorism Insurance through ICRMP. She stated the City of McCall received the ICRMP Policy renewal for FY14 which included terrorism coverage at no additional cost to the City. She also told Council that ICRMP provided additional coverage at a cost of \$32,802 over the renewal amount of \$130,063. Staff recommended that the Council reject the additional Terrorism Insurance for FY13.

Council Member Swanson moved to reject the additional terrorism insurance offered by ICRMP and authorize the Mayor to sign all necessary documents. Council Member Witte seconded the motion. In roll call vote Council Member Swanson, Council Member Witte, Council Member Aymon, Mayor Bailey, and Council Member Scott voted aye and the motion carried.

CONSENT AGENDA

Staff recommended approval of the following items:

1. City Council Special Meeting Minutes – May 10, 2013
2. Warrant Registers
3. Payroll Report for Period ending August 16, 2013
4. Payroll Report for Period ending August 30, 2013

There was discussion on the warrant register.

Council Member Aymon moved to approve the Consent Agenda as presented. Council Member Witte seconded the motion. In a voice vote, all voted aye and the motion carried.

EXECUTIVE SESSION

At 8:45 p.m., Mayor Bailey moved to go into Executive Session for Litigation - Pursuant to Idaho Code §67-2345(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Council Member Swanson seconded the motion. In a roll call vote, Council Member Aymon, Mayor Bailey, Council Member Scott, Council Member Swanson, and Council Member Witte all voted aye and the motion carried.

Council discussed the legal implications of re-opening the contract with Lake Shore Disposal.

RETURN TO OPEN SESSION


At 9:25 p.m., Mayor Bailey moved to return to Open Session. Council Member Aymon seconded the motion. In a voice call vote, all voted aye and the motion carried.

Mayor Bailey moved to direct staff to prepare a letter, signed by all Members of the Council, to Lake Shore Disposal requesting that they renegotiate their Exclusive waste removal contract. Council Member Aymon seconded the motion. In a roll call vote, Council Member Aymon, Mayor Bailey, Council Member Scott, Council Member Swanson, and Council Member Witte all voted aye and the motion carried.

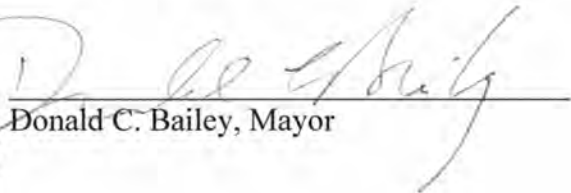
ADJOURNMENT

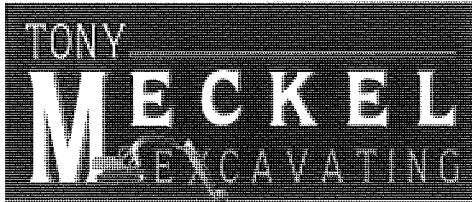
Without further business, the Mayor adjourned the meeting at 9:28 p.m.

ATTEST:


BessieJo Wagner, City Clerk




Donald C. Bailey, Mayor



P.O. Box 2309 McCall, Idaho 83638 · Phone: 208-634-5429 · Fax: 208-634-3817

September 12, 2013

TO: McCall City Council

RE: Lakeshore Disposal/City of McCall Solid Waste Contract

I heard a quote once that went something like this, “Intelligence is not to make no mistakes, but to see quickly how to make them good”.

That is why we are here. We are asking you to do the wise thing, the right thing and amend this solid waste agreement with Lakeshore Disposal so it is fair for all. The way the contract is written it erases our rights as citizens. It also has the potential to deal a huge financial blow to those of us in the landscaping, construction or hauling industry. And, sooner or later, every single one of us will end up suffering the consequences of this perplexing and damaging decision.

Solid waste contracts are entered into because a city needs to insure public health. But these concerns do not apply to discarded landscaping, lawn and tree trimmings, remodeling projects, construction waste, demolitions and the like. Including these materials in the city’s exclusive solid waste contract was never specifically mentioned or broadcast for public input. All we ever heard or read about was household trash, recyclables, bear proof containers, mandatory or non-mandatory pickup, and fees.

Defining “solid waste” to include the before mentioned materials will have a devastating impact on our community. Equally as notable, everyone should have the right to choose who they hire or who hires them to collect and transport this type of debris. That is a fair and open market. And there are a lot of us in the community who perform this type of service. As a city council you should have known that and protected and defended these rights for the citizens and the community you were elected to serve.

· Lot Clearing · Road Building · Foundations · Septic Systems · Utility Hookups · Bank/Slope Retainment · Ponds · Demolitions

· Road Mix · Sand · Gravel · Drain Rock · Pit Run · Screened Top Soil · Landscaping Boulders

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September 12, 2013

We have sought answers from many of you on why and how this happened. We have addressed you before, written numerous letters and made many phone calls. We have only been given two simple responses. First, we have been told it was never your "Intent" to hurt other businesses. And secondly, when we pressed, "how did this happen"? The response was, "I don't know".

In May of this year The Star News reported that our then city manager, wanted to undo his vote on mandatory bear proof containers because he did not understand the law. "I didn't comprehend the impact of it, and I apologize", said Mr. Bailey. "It's my fault. I did not read the silly thing." Is that what we are dealing with here? Did each council member have a chance to review the final contract with a critical eye?

Council members this is not a personal attack on any of you. You are intelligent people that have chosen to be public servants. And we need to be able to trust you and not be panicked about micro managing your every move for fear our rights or livelihoods could suddenly be given away.

We do not consider this contract to be frivolous. For us this is a very serious situation. Furthermore, we are mystified on how a city council did not comprehend in advance the detrimental impact this exclusive contract would have on all of us and that includes each one of you. And, "I don't know", just adds to the confusion.

And now WE are being forced to stand up to a behemoth organization that does not have a clue how to feel for the pulse of this community nor do they really care. These empire building executives are focused on meeting quotas, answering to a board of directors or doing whatever it takes to get stock prices up and boosting bank accounts up. Lakeshore's parent company Waste Connections, Inc. is BIG. As a matter of fact it is the 3rd, if not now the 2nd largest solid waste company in the US. They recently posted their second quarter income at 489.4 million dollars which is an increase of 19.1% over a year ago. Their annual sales are about 1.5 billion and growing.

We do not begrudge them their growth or net worth. We believe it is only right for all businesses in our area to have a fair shot at increasing our own revenues and growth. After all, this is where we work and play, raise our families, buy our

homes, pay our taxes, attend city council meetings and stand up and support one another. ATTACHMENT 1

This is a David and Goliath situation. There are so many “David’s” in the room tonight and whose signatures appear on the petitions. As a workforce we have our skills and methods and they are tried and true. As citizens stripping us of our rights makes us angry and frustrated. And we are not just going to go away and I don’t think any business owner in our position would.

Please don’t be the government that renders us helpless, vulnerable and weighs us down with contracts and city codes that just don’t fit or make sense in a small community. It may have appeared at first that you were passing something that was standard, but in truth, it has only made things oppressive and imbalanced and has destroyed free enterprise. In addition, you may have inadvertently given a Goliath way too much power and control that could have crushing consequences for the next 10 years and to our community’s history.

If you truly did not intend for this contract to have a detrimental effect on the public and the work force then make good on your intentions.

Remember that quote at the beginning, “Intelligence is not to make no mistakes, but to see quickly how to make them good”. Don’t let this go on any longer and for heaven’s sake don’t set us up for failure.

YOU are our allies. WE are your neighbors, your friends, your patients, your small business owners and together we are citizens of this community that we call home.

Vote tonight to open and amend this contract with Lakeshore and appropriately define “solid waste” so once again we all have a fair chance on the playing field.

Thank you,

Janet Meckel