

MINUTES

**McCall City Council
Regular Meeting
Legion Hall (McCall City Hall - Lower Level)
September 13, 2012**

Agenda

Call to Order and Roll Call
Approve the Agenda
Reports
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 5:35 p.m. Council Member Aymon, Mayor Bailey, Council Member Scott, Council Member Swanson, and Council Member Witte all answered roll call.

City staff present was Gene Drabinski, Interim City Manager, Bill Punkoney, City Attorney; Linda Stokes, City Treasurer; Dennis Coyle, Parks and Recreation Director; Eric McCormick, Golf Course Superintendent; Jerry Summers, Police Chief; Peter Borner, Public Works Director; Michelle Groenevelt, Community Development Director; David Simmonds, Information Systems Manager; Carol Coyle, Grant Coordinator; Barbara Sivey, Human Resources Manager; and BessieJo Wagner, City Clerk.

APPROVE THE AGENDA

Mayor Bailey moved to amend the City Council Agenda to add to the Consent Agenda the Warrant Register printed on September 12, 2012 to ensure timely payment of City bills. Council Member Aymon seconded the motion. In a roll call vote, Mayor Bailey, Council Member Aymon, Council Member Scott, Council Member Swanson, and Council Member Witte all voted aye and the motion carried.

REPORTS

Gene Drabinski, Interim City Manager, gave a report on the tasks assigned to him from Council to achieve in his 90 day tenure. The following explains each task and the result:

1. Task: To complete the budget per state and City Code.
Result: Budget adopted and completed per state and City code on August 23, 2012.
2. Task: To improve public relations with the McCall Police Department and to evaluate and establish a matrix on the performance of the McCall Police Department
Result: A police task force was established. The task force then developed a survey that was placed on the City website. The task force will analyze the data received from the survey and identify areas of opportunity for improvement.
3. Task: Improve Community Involvement the balance between the City and the Community, and improve the perception that the City was unfriendly to businesses.
Result: Mr. Drabinski had spent time with various civic groups throughout the community. He had also visited 12 businesses that need to comply with the trash enclosure code. At the Department Head level, Mr. Drabinski had identified many of the civic groups in town and had asked for the leader of each group to attend a Department Head meeting, which occurs every other week. He had encouraged the Department Heads to get involved in some way in one of the community groups.

Council requested that at the conclusion of the meetings with the various groups, to schedule a work session with Council and have Mr. Drabinski summarize what information had been learned from those meetings.

4. Task: Improve the accuracy of the information the Star-News reports on.
Result: Mr. Drabinski stated that the articles had been more accurate since he had been in the City Manager role.
5. Task: Transition of the new City Manager.
Result: Mr. Drabinski felt that he had been working toward that goal. He stated that he had been working toward ensuring that he provides the full picture to the Council, showing both the pros and cons of each issue as they come up.
6. Task: Mr. Drabinski stated that he added this task – to improve the working relationship between the City and Payette Lakes Recreational Water and Sewer District (PLRWSD).
Result: Mr. Drabinski stated that he and two of the Council members had met with the irrigators. Mr. Drabinski also stated that he had met with each of the PLRWSD Board members separately. He also stated that he would be attending their October Board Meeting.

Council reviewed the department reports.

Council commented on the number building permits issued to date for FY12.

Mayor Bailey commented on the new Airport snow equipment storage building, stating that it was a nice facility and would improve working conditions for the airport staff. Council Member Witte asked what the procedure would be to track aircraft arrival. Dennis Coyle, Interim Airport

Manager stated that John Anderson, the Airport Consultant, was working on a method to track aircraft arrivals.

Mayor Bailey asked how the year finished up for the Golf Course. Eric McCormick, Golf Course Superintendent, commented that they had seen an increase in overall rounds played.

Gene Drabinski, Interim City Manager, showed the Council the Golden Gnome Award that the Library received as part of the McCall in Bloom competition. Council also commented on the new exterior paint the Library had and how good it looked.

Council Member Aymon asked the status of the protection net for the volleyball court in Legacy Park. Mr. Coyle commented that the net had been ordered. Mayor Bailey asked for clarification on the maintenance agreement mentioned in conjunction with the boat trailer parking lot. Mr. Coyle clarified that it was in relation to the landscaping and the warranties that came with the new landscaping.

In response to Council Member Witte, Mr. Coyle explained the process for spraying for noxious weeds, stating that the Parks crew was still spraying rights of ways. The City does not spray for noxious weeds on private property. If the Parks crew identifies noxious weeds on private property then a notice is left for the property owners.

Peter Borner, Public Works Director, introduced two new members of his crew: Cris Malvich Street Superintendent and Kraig Newcomb Street Supervisor.

Mayor Bailey requested that Mr. Borner give the Council an update on the Davis Beach generator. Mr. Borner stated that a neighborhood meeting was held and some concerns were brought up related to the back-up generator building. He also stated that Public Works would be taking an additional look at the entire project to include parking issues and traffic in and out of the area.

Mayor Bailey asked about the ICDBG Grant for the 3rd Street project. Mr. Borner stated that Horrocks Engineers were working on the design for the underground water infrastructure. He stated that the plan was to complete all the undergrounding of utilities in the fall so that the streetscape improvements could be done in the spring. Carole Coyle, Grant Coordinator, commented that the Department of Commerce had stated that the City could not move forward on the 3rd Street project until the City had received the environmental release, which was anticipated to be received on September 25. Mrs. Coyle also stated that she anticipated that the Department of Commerce contract would be ready for the September 27, 2012 City Council Meeting.

Mayor Bailey requested that staff provide the plans for the 3rd Street project at the next Council Work Session.

Peter Borner gave a brief update on the leak test done on the storage ponds, stating that lagoon #3 showed some leakage and the plan was to repair the valves in the spring. Lagoon #2 looked good and they were in the process of testing lagoon #1.

The Council received copies of the following:

1. McCall Environmental Advisory Committee – May 16, 2012
2. McCall Environmental Advisory Committee – June 19, 2012
3. McCall Environmental Advisory Committee – July 17, 2012
4. McCall Improvement Committee – July 12, 2012
5. McCall Redevelopment Agency – July 17, 2012
6. Planning and Zoning Commission – July 10, 2012

Mayor Bailey led the audience in the Pledge of Allegiance at 6:10 p.m.

PUBLIC COMMENT

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

Jessica Travis, Program Administrator for MYST, invited the Council to the new Teen Center opening on Saturday September 15, 2012.

Tuck Miller, city resident addressed the Council giving his perspective on the Police Department. He stated that he was in favor of a substantial police force in McCall. Mr. Miller wanted to publicly thank Jerry Summers, Police Chief, and his officers for their diligence and professionalism.

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

BUSINESS AGENDA

AB 12-172 Appeal of Clerk's Denial of a Business Application for a Taxi Service

BessieJo Wagner, City Clerk presented the Clerk's Denial of a Business Application for a Taxi Service to Council. This request was denied based on the opinion that a Taxi Service should provide a safe and suitable service to the community. The fact that the owner of this service has on record excessive traffic violations, failure to register vehicles, and failure to maintain vehicle insurance does not reflect a safe and suitable service.

Anthony Benallo has requested an appeal of the Clerk's denial of a business application for a Taxi Service. He requests that the Council approve his application to provide a Taxi Service business to McCall.

Mayor Bailey stated that the McCall City code needed to be updated and in an effort to avoid any lawsuit, he also recommended that Mr. Benallo's request for a business licence to provide a Taxi Service in McCall be approved. Mayor Bailey acknowledged that Mr. Benallo had had a history of poor driving performance. However without the authority in the City Code, Mayor Bailey felt that the Council should proceed with caution.

Council Member Aymon stated that she understood being wary of lawsuits; however she also stated that the health and safety of the citizens of McCall was paramount. She expressed her concern with the number of traffic violations that Mr. Benallo had and the fact that he now wanted to provide a taxi service to the City of McCall.

Council Member Witte requested that Bill Punkoney, City Attorney, brief the City Council on their options. Mr. Punkoney stated that the City has the authority to regulate the public sidewalks and the streets. He stated that regulation could be done through granting or choosing not to grant business licenses to businesses that operate in the public streets. Mr. Punkoney clarified that this authority falls under the Police Power of the City to protect the public welfare, safety and health. He cautioned however that if the Council should take action based on the Police power those decisions cannot be arbitrary or capricious. He clarified that the Council needs to have a standard by which to make decisions. Mr. Punkoney continued stating that the McCall City Code does not provide a standard for granting or not granting a taxi service license. He stated in order for the Council to set a standard since it was not set out in the City's code was to do Findings of Facts and Conclusions of Law with the outcome the Council would decide. Mr. Punkoney further clarified stating that if the Council chose not to grant the license, the Council would come up with findings of facts that would support their decision.

Mr. Punkoney also addressed the question of whether the decision could be postponed until the code could be updated to address the issue. He stated that the Council could not unreasonably delay the decision but if the code section would be updated in the near future, the Council had the option to wait. With the updating of the code it would give the Council a standard by which to make their decision on this license as well as future licenses. Mr. Punkoney also clarified the question of what a review hearing would be for the applicant. He stated that if the Council wanted to make a decision at this meeting then they would want to give the applicant some sort of due process that would include giving the applicant a chance to be heard, as well as hearing the position of the City administrators. After hearing all the information the Council could then make a finding of facts and conclusion of law of which to make their decision of whether to grant or deny the application.

Council Member Witte stated that she thought it best to amend the code to set a standard that could then be applied universally going forward. Generally the Council agreed that a standard needed to be set by the code.

Council Member Scott asked if there was any state code that addressed the taxi licensing issue or commercial drivers licensing. Mr. Punkoney stated that municipalities deal with the qualifications of taxi drivers as they typically drive standard vehicles.

Jerry Summers, Police Chief, stated that there were state codes for chauffeurs but nothing specific for taxi drivers. Chief Summers also stated that the applicant was present at the meeting. He also stated that the applicant had been operating his taxi service even without the license. Chief Summers requested that if the Council chose to postpone their decision, then whether or not the applicant could continue to operate, without a license, until the decision is made.

Council Member Scott asked that if through police presence if the safe operation of this service could be monitored. Chief Summers replied stating that the service would be subject to traffic stops like any other vehicle. Chief Summers also stated that in the seven plus years as the Police Chief he has never denied a business license and this is one that he felt very strongly about.

Anthony Benallo addressed the Council, stating that he has been in the taxi business for the last three or four years with another company and then for the last few months on his own. He stated that he had a few regular clients that he provided services for on a regular basis. Mr. Benallo stated that the service he provided included the delivery of groceries and pharmaceuticals for the elderly. His desire was to provide a good service to the community. He also stated that he had invested in a van to provide the service.

Mayor Bailey questioned the applicant on whether he planned to obey the traffic laws of the City of McCall. Mr. Benallo responded that he would. Council Member Aymon asked if any of the applicant's traffic violations had occurred while operating his taxi. Mr. Benallo responded that they had not.

Mayor Bailey also asked the applicant if he was only driving while sober. Mr. Benallo assured the Mayor that he would only drive sober. Mayor Bailey reiterated the concerns of the Council and staff regarding Mr. Benallo's poor driving record.

Council Member Swanson stated that the service an additional taxi service in town was worth considering. Council member Aymon stated that she did not disagree that the service would be great to have in town; however her concern was the quality of service that may be provided. Council members Witte and Scott agreed that a standard needed to be set.

There was some discussion as to what the best course of action would be.

Council Member Witte moved to table until first meeting in October the Clerk's denial of the business application for a taxi service by Anthony Benallo. Council Member Swanson seconded the motion. In a roll call vote, Council Member Witte, Council Member Swanson, Council Member Aymon, and Mayor Bailey all voted aye; Council Member Scott voted no; and the motion carried.

After further discussion Council Member Swanson felt that Mr. Benallo had a right to operate a business.

Council Member Swanson moved to reconsider the denial of the business application for a taxi service by Anthony Benallo. Mayor Bailey seconded the motion. In a roll call vote Council Member Swanson, Mayor Bailey, Council Member Aymon and Council Member Scott all voted aye; Council Member Witte voted no; and the motion carried.

Council Member Swanson moved to grant the business license for a taxi service by Anthony Benallo. Council Member Scott seconded the motion. In a roll call vote Council Member Swanson, Council Member Scott, Mayor Bailey, and all voted aye; Council Member Aymon and Council Member Witte voted no; and the motion carried.

AB 12-166 Centennial Committee recommendation for historical events for Centennial Plaza “Art Wall”

Carol Coyle, Grant Coordinator and staff liaison to the Centennial Committee, presented the Centennial Committee recommendation for historical events for Centennial Plaza “Art Wall” to Council. Lyle Nelson and Deb Facchin addressed the Council stating that the Centennial Committee had been actively raising funds for the completion of Centennial Plaza. One component of the Plaza was the “art wall”- a serpentine rock wall that would include approximately 22 dates of local and national historic significance. Artists would interpret the historic events through the use of mosaic tiles and glass. The events would also be listed at various locations along the 100 foot wall.

A list of historic events was suggested to the Centennial Committee by David Armstrong in June, 2012. The events were gleaned from records compiled by the McCall Historic Preservation Commission and from events listed on the interpretive panels at Legacy Park. Events of national significance were added to the list. The list was then presented to a number of local long-time residents to obtain input for dates and events of local interest.

There was much discussion regarding the suggested dates, including removal of some dates and addition of other dates for the art wall in Centennial Plaza. There was also some explanation from the artist, Deb Facchin as to how the dates may be interpreted throughout the art wall. There was general consensus from the Council to give suggestions and corrections to Carol Coyle for further review. Council agreed that a revised list should come back to Council for a formal approval.

AB 12-169 Winter Snow Removal Equipment Lease Resolution 12-19

Peter Borner, Public Works Director, presented the Winter Snow Removal Equipment Lease and Resolution 12-19 to Council. Mr. Borner requested that the Council table this item until the September 27, 2012 City Council Meeting giving the City’s attorney an opportunity to review all documents.

Council Member Mayor Bailey moved to table until September 27, 2012 Resolution No. 12-19 authorizing the Mayor to enter into, on behalf of the City of McCall, a “Governmental Equipment Lease-Purchase Agreement” and a “Non-Appropriation Addendum” between the City of McCall and Caterpillar Financial Services Corporation. Council Member Aymon seconded the motion. In a roll call vote, Mayor Bailey, Council Member Aymon, Council Member Scott, Council Member Swanson, and Council Member Witte all voted aye and the motion carried.

AB 12-168 Dissolution of the Transportation Advisory Committee and Formation of a New Public Works Advisory Committee

Peter Borner, Public Works Director, presented the dissolution of the Transportation Advisory Committee and formation of a new Public Works Advisory Committee to Council. Mr. Borner explained that the Transportation Advisory Committee (TAC) had been in existence since 2001. In the last two years, there had been only one meeting. He stated that unfortunately, the focus of the TAC had been limited in scope to solely transportation related issues. Mr. Borner stated that

the Public Works Department dealt with a number of issues not only in areas of transportation, but also in water, wastewater, stormwater, etc., and these areas would benefit from public involvement in the form of a new Public Works Advisory Committee (PWAC).

Council Member Scott moved to dissolve of the Transportation Advisory Committee (TAC) and create a Public Works Advisory Committee (PWAC). Council Member Swanson seconded the motion. In a roll call vote, Council Member Scott, Council Member Swanson, Council Member Aymon, Mayor Bailey, and Council Member Witte all voted aye and the motion carried.

AB 12-173 City Manager Recruitment

Barbara Sivey, Human Resources Manager, requested that the Council move AB 12-173 City Manager Recruitment until after the Executive Session.

Mayor Bailey moved to revise the agenda to move AB 12-173 City Manager Recruitment to after the executive session. Council Member Aymon 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. Council Special Minutes – August 13, 2012
2. Council Special Minutes – August 14, 2012
3. Council Special Minutes – August 20, 2012
4. Warrant Registers Dated September 7, 2012
5. Payroll Report for Period ending August 17, 2012
6. Payroll Report for Period ending August 31, 2012
7. AB 12-170 Authorization for the Destruction of Records – Resolution 12-18
8. AB 12-167 Memorandum of Understanding Between the City of McCall, Payette National Forest and Valley County Concerning Noxious Weed Management
9. AB 12-174 Terrorism Insurance Waiver FY13 (added 9/13/12)

A brief discussion took place regarding items on the Warrant Register.

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

EXECUTIVE SESSION

At 7:58 p.m., Mayor Bailey moved to go into Executive Session for:

- **Hiring - Pursuant to Idaho Code §67-2345(1)(a): to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general; and**
- **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, Mayor Bailey, Council Member Swanson, Council Member Aymon, Council Member Scott and Council Member Witte all voted aye and the motion carried.

Council discussed candidates for the City Manager position and litigation issues.

RETURN TO OPEN SESSION

At 9:55 p.m., Mayor Bailey moved to return to Open Session. Council Member Swanson seconded the motion. In a voice call vote, all voted aye and the motion carried.


AB 12-173 City Manager Recruitment

Council Member Swanson moved to invite candidate G for an in-person interview on September 24, 2012 for the position of City Manager and directed City staff to make the arrangements.

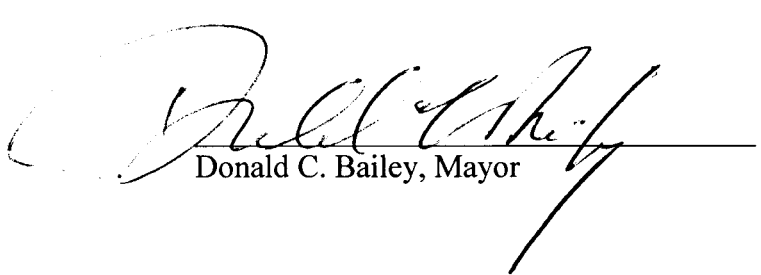
ADJOURNMENT

Without further business, the Mayor adjourned the meeting at 10:00 p.m.

ATTEST:



BessieJo Wagner
BessieJo Wagner, City Clerk



Donald C. Bailey, Mayor