

# MINUTES

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## McCall City Council Regular Meeting Thursday, January 27, 2005

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#### *Adjournment*

## **CALL TO ORDER AND ROLL CALL**

Mayor Eimers called the regular meeting of the McCall City Council to order at 5:05 p.m. Mayor Eimers, Council Member Muller, Council Member Bertram, and Council Member Robertson answered roll call. Council Member Greer arrived at 5:45 p.m. A quorum was present.

City staff members present were Amanda Townsend, City Treasurer; Ralph Appa, Police Chief; Dan Irwin City Clerk; Bill Keating, Public Works Director; Shawn Kohtz, City Engineer; Tammy Zokan, City Attorney; Lindley Kirkpatrick, City Manager.

## **EXECUTIVE SESSION**

At 5:06 p.m., Mayor Eimers moved to go into executive session per Idaho Code Section 67-2345(1f) to consider pending litigation. Council Member Bertram seconded the motion. In a roll call vote, Mayor Eimers, Council Member Bertram, Council Member Robertson and Council Member Muller voted aye. The motion carried.

At 5:56 p.m., Mayor Eimers moved to come out of executive session. Council Member Robertson seconded the motion. In a roll call vote, Council Member Bertram, Council Member Robertson, Council Member Muller, Council Member Greer, and Mayor Eimers voted aye. The motion carried.

## **PUBLIC COMMENT**

**Mayor Eimers led the Council in the Pledge of Allegiance.**

**Mayor Eimers called for public comment.**

Pauline Doleshal, 625 Floyd Street, stated that she is having problems with her residence due to multiple code violations that existed when it was constructed. The house was constructed without roof vents, the footings weren't installed properly, and water is pouring into her house causing mold to grow. She stated that she has sent letters to both the former and current City Manager and hasn't received a sufficient response to her concerns. Ms. Doleshal feels that the building inspector didn't conduct his job responsibilities when her house was inspected.

Mayor Eimers asked why Ms. Doleshal felt the problem was the responsibility of the City Building Inspector instead of the contractor who built the house.

Ms. Doleshal stated that she thought the Building Inspector was responsible for ensuring a building is constructed in accordance with the building codes and according to the plans. She stated that she recently learned that a final inspection of her residence was never conducted and an occupancy permit was never issued. She stated that she has met with both former City Manager Robert Strobe and current City Manager Mr. Kirkpatrick but hasn't received an adequate response to the situation.

Mr. Kirkpatrick explained that Ms. Doleshal has engaged in a fair amount of litigation against the contractor already. He stated that he doesn't know if the issues with Ms. Doleshal's residence are related to building code deficiencies or the construction methods used by the contractor. Mr. Kirkpatrick stated that he complied with Ms. Doleshal's public records request for the job description of the Building Inspector position and copies of the building permits which she had requested.

Ms. Doleshal asked who supervises the Building Inspector and what criteria is used to evaluate his performance in the position. Mr. Kirkpatrick stated that the City of McCall has adopted a performance based evaluation process and the Building Inspector is evaluated based upon his knowledge of the industry, accreditation, and customer service.

Mayor Eimers stated that he would make sure that staff responds to her concerns in a timely manner. Mr. Kirkpatrick agreed that he would respond to Ms. Doleshal in the coming week.

**Hearing no further comments, Mayor Eimers closed the public comment at 6:20 p.m.**

## **CONSENT AGENDA**

Council Member Bertram requested that the minutes of the January 12, 2005 Special Joint Meeting with the Police Advisory Committee be pulled from the Consent Agenda for later discussion.

Council Member Robertson inquired about the expense on the warrant register paid to J-U-B Engineers for the land application permit. Mr. Kirkpatrick explained that he recently gave the permit application to the City Engineer. Council Member Robertson requested that a copy be given to him when available.

Council Member Robertson asked about the expense on the warrant register paid to AmeriGas. He stated that the City is currently purchasing propane from three separate vendors and asked staff to explore the possibility of negotiating a contract with a single vendor in order to establish a better price.

Council Member Robertson requested that AB 05-15 be moved to the Business Agenda.

**Council Member Robertson moved to approve the Consent Agenda as presented and authorize the Mayor to sign all necessary documents. Council Member Muller seconded the motion. In a roll call vote, Council Member Bertram, Council Member Muller, Council Member Robertson, Mayor Eimers, and Council Member Greer voted aye. The motion carried.**

## **BUSINESS AGENDA**

### **AB 05-16 Update on Senior Center Grant Application by Sage Community Resources**

Karl Augustine, Sage Community Resources, presented an update on the recommended remodeling improvements for the Senior Citizen Building that will be developed in a Community Development Block Grant Application. He stated that Crowder and Associates have developed plans for remodeling the building based upon the needs of the McCall Senior Citizens. Mr. Augustine stated that he is seeking approval of the proposed remodeling plans by the Council and would return for a meeting in February for approval of the grant submission.

Ray Crowder, Crowder and Associates, presented schematic drawings of the proposed improvements to the building. He stated that the Seniors and City Staff have voiced concerns about the hazardous intersection created by the current roads on both sides of the building. The proposed plans would eliminate one of the access roads to eliminate the traffic hazard and provide for additional parking. He stated that the entry to the building will be remodeled to provide for handicap accessibility and a new community kitchen will be added. Mr. Crowder stated that the current bathrooms in the building aren't handicap accessible and he has proposed that a single unisex bathroom be added rather than constructing two new bathrooms. He stated that the current garage area would be renovated to provide for additional offices and meeting space and the carport would be expanded to the North side of the building. Mr. Crowder stated that the exterior of the building would remain basically unchanged except for the modifications to the front entry that will allow for handicap accessibility.

Council Member Bertram asked what the overall cost of the project would be.

Mr. Crowder stated that the cost for the project would be approximately \$153,000 to \$182,000 depending upon the amount and types of appliances that will be placed in the commercial kitchen.

Council Member Bertram asked how much of the project would be covered by the grant.

Mr. Augustine stated that the grant provides up to \$100,000 in funding. He stated that Senior Citizen projects are typically performed with large amounts of in-kind donations to meet the match requirements.

Council Member Bertram stated that she had previously heard that the Seniors were planning on constructing a new facility on land owned by Valley County near the County Annex.

Ray Alford, McCall Senior Citizens, stated that the group had explored the possibility of building on the Valley County site but the cost was too high. He stated that the remodeling of the current building will be able to meet the needs of the organization for the next five years.

Council Member Bertram stated that there is up to an \$80,000 gap between the cost of the project and the possible amount of grant funding. She asked if the organization would have adequate funds to pay for the completion of the project or if they would be asking the City for financial assistance.

Mr. Alford stated that the group would like to see the City participate in the project since they own the building, but the organization is planning on covering the gap in expenses by using the current cash they have and several in-kind donations that are available.

Mr. Augustine stated that Mr. Crowder has broken the project into multiple pieces so a construction schedule can be adopted based upon the amount of grant money that is received.

Council Member Robertson asked when the grant would be awarded.

Mr. Augustine stated that the grant applications are typically approved in early May. He stated that if approved, the project would begin in August or September after the building permit and environmental review processes were complete.

**Council Member Muller moved to approve the plans for the recommended improvements, and authorize Mr. Augustine to proceed with the grant application. Council Member Robertson seconded the motion. In a voice vote, all Council Members voted aye. The motion carried.**

Council Member Bertram asked if Mr. Augustine had located any possible grant funds that could be utilized for the southern corridor.

Mr. Augustine stated that the McCall Improvement Committee hasn't provided him with any plans for the project. He stated that he needs to have direction from the Committee in order to assist in researching potential funding sources.

## **AB 05-17 Annual Audit Report**

Kevin Smith, Eide Bailly, presented the independent auditor's report for the City of McCall's fiscal year that ended September 30, 2004. He said that the firm issued an unqualified opinion which he explained is the cleanest opinion that can be issued. Mr. Smith stated that there is a significant difference in the prepared financial reports this year because of the changes required from the implementation of the GASB 34 standards. He stated that one new change is the Management's Discussion and Analysis report which explains the City's financials in paragraph form. He stated that the report is the best he has seen and explains exactly what happened in the City of McCall during the fiscal year. Mr. Smith stated that the City's net assets have continued to increase in the general fund, which he attributes to financially sound management by the City. Mr. Smith stated that the water fund has also increased over time. He stated that it is important to have a balance in the fund in order to provide for future project improvements. Mr. Smith stated that the sewer fund decreased because of a reimbursement that had to be made to the general fund for legal fees. Mr. Smith stated that the golf fund continues to show improvement each year and was greatly assisted by contributions received from the Golf Foundation during the year. Mr. Smith explained the statement of activities report contained in the financial statements. He stated that the new report was created as a result of GASB 34 standards and can be misleading to read. Mr. Smith explained that the department expenses are shown as negative amounts since the amount of property tax revenue is only taken into consideration at the bottom of the report.

Mayor Eimers asked what the actual surplus for the City is if the established surplus funds carryover requirements are taken into account.

Mr. Kirkpatrick stated that City staff is in the process of identifying the true surplus for the City. He stated that staff will take the audited financial reports and subtract out the fund balance requirements and any dedicated obligations. He said that staff should have the final numbers to present to the Council at the next meeting.

Council Member Bertram asked what amount other cities usually set aside as fund balance.

Mr. Smith stated that the amount usually ranges from thirty to forty percent. He commended the City for establishing the level of fund balance amounts in their current policy.

Mr. Smith stated that as a result of accounting standard #99, the firm spent a significant time looking at internal controls and interviewing staff to evaluate if any possible avenues for fraud existed. He stated that the auditors didn't find any areas of significant concern during the process. He said that the firm did make a suggestion to require management review of the general journal entries made by the Treasurer.

Mr. Smith commended the staff for their hard work. The Council Members concurred.

## **AB 05-18 Water Storage Tank Engineering and Construction Management Agreement**

Bill Keating, Public Works Director, stated that an agreement for the engineering and construction management of the water storage tank had been negotiated with Pharmer Engineering. He introduced Brad Bjerke from the firm and explained that Mr. Bjerke had previously worked with the City during the final phase of the wastewater treatment plant. Mr. Keating stated that the City Attorney has recommended making a change to the agreement to address the placement of the water tower at the newly identified Nokes site.

Tammy Zokan, City Attorney, stated that she also recommends adding language that specifies the ability to terminate the contract is equal for both parties.

Brad Bjerke, Pharmer Engineering, stated that the language in the contract can be adjusted in cooperation with the City Attorney.

Council Member Robertson provided several corrections and additions to be made to the contract. He agreed to forward the changes to the City Attorney for inclusion into the contract.

Council Member Robertson asked who would be responsible for overseeing the project since Pharmer Engineering was excluded under the conditions of the contract.

Mr. Kirkpatrick stated that Bill Keating would be responsible for the project management of the water storage tank.

**Council Member Robertson moved to approve the agreement with Pharmer Engineering for the engineering and construction management of the water storage tank, contingent upon the cited changes to be made by the City Attorney, and authorize the Mayor to sign all necessary documents. Council Member Muller seconded the motion. In a roll call vote, Mayor Eimers, Council Member Bertram, Council Member Robertson, Council Member Muller, and Council Member Greer voted aye. The motion carried.**

Ray Woods, Aspen Ridge Developers, stated that he is concerned about the timeline for the construction of the water tank. He stated that the City had agreed to install a booster station that would service the upper lots of Aspen Ridge during the spring of 2005.

Mr. Kirkpatrick stated that it is the intention of the City to cooperate with the developers in any way possible for providing water to the site in a timely manner.

Council Member Muller stated that the City needs to be considerate of the possible construction in the upper lots of Aspen Ridge as well as of the property given to the City by the developers as a site for the water tower.

Mr. Kirkpatrick stated that a pressure reducing vault will be constructed on the property given to the City by the developers.

Council Member Robertson requested that the project engineer consider enhancing the design of the project by providing for a park like setting at the location. He stated that the City will be considerate of the developer's plans for construction on the upper lots. Council Member Robertson stated that the ability to provide the upper lots with water will need to be resolved but it is too early to determine a solution.

Shawn Kohtz, Holladay Engineering, stated that the original plans to service the upper lots with water by the spring would have been delayed even if the original site was utilized. He stated that three phase power would have needed to be extended to the site in order to supply power to the booster station. He stated that the developer had already extended power to the development and didn't provide three phase power to the site. Mr. Kohtz stated that the City would have saved \$150,000 if the developer had coordinated the project with the City.

#### **AB 05-26 Holladay Engineering report on the effect of sludge removal**

Shawn Kohtz stated that the City must make a decision by March 1, 2005 if they want to participate in the sludge removal project at the wastewater treatment plant. Mr. Kohtz stated that he has analyzed the project and has determined that that the removal of sludge wouldn't be necessary at this time if a new mechanical plant with sludge removal capabilities was constructed within eight years.

Mayor Eimers asked if any other component of the sewer system would reach capacity before the sludge removal project was required.

Mr. Kohtz stated that in reaching the analysis, the capacity of the lagoons was compared to the capacity winter storage pond. He stated that the winter storage pond will present a capacity problem before the sludge in the lagoon will. Mr. Kohtz stated that capacity problems in the winter storage pond will warrant the need for a new capacity plant within eight years. He stated that based upon the growth of the area, a new facility might even be needed within one to two years.

Mayor Eimers stated that he believes it would be a better use of funds to provide for additional I&I reduction rather than proceeding with the sludge removal project.

**Mayor Eimers moved for the City to not participate in the sludge removal project and to consider using the funds that would have been expended for the project for additional I&I removal projects. Council Member Bertram seconded the motion. In a voice vote, all Council Members voted aye.**

Mr. Kirkpatrick stated that he would prepare a letter to the Sewer District informing them of the Council's decision.

## **AB 05-27 Residential Occupancy Assumptions for Sewer Capacity Analysis**

Mayor Eimers stated that the initiative of assuming a lower use rate for part-time residents is based upon the assumption that the land application bottleneck can be resolved.

Mr. Kirkpatrick stated that it is important to emphasize that the land application component is at full capacity and without a solution to the problem no additional will-serve letters can be issued, even by assuming a lower use rate by part-time residents.

Mayor Eimers stated that in determining the capacity of the winter storage pond, the City Engineer has utilized the standard engineering practice of attributing 250 gallons per day of use for each equivalent dwelling unit. He stated that the Sewer District's data shows that the average use in their jurisdiction is 100 gallons per day for each equivalent dwelling unit because of the number of part time residents. Mayor Eimers stated that the actual usage per day in the City's jurisdiction is probably somewhere between those two figures. He stated that in order to determine the capacity of the winter storage pond, the Council should make an educated estimation of what the average usage for an equivalent dwelling unit is by attributing the effect of the number of part-time residents in the City. Mayor Eimers stated that it may be wise to use a more conservative approach in establishing the use assumption and refining it over time as flow data is collected.

Council Member Robertson stated that an additional gallon of available storage in the winter storage pond is gained for every gallon of I&I that is reduced. He stated that the City is dedicated to completing additional I&I reduction projects that will result in additional capacity at the winter storage pond. Council Member Robertson stated that a large majority of the recent construction and development occurring in the City is designed and marketed towards part-time residents who will contribute significantly less flow into the system. He stated that Spring Mountain Ranch began selling lots in 1993 and the subdivision is currently less than fifty percent built out. He stated that it can't be assumed that all projects will follow the same construction schedule but it can be reasonably assumed that projects such as the Whitetail subdivision will be mainly purchased and developed by part-time residents. Council Member Robertson stated that although additional capacity in the winter storage pond can be gained by taking into account a lower contribution value from part-time residents and pursuing additional I&I reduction projects, a long term solution also needs to be developed by the City. Council Member Robertson stated that he believes 150 gallons per day would be a reasonable assumption to attribute as the average use of an equivalent dwelling unit in the area.

Mayor Eimers stated that he feels comfortable in assuming 150 gallons per day as the average amount of usage for an equivalent dwelling unit, and that the Council can refine the number as flow data becomes available. He asked Mr. Kohtz what number of hookups would be available if the average flow contribution was assumed to be 150 gallons per day.

Mr. Kohtz stated that based upon the reduced flow contribution assumption, approximately 1390 hookups would be available based upon the capacity limits of the winter storage pond. He stated that data from the portable flow meters should be available to the Council by early summer, and would probably be available at the same time when the questions regarding the land application component are known.

Mayor Eimers stated that the City will need to address the Sewer District about the contention that additional capacity exists in the winter storage pond based upon the assumption that the number of part-time residents in the area results in a reduced average flow contribution of an equivalent dwelling unit. He stated that the City will need to have significant discussions with the Sewer District regarding capacity of the system and who is entitled to it. He stated that the City and Sewer District have split the cost of ownership of the treatment plant and J-Ditch Phase 1, but the City is the sole owner of J-Ditch Phase 2 since it has paid all of the capital costs for the facility. Mayor Eimers stated that the City needs to conduct discussions with the Sewer District to voice the position of the City regarding capacity and ownership.

Bill Burke, Payette Lakes Recreational Water and Sewer District Operations Manager, asked if the City's Attorney had reviewed their position on ownership as the District is named as a cooperating agency in the Bureau of Reclamation grants.

Mayor Eimers stated that it is the position of the City that the winter storage pond is owned entirely by the City and they are willing to discuss it with the Sewer District. Council Member Robertson added that the City will address their position directly with the Board of Directors of the Sewer District and not in the press.

Council Member Bertram asked if additional fees could be accessed to building permits before an impact study was performed in order to begin saving money for a new facility.

Mr. Kirkpatrick stated that the idea can be pursued but it would be difficult to assign an arbitrary number.

Council Member Robertson stated that only 300 building permits are issued each year and would only assist the City financially when construction occurs. He stated that developers of large projects are currently proposing offers to perform significant capital improvements in the City in exchange for approval of their projects.

Mr. Kirkpatrick stated that the Council may want to consider adopting a position of negotiating with developers for contributions and improvements to the City rather than implementing an extraction requirement for a building permit.

Mayor Eimers stated that the City would welcome any documentation that shows their position of the ownership of J-Ditch Phase 2 is incorrect.

Council Member Greer asked how the capacity of the winter storage pond would be monitored if the Council approves the idea of using a reduced assumption of average

use for an equivalent dwelling unit. He stated that he is afraid of what might result if the initiative to change the assumptions of use is incorrect.

Mayor Eimers stated that the City Engineer will continue to monitor the winter storage pond and report if an imminent problem is to occur.

Mr. Kirkpatrick added that the Council's initiative to estimate the remaining capacity of the winter storage pond by utilizing a reduced assumption of usage for an equivalent dwelling unit would have no affect on the system until the bottleneck in the land application component is resolved. He stated that no will-serve letters can be issued until the problems with the land application is solved.

Council Member Bertram stated that if additional capacity in the pond can be cited and will-serve letters can be issued, priority should be given to development occurring in the infill areas of the City.

**Council Member Muller moved to bring forward the City's assertion to the Sewer District that the remaining capacity in the winter storage pond would allow an additional 707 equivalent dwelling hookups to be approved as a result of utilizing reduced average flow rate assumptions for an equivalent dwelling unit. Council Member Robertson seconded the motion. In a voice vote, all Council Members voted aye. The motion carried.**

Mr. Kirkpatrick clarified that Mr. Kohtz's estimation of remaining hookups that available in the winter storage pond only takes into account the number of recently dedicated lots from the City. He stated that the recent dedications from the Sewer District would reduce the capacity accordingly.

Mr. Burke asked if the City has an inventory list of infill lots existing in the City that can still be built on. Mr. Kirkpatrick stated that such a list isn't available.

Mr. Burke provided correspondence that was sent to the former City Manager by the Sewer District during the previous two years regarding J-Ditch Phase 2. He stated that he believes the City will be on the brink of litigation if they maintain their claim of sole ownership of the winter storage pond.

**A break was taken from 8:18 p.m. to 8:30 p.m.**

### **AB 05-15 Memorandum of Understanding with Valley County Sheriff's Office for Records Management Software System**

Mayor Eimers stated that staff has requested that the Council discuss the Memorandum of Understanding with the Valley County Sheriff's Office but not take action on the item at this time.

Council Member Robertson stated that the Agenda Bill cites no cost impact to the City, but the MOU will require more than \$30,000 in expenses from the City. He stated that even if a grant award pays for the expense the costs still must run through the books. Council Member Robertson provided two corrections to be made to the MOU. He stated that the agreement will allow the Police Department to save on personnel costs by not having to retype reports.

Chief Appa stated that the agreement will result in a huge cost savings for personnel expenses.

### **Minutes of January 12, 2005 Special Joint Meeting with the Police Advisory Committee**

Council Member Bertram said that the minutes state she made the comment that the Council should consider referring more issues to the Committee. She stated that the reference was taken out of context, and it was her contention that people shouldn't be funneled through the Committee process to address their concerns. She stated that everyone in the community should have the ability to discuss their concerns directly with the Council membership. Council Member Bertram requested that her comments be reviewed and reflected accordingly in the minutes from the meeting.

Council Member Bertram stated that after the work session with the Council, the Committee began discussing the use of unmarked vehicles as a business item. She stated that the Council hasn't even discussed the issue yet, and asked why the Committee was discussing the policy issues of the Department. Council Member Bertram stated that the other City Committee's serve a different function and it's frustrating that the issues aren't addressed with the City Council initially.

Council Member Muller stated that he thought the Police Advisory Committee was formed to address the youth issues in the community and then directed its concern towards the bars. He stated that he remembers former Mayor Colton stating that the Committee handled the youth issue well, and then the membership was supposed to dissolve. He stated that he remembers most of the conversations from the Committee being about juveniles and not the local bars. Council Member Muller stated that he had no idea that the Police Department had three unmarked vehicles and believes it is an issue that needs to be addressed by the Council.

Council Member Robertson stated that Mr. Fields didn't say that the Police Advisory Committee was formed as a result of the increasing number of fights occurring at the local bars as cited in the minutes. He requested the City Clerk review the tape to correct what Mr. Fields said at the meeting.

Council Member Robertson stated that Kim Zeydel said at the meeting that she wanted to have Dr. Donicht on the Committee to have a link with the School District. He stated that a link with the School District already exists since Ms. Zeydel is a teacher and Frances Ford is a School Board Member. He stated that he believes the Committee

wouldn't be a diverse representation of the entire community with the appointments of Dr. Donicht and Ms. Huish to the Committee. Council Member Robertson stated that the role of the Committee needs to be discussed by the Council. He stated that it isn't the responsibility of the Committee to unburden the Council from receiving concerns from the public. He stated that the community has the right to address their comments at the City Council meetings, as it is the Council Members who are required to respond to public issues in the responsibility of their elected positions.

Council Member Muller stated that he heard items during the meeting that he didn't agree with, but didn't engage in discussion with the Committee. He stated that he believes if the school wants to employ a resource officer they should provide the funding for the position. Council Member Muller stated that he has requested statistics of juvenile crime that has occurred in 2003 and 2004 in order to evaluate if the resource officer program is working. Council Member Muller stated that he was advised to listen to the Committee's comments and not to engage in discussion, and that the Council would discuss the role of the Committee at a later meeting.

Council Member Robertson stated that issues like the unauthorized business on Lick Creek shouldn't even be discussed at the Committee level. He stated that he doesn't remember an attendance requirement being required for any Committee as the PAC discussed at the meeting. Council Member Robertson stated that many of the issues being discussed by the Committee need to be presented to the Council.

Scott Findlay stated that the Committee isn't making policy decisions. The Committee discussed the Winter Carnival as a result of what had occurred in the past in regards to the posting of signs.

Council Member Bertram stated that that Mr. Findlay is the only business owner on the Committee. She stated that group has lost the diversity in membership it once had. Council Member Bertram stated that members of the community should feel free to approach the Council with their concerns rather than being funneled through the Committee process. She stated that the biggest contention surrounding the issue of Mr. Howard was the fact that he approached the Council with his concerns without the approval of the Committee. Council Member Bertram stated that the membership of the City Council is elected to hear the concerns of public, and the community shouldn't feel afraid to approach the Council with their concerns.

Mr. Findlay stated that the Committee never complained about anybody else directly voicing their concerns to the City Council except for Mr. Howard. He stated that Mr. Howard was a member of the Committee and thought they had the same goals. Mr. Findlay stated that the Committee felt hurt by Mr. Howard not discussing the issues with them directly.

Mr. Kirkpatrick recommended that the Council table action on the Agenda Bill and Minutes from the Joint Meeting. The Council agreed to table Agenda Bill 05-14 and the minutes from the Joint Meeting.

Mayor Eimers directed staff to prepare Agenda Items for the next Council Meeting to discuss the unmarked vehicle policy and the role, function, and existence of the Police Advisory Committee

### **AB 05-14 Appointments to the Police Advisory Committee**

Council Member Greer stated that he wouldn't have a problem making appointments to the Police Advisory Committee even if the Council was to determine the group should be dissolved.

Council Member Robertson stated that he intends on discussing the makeup of Committee at the next Council meeting. He stated that the entire membership shouldn't come from one business or occupation.

Chief Appa stated that the two applicants were the only applicants who submitted letters of interest to serve on the Committee after heavy advertising. He stated that it would be difficult to target specific occupations if the interest in the community doesn't exist.

### **AB 05-20 Local Option Tax Commission Update**

Dan Irwin, City Clerk, stated that at their last meeting the Council requested that the Local Option Tax Ordinance be reviewed to determine if there was a residency requirement for the membership of the Commission. It was the opinion of the City Attorney that the wording of the Ordinance requires the members to reside within the City limits of McCall. He said that it was also the opinion of the City Attorney that the Committee portion of the Ordinance could probably be amended with Council's adoption of an amendatory Ordinance. Mr. Irwin stated that six members of the community have submitted letters of interest in regards to serving on the Committee. He asked for the Council to recruit community members to contact him in regards to serving on the Committee rather than amending the Ordinance.

The Council agreed to recruit members from the community to apply for the vacancy on the Commission.

### **AB 05-24 Utility Billing Hardship Policy**

Mr. Kirkpatrick stated that the current utility billing hardship policy has been discussed by the Council at the last few meetings. He stated that the City staff has developed an objective method for approving hardship requests based upon what was approved by the Council in 1999. He stated that the staff is recommending that the Council approve keeping the current process for approving hardship payment requests.

Council Member Muller stated that the only reason a person's identity would need to be known is to stop fraud from occurring. He stated that it is easy for a business owner to show a zero profit by manipulating the books. Council Member Muller stated that he

hasn't felt uncomfortable approving the three current hardship payments since there isn't a large margin for fraud to occur.

Mayor Eimers asked why Staff was reluctant in disclosing the names of the hardship applicants.

Mr. Kirkpatrick stated that Staff doesn't want to lose the objective process for approving the payments.

Council Member Bertram stated that the County reviews indigent cases in closed session but hears hardship cases in open session. She asked the City Attorney if the public has a right to know the personal identity of an applicant when the Council approves a reduction in fees or taxes.

Tammy Zokan, City Attorney, stated that the standards for indigent cases are specified in the Idaho Code and deal with a larger sum of money than hardship cases. She stated that the public is currently informed of how hardship cases are heard by the City since the City Ordinance describes the qualifications for hardship cases.

Council Member Robertson stated he doesn't want to approve hardship requests without knowing the identity of the person. He stated that the Council Members may know something about the person that would affect their decision.

Ms. Zokan stated that the standard methodology that has been adopted by the Council doesn't require identity to be shown for approval. She stated that it would be legal to disclose identity, but the Council would need to determine how personal identity specifically establishes criteria for making a fair and equal decision.

Council Member Bertram asked if a hardship approval has different criteria for consideration than an indigency approval.

Ms. Zokan stated that indigency has a specific legal definition contained in the Idaho Code, while hardship approvals are defined in the McCall City Code. She recommended that the Council keep the standardized methodology that is currently in place unless they can determine how identity can be equally evaluated when approving an application.

Council Member Bertram stated that she doesn't think it is responsible to approve relaxing fees or taxes without knowing the identity of the person.

Council Member Muller stated that the current policy was developed while he was serving on the Council. He stated that prior to that time, the names of the applicants were listed for Council approval and the former membership took the stance that the applicants needed to pay their bills like everyone else. Council Member Muller stated that the policy may need to be revised as the population of the community grows, but he is comfortable with the current process.

Council Member Greer stated that he doesn't have a problem approving the hardship payment as long as staff has a process for verifying the person's income annually.

Council Member Robertson stated that he is uncomfortable approving hardship payments without knowing the identity of the person. He stated that that many people have no income but have significant land holdings.

Amanda Townsend asked how the Council could make an equal evaluation using the identity of an applicant in cases where they didn't know the person.

Council Member Robertson stated that he would use the staff recommendation in that instance. He stated that he doesn't want to approve hardship applications without knowing the identity of the person. Council Member Robertson stated that if the Council doesn't need to approve the hardship payments then it should be done at the staff level.

**Mayor Eimers moved to endorse the previously approved utility billing hardship policy. Council Member Greer seconded the motion. In a voice vote, there were 3 ayes and 2 nays. The motion carried.**

#### **AB 05-23 Confirmation of Community Development Director/Deputy City Manager Position**

Mr. Kirkpatrick stated that after completing the selection process, he is recommending the Council's confirmation of the appointment of Roger Milar as the Community Development Director/Deputy City Manager for the City. Mr. Kirkpatrick stated that Mr. Milar comes highly recommended from everyone he has spoken with and believes he will do an excellent job in the position. Mr. Kirkpatrick stated that Mr. Milar has worked in Portland Oregon, Carbondale Colorado, and in the D.C. Metro area.

Council Member Robertson asked why the position was expanded to include the duties of Deputy City Manager.

Mr. Kirkpatrick stated that the title is from the position which he previously held. He stated that the initial search was to fill the position of Community Development Director, but felt that Mr. Milar had the skills to manage the responsibilities of both duties.

Council Member Bertram asked if Mr. Milar had indicated why he wanted to move to McCall.

Mr. Kirkpatrick stated that Mr. Milar has voiced a desire to move back to a small mountain community. He has been living in a large metro area and is required to spend a significant amount of time working away from his family.

**Council Member Greer moved to confirm the City Manager's appointment of Roger Milar as the Community Development Director/Deputy City Manager, per**

**McCall City Code 1-9-4(B). Council Member Robertson seconded the motion. In a voice vote, all Council Members voted aye. The motion carried.**

### **AB 05-21 City Manager Performance Evaluation**

Mayor Eimers stated that the Council needs to decide how to conduct Mr. Kirkpatrick's evaluation. He stated that the Council followed the City's process last year and it was very cumbersome and complex.

Council Member Muller stated that he doesn't mind doing the performance evaluation but doesn't like the process established by BDPA. He stated that he has developed an evaluation process and feels it works sufficiently.

Mayor Eimers provided the Council with copies of the evaluations that have been prepared by Mr. Kirkpatrick's direct reporting employees. Mayor Eimers suggested that the Council prepare a six to seven item list of the major initiatives of the City that should be important to Mr. Kirkpatrick and rank them for discussion.

## **REPORTS**

Council Member Robertson stated that in the January 5, 2005 TAC minutes, a discussion occurred regarding the extension of Deinhard Lane to Fox Ridge Subdivision and the development of bike paths. He stated that the City doesn't own the property being discussed and asked how a consensus was reached by the Committee.

Mr. Kirkpatrick explained that private property is being discussed for development. He stated that the McCall City Code requires that new development must allow for connectivity to adjoining undeveloped areas.

Chief Appa stated that a training exercise was held at the middle school to prepare for a Columbine type emergency. He stated that the training was attended by officers from the City, County, State, Fish and Game, and Forest Service.

Council Member Greer asked if the Police Department was adequately equipped with the tools needed for an emergency situation of that type.

Chief Appa stated that the Police Department is currently working on securing grant money to purchase any additional equipment that is needed.

Council Member Bertram asked the Police Chief about the incident that occurred at the Super 8 Motel. Chief Appa stated that members from the Minnesota hockey team set off a fire extinguisher that caused a considerable amount of damage. He stated the Coach of the team eventually paid for the cleanup charges.

Council Member Greer stated that he is concerned about the increased fire risk on vacant lots that will exist in the summer due to lack of moisture this year. He asked if anything could be done to reduce the fuel loading on undeveloped lots.

Mr. Kirkpatrick stated that there isn't any leverage in the current City Code to address the problem unless it can be deemed a nuisance. He suggested that the City work in cooperation with the Fire District to address individual concerns.

Council Member Robertson stated that he recently received a call from the Yacht Club about an incident that occurred with a family. He stated that the family didn't appear to be over served when they entered the business, but after being served their drinks it became obvious that they were. He stated that a bouncer was fired as a result of the incident. Council Member Robertson stated that Yacht Club is also installing an electronic reading machine that will scan licenses to reduce incidents of altered ID's.

Council Member Robertson requested that Mr. Kirkpatrick contact the Airport Advisory Committee about the plans for hiring a new Airport Manager.

Mayor Eimers stated that he recently witnessed three trucks from Franklin Building Supply and a Forest Service truck parked in front of the residence Lick Creek. He stated that it is clearly evident that a business is being conducted at the location and wants to know how the City can shut the business down.

Mr. Kirkpatrick stated that the Police Department has been issuing citations to the resident for running an illegal business at the location. He stated that court judgments will be the final authority that can shut down the business.

## **EXECUTIVE SESSION**

**At 9:45 p.m., Mayor Eimers moved to go into executive session per Idaho Code Section 67-2345(1f) to consider pending litigation. Council Member Muller seconded the motion. In a roll call vote, Mayor Eimers, Council Member Muller, Council Member Robertson, Council Member Bertram, and Council Member Greer voted aye. The motion carried.**

**At 10:29 p.m., Mayor Eimers moved to come out of executive session. Council Member Greer seconded the motion. In a roll call vote, Council Member Greer, Council Member Bertram, Council Member Robertson, Council Member Muller, and Mayor Eimers voted aye. The motion carried.**

## **ADJOURNMENT**

**Without further business, Council Member Robertson moved to adjourn. Council Member Bertram seconded the motion. In a voice vote, all Council Members voted aye. The motion carried. The Council adjourned at 10:30 p.m.**

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Kirk L. Eimers, Mayor

**ATTEST:**

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Dan Irwin, City Clerk