

MINUTES

McCall City Council Regular Meeting Thursday, November 18, 2004

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Adjournment

CALL TO ORDER AND ROLL CALL

Council Member Robertson called the regular meeting of the McCall City Council to order at 7:01 p.m. Council Member Bertram, Council Member Greer, Council Member Muller and Council Member Robertson answered roll call. A quorum was present.

City staff members present were Amanda Townsend, Treasurer; Brenda Loftis, Personnel Officer; David Simmonds, Network Administrator; Kevin Delaney, Airport Manager; Brock Heasley, Parks and Recreation Director; Nancy Lockhart, Senior Police Administrative Assistant; Bill Keating, Public Works Director; Tammy Zoken, City Attorney; Shawn Kohtz, City Engineer; Dan Irwin, City Clerk; and Lindley Kirkpatrick, City Manager.

PUBLIC COMMENT

Council Member Robertson called for public comment.

Lori MacNichol, Airport Advisory Committee Chairperson, presented the Council with an update on the Airport. She stated that the needs of the airport grow as the City continues to grow. During the summer, the daily operations of the airport exceeded those of the Lewiston airport. Ms. MacNichol stated that the airport will be out of land to develop after the completion of the triangle project, and the Airport Advisory Committee is pursuing the possibility of acquiring additional land in 2007. Ms. MacNichol stated that the Committee is still looking at the sewer project, and Kevin Delaney, Airport Manager is working diligently to present Council with the plans for the triangle project.

Louie Howard, 718 Chad Loop, stated that item #3 of the Police Advisory Committee mission statement states that the Committee is to serve as an advocate to the Police Department staff by bringing any concerns to the Police Chief, City Manager, and or City Council. Based on the mission statement, Mr. Howard feels that the Police Chief never had a reason to feel that he had gone over his head by bring up concerns directly to the City Council. Mr. Howard stated that the two new members that the Police Chief has recommended placing on the Police Advisory Committee are personal friends of the Chief and questioned if that kind of kinship was appropriate for the makeup of the committee. He stated that on October 27, 2004, Randy Shears started an altercation at Lardo's after being told to leave the establishment because it was closing. He stated that Mr. Shears called 911 and told dispatch that he was being abused by the bartender and claimed he was over served. Mr. Howard stated that Mr. Shears drove back and forth in the parking lot until Officer Summers arrived,

and he wonders why a DUI wasn't issued. Mr. Howard stated that the next day the Police Chief told Officer Summers to stop his investigation as the case was being handed over to the Idaho State Police Department. Mr. Howard stated that the Police Chief was quoted as saying he sends information to the Alcohol Beverage Control in order to have leverage over bar owners. Mr. Howard feels he is being harassed since he has spoken out against the Police Chief. Mr. Howard stated that on November 6, 2004, the Police Chief took his family deer hunting north of Riggins in his City vehicle. He asked Mr. Kirkpatrick if the Police Chief was given permission to take his police vehicle hunting at Cow Creek. Mr. Kirkpatrick stated that there is a written City policy regarding personal use of unmarked police cars.

Council Member Robertson stated that Council Member Muller is planning on addressing the unmarked police vehicle policy during the reports section of the agenda.

Council Member Muller stated the issue of vehicle use will be discussed during the reports section of the agenda and moved to a business item at a future Council meeting.

Louie Howard stated that he would like Council to ask the Police Chief why he referred the case to the Idaho State Police without addressing the issue with the City Council first. Mr. Howard stated that he would appreciate it if the Council would listen to the 911 call to get the facts of the case.

Bobby Lawrence, auditor with Eide Bailly, stated that tomorrow will be the last day of the audit field work at City Hall. He stated that the audit has gone well and the City staff have been very helpful and cooperative.

Hearing no further comments, Council Member Robertson closed the public comment at 7:18p.m.

CONSENT AGENDA

Council Member Muller asked if the insurance coverage required in the Senior Citizen Lease had been reviewed by the City Attorney. Tammy Zoken stated that Chris Yorgeson had reviewed the lease and recommended that the City Clerk check with ICRMP to verify that the policy limits were sufficient.

Council Member Robertson moved to pull AB 04-177 from the Agenda until the insurance policy limits in the lease are verified to be sufficient by ICRMP. He recommended that the contract be written to provide for a five year renewal from the date of lapse in December 2000, and then provide for automatic terms of renewal thereafter.

Council Member Robertson moved to pull AB 04-153 and AB-180 from the Consent Agenda to the Business Agenda.

Council Member Bertram and Council Member Robertson provided corrections to the July 8th and July 26th minutes.

Council Member Bertram asked about the expense for the flight change on the Warrant Register. Mr. Kirkpatrick stated that the expense was for changing his flight home from San Diego. It was his intention to save the city money by not being charged for an additional night's stay at the hotel.

Council Member Bertram asked about the expense for the legal ad for the Forester's Hearing. Mr. Kirkpatrick stated that the expense was for the publication of the November 4th Planning and Zoning public hearing. He stated that the Forester's scenic route was the first item on the Planning and Zoning agenda.

Council Member Bertram asked if the expense to Cherish Rogers was reviewed to ensure there wasn't a conflict of interest. Mr. Kirkpatrick stated that Mrs. Rogers' assistance was used to interface the Police Department's new reporting and record keeping software with the County. Mr. Kirkpatrick stated that Mrs. Rogers used to work for the County and was familiar with the County's software and procedures. He stated that there was a long discussion to see if anybody else was capable of performing the work prior to utilizing her services.

Council Member Bertram asked if there was anyway the old shooting range could be used for storage to alleviate the annual expense to A-1 Storage. Mr. Kirkpatrick stated that the room still needs to be abated for lead before it can be utilized safely.

Council Member Bertram asked if the worker's comp expense was required to be pre-paid annually. Brenda Loftis, Personnel Officer, stated that the payment is pre-paid based on the estimated payroll and experience modifier. She stated that she would check to see if the expense could be paid quarterly rather than on an annual basis.

Council Member Greer asked what the Urban Renewal Agency expense was for. Mr. Kirkpatrick stated that the expense was for a water line extension down Roosevelt Street. He stated that the expense was shared by the developer of the Roosevelt Street Condos.

Council Member Robertson asked how much the recorders originally cost. Bill Keating stated that he estimates they would cost approximately \$1500.

Council Member Muller moved to pull AB 04-178 from the Consent Agenda to the Business Agenda.

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

BUSINESS AGENDA

AB 04-175 Airport Advisory Committee Member Appointments

Lori MacNichol, Airport Advisory Committee Chairperson, stated that seven candidates applied for the two Airport Advisory Committee openings. She stated that the Committee independently sat down and graded the candidates. Ms. MacNichol stated that at their monthly meeting, the Committee unanimously chose to recommend Gordon Eccles and John SeEVERS to fill the two open seats. She stated that the Airport Manager recommended the appointment of Gordon Eccles and Dwight Utz. Ms. MacNichol stated that she wanted to remind the Council that two more Committee openings will occur in March 2005.

Council Member Robertson asked if the Committee interviewed all seven candidates at their meeting.

Lori MacNichol stated that Kevin Delaney phoned each candidate and urged their attendance at the Committee meeting. She stated that only three candidates attended the meeting.

Council Member Robertson stated that the committee appointment has become a hot topic in the City. He stated that he is concerned that there wasn't a single recommendation from the committee, and would have liked to see a consensus from the Airport Manager.

Council Member Muller asked if the Committee was able to get a feeling if the candidates had good knowledge of the growth of McCall and the effect on the airport.

Lori MacNichol stated that the Committee read the resumes of the applicants, but were only able to interview those who attended the Committee meeting.

Council Member Robertson suggested that the City Council hold a work session with the Airport Advisory Committee to learn about the dynamics facing the airport. Council Member Robertson recommended reappointing Gordon Eccles to the Committee based

on the Airport Manager's and Committee's recommendation and temporarily extending the term of Jerry Robinson until the Council could meet with the Committee.

Council Member Greer stated that he was concerned about the criteria used to evaluate the candidates. He stated that he agrees a work session with the committee would be helpful.

Council Member Bertram stated she would like to attend a work session with the Committee in order to get a better understanding of the issues facing the airport.

Council Member Muller stated that both the City and Airport is moving in a positive direction. He stated that it is essential that the appointed Committee Member be aware of the growth and issues facing the airport.

The Council agreed to hold a joint work session at the next Airport Advisory Committee meeting that will be held on December 2nd at 12:00 p.m.

Council Member Robertson moved to approve the reappointment of Gordon Eccles to serve a term on the Airport Advisory Committee set to expire on January 31, 2007, and temporarily extending the term of Jerry Robinson until the City Council and Airport Advisory Committee can conduct a work session. Council Member Bertram seconded the motion. All Council Members voted aye. The motion carried.

AB 04-160 Contract Award for Hazardous Fuels Reduction Project

Kevin Delaney, Airport Manager, stated that the proposed contract is for the removal of trees on 15 acres located north of the airport. The City was given a \$16,800 grant award in May 2004 from the Idaho Department of Lands in conjunction with the United States Forest Service to reduce the potential of a fire hazard. Mr. Delaney stated that John Parker stated that approximately \$1000 could be made from selling the merchantable timber, but it would be difficult to get a logging company to remove the limited amount of wood. He stated that the contractor is authorized under the contract to keep any timber if they want.

Council Member Bertram stated that the notice of award specifies the removal and piling of the wood, but doesn't specify the removal of slash. She asked how long the slash would be stacked before it is burned. Mr. Delaney stated that the slash would be burned as soon as the fire season had passed.

Council Member Robertson asked if the timber would be marked in order to identify what the contractor is to remove. Mr. Delaney confirmed that the trees would be marked prior to removal. He stated that prior to marking the trees, the property boundaries adjacent to the area need to be identified.

Council Member Greer stated that Bob Shoemaker is qualified to determine what hazardous fuels are, but he would like to make sure the public understands the reason for the removal of trees. Mr. Delaney stated that he plans on developing information for public relations prior to the start of the project.

Council Member Greer moved to waive the informalities or minor defects of the bids, award the project to Red Rock Resource Management and authorize the Mayor to sign the contract after the Contractor has executed all contract documents. Council Member Bertram seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Muller, and Council Member Robertson voted aye. The motion carried.

AB 04-172 Prohibition of Compression Brakes; Ordinance #800

Bill Keating, Public Works Director, stated that the Transportation Advisory Committee unanimously voted to recommend that the City Council approve an Ordinance prohibiting the use of compression brakes within the City.

Council Member Bertram asked how many signs would have to be placed if the ordinance is approved. Mr. Keating stated that one sign would be placed on each end of the City.

Council Member Greer moved to suspend the rules and read Ordinance No. 800 by title only, one time only. Council Member Bertram seconded the motion. All Council Members voted aye. The motion carried.

Mr. Kirkpatrick read Ordinance No. 800 by title.

Council Member Greer moved to adopt Ordinance No. 800. Council Member Bertram seconded the motion. All Council Members voted aye. The motion carried.

AB 04-92 River's Crossing Annexation; Ordinance #794

Dan Irwin, City Clerk, stated that Ordinance #794 was previously approved by the Council on June 24, 2004. The ordinance was never executed for legal adoption and needs to be readopted by the Council in order to become valid.

Council Member Robertson moved to suspend the rules and read Ordinance No. 794 by title only, second and third readings. Council Member Muller seconded the motion. All Council Members voted aye. The motion carried.

Mr. Kirkpatrick read Ordinance No. 794 by title.

Council Member Robertson moved to adopt Ordinance No. 794. Council Member Bertram seconded the motion. All Council Members voted aye. The motion carried.

AB 04-93 Lakeside Avenue Rezoning; Ordinance #795

Dan Irwin, City Clerk, stated that Ordinance #795 was previously approved by the Council on June 10, 2004. The ordinance was never executed for legal adoption and needs to be readopted by the Council in order to become valid.

Council Member Bertram asked for clarification where the property was located. Mr. Kirkpatrick stated that it was the property located across the street from Idaho Power next to the old Chicken Roost and old radio station building.

Council Member Muller moved approve the rezoning of 810 Lakeside Avenue from B Residential to C Commercial; and to suspend the rules and read Ordinance No. 795 by title only, one time only. Council Member Robertson seconded the motion. All Council Members voted aye. The motion carried.

Mr. Kirkpatrick read Ordinance No. 795 by title.

Council Member Muller moved to adopt Ordinance No. 795. Council Member Robertson seconded the motion. All Council Members voted aye. The motion carried.

AB 04-153 Police Advisory Committee Member Appointments

Mr. Kirkpatrick stated that two people applied for an appointment to the Police Advisory Committee. The Police Advisory Committee reviewed the applications and recommends the appointment of both applicants to the committee.

Council Member Robertson asked if there were only two applications received in total. Mr. Kirkpatrick confirmed that only two applications were received.

Council Member Robertson stated that he is concerned about the closeness of the committee and has questions about the purpose it serves. He stated that he believes both applicants are worthy candidates, but would like to sit down with the existing committee to discuss their purpose before appointing new members.

Mr. Kirkpatrick suggested that the Council explore a work session with the Police Advisory Committee to discuss the issues brought up by Council Member Robertson. Council Member Robertson agreed that a work session to discuss the purpose of the committee would be helpful. Council Member Robertson asked that a work session between the City Council and the Police Advisory Committee be coordinated.

Council Member Bertram stated that she was concerned that Chief Appa assigned the recent investigation regarding Lardo's to the Idaho State Police Department. She stated that the Chief had agreed to seek Council approval before sending any liquor violation reports to the State.

Mr. Kirkpatrick stated that a liquor violation referral wasn't made to the Alcohol Beverage Control. The investigation of an alleged crime was referred over to the Idaho State Police because of the conflict between Louie Howard and the Police Chief. An e-mail was sent to the Council informing them of the situation.

Council Member Robertson stated that he received the e-mail but didn't think about the relationship between the Idaho State Police Department and Alcohol Beverage Control.

Council Member Bertram stated that she feels McCall should be able to take care of its own problems rather than utilizing outside agencies. She asked why the County Sheriff wasn't contacted to handle the investigation. Mr. Kirkpatrick stated that the County was contacted two days prior to help in another situation, but they declined due to their lack of resources.

Louie Howard, 718 Chad Loop, requested that Mr. Kirkpatrick read an article from the Star News that was submitted by Police Chief Appa. Lindley Kirkpatrick read the article which discussed the Police Chief's witnessing of the over serving of alcohol at local bars. Louie Howard asked Mr. Kirkpatrick to review the 911 tape and inform him if it was sent to the Alcohol Beverage Control. Council Member Robertson asked that Council be informed as well.

AB 04-178 Compensatory Time Policy Revision

Brenda Loftis, Personnel Officer, stated that she is proposing revisions be made to the compensatory time policy contained in the City of McCall's Personnel Policy Manual. Ms. Loftis stated that the current policy requires the written approval of the City Manager. Due to the nature of certain department work schedules, such as snow removal by Public Works, it is difficult for the policy to be followed. The proposed change is to allow each department head to approve comp time for their employees. Ms. Loftis stated that the second change to the policy would be to allow the individual employee to decide if they wanted to accumulate comp time or overtime compensation when working over 40 hours per week. Ms. Loftis stated that the final proposed change to the policy is to delete the requirement which requires employees to utilize their accumulated comp time before March 31 or be compensated for the earned time. The proposal would place a 56 hour cap on the amount of comp time which could be used.

Council Member Muller stated that the policy may have been adopted so an excessive amount of comp time doesn't carry a liability on the books. He asked if the approval of comp time would be done verbally or in writing. Mr. Kirkpatrick stated that the approval would be done in writing as currently practiced.

Council Member Robertson stated that he is concerned that a change to the policy will affect management's ability to reduce comp time. He stated that if the policy isn't a violation of law, he feels there isn't a need to change it. Mr. Kirkpatrick stated that management can still stop the accrual of comp time by not allowing an employee to work more than 40 hours in a week.

Dwight Utz suggested that the policy be changed to require an employee use their accumulated comp time within 12 months.

City Manager Kirkpatrick stated that the idea was discussed by staff, but it would require the tracking of two years worth of accumulated comp time. The decision to place a 56 hour cap on earned time was made for simpler administration.

Council Member Greer stated that he likes the change to the policy as it will allow each department head to manage their budget.

Council Member Greer moved to adopt the staff's proposed revisions to the "Compensatory Time Policy" contained in the City of McCall's Personnel Policy Manual. Council Member Bertram seconded the motion. All Council Members voted aye. The motion carried.

AB 04-180 Library Board of Trustees Appointment

Mr. Kirkpatrick stated that the Library Board of Trustees advertised for two vacancies and received two letters of interest from applicants interested to serve on the board. The Library Board of Trustees reviewed the applications and recommends the appointment of both applicants to the committee.

Council Member Greer moved to appoint Lynn Lewinski to serve a term on the Library Board of Trustees set to expire on October 2009, and appoint Diane DeChambeau to serve a term on the Library Board of Trustees set to expire on October 2006. Council Member Muller seconded the motion. All Council Members voted aye.

REPORTS

Kevin Delaney, Airport Manager, asked for clarification if Council wanted the candidates for the Airport Advisory Committee to be present at the scheduled work session. Council Member Robertson stated that it would only be appropriate if the Committee would like the opportunity to interview the remaining candidates. He stated that it is the Council's intent to attend the work session in order to get a better understanding of the issues facing the airport. Council Member Bertram stated that the remaining candidates

should declare their intent of fulfilling the upcoming Committee appointments which will happen in March 2005.

David Simmonds, Network Administrator, presented a report on a six month security certification program which he recently completed. Mr. Simmonds stated that the training ensures that he is using best practices and security equipment for protecting the City's network infrastructure. Mr. Simmonds stated that he appreciates the Council's support for providing the resources for staff training.

Shawn Kohtz, Holladay Engineering, stated that the firm is currently working on 40 different projects. The biggest concentration at this time is the collection of data to address the wastewater plant capacity problems. He stated that a report will be prepared for the December 2nd Council meeting. Mr. Kohtz stated that Rio Vista step sewer project was recently rejected from the Department of Environmental Quality. He stated that Holladay Engineering will approach DEQ for the reconsideration of the project. Council Member Bertram asked if the Four Corners Project was on target for its scheduled completion. Mr. Kohtz stated that the final easement has been acquired and the project is on target for its scheduled completion.

Brock Heasley, Parks and Recreation Director, stated that the swimming lessons program just finished and was very successful. The department is currently running an astronomy and movie night program. He stated that the City recently received a \$5,000 grant for improvements at Rotary Park. He stated that the Rotary Club also donated \$20,000 for additional improvements to the park. Mr. Heasley stated that phase one and two of the Brownfield assessment at Riverfront Park is complete. He stated that he is still waiting for the official report to be submitted to the City by the Department of Environmental Quality, but they indicated verbally that no contamination was found and clean up wouldn't be required. Mr. Heasley stated that the department recently found out that the snowmobile that was going to be utilized for the grooming of the cross country trails needed to be repaired. He stated that it would cost \$1700 to completely rebuild the engine so he is looking at options of renting or purchasing a new machine.

Council Member Bertram asked if the cross country program was still going to happen this year. Mr. Kirkpatrick stated that Allan Morrison, Golf Pro Shop Manager, is planning on running the program through the holiday season and then evaluating the cost effectiveness of the program operation to determine if he will continue running it through the rest of the winter. Mr. Kirkpatrick stated that the trails were planned to be groomed using equipment from the Little Ski Hill which has to be pulled with a snowmobile.

Dan Irwin, City Clerk, stated that materials have been prepared for collecting the Local Option Tax money from the accommodators. A meeting with the accommodators will be held on December 1st to discuss the tax permit and remittance requirements.

Council Member Muller stated that he has serious concerns of allowing police personnel the ability to use unmarked police cars for personal use. He stated that he realizes the

department needs to be able to respond to emergency situations, but he would have never allowed the ability for the staff to use the vehicles for personal use or to travel out of the area. Council Member Muller stated that he would like to discuss the policy with the full Council at a later meeting.

Council Member Robertson stated that the Council may want to discuss the need for unmarked police cars. He stated that when the Chief's vehicle was initially purchased he didn't know it wouldn't be marked. He stated that he was surprised to see that two senior officers besides the Chief also had unmarked cars.

Council Member Greer stated that he doesn't have anything against having unmarked police cars in the department fleet, but he does have reservations about allowing the personal use of the vehicles. He stated that he agrees that the full Council be present to address the policy.

Council Member Bertram stated that the Police Department shouldn't have assigned the recent Lardo's investigation to the Idaho State Police Department because Chief Appa feels uncomfortable with Louie Howard. She stated that the community should take care of its own problems and not involve outside agencies. Council Member Bertram stated that she doesn't see why the Chief didn't assign one of his officers to complete the investigation.

Mr. Kirkpatrick stated that a real conflict exists between Chief Appa and Louie Howard due to the pending lawsuit. He stated that the Police Department is in a no win situation because if they pursue the case it would be perceived as they are targeting the business, but if they don't, it is perceived that they don't want to ruffle feathers in the community.

Council Member Greer stated that he sees how a bias would be perceived by the community if the Police Department pursued a case against Lardo's.

Council Member Muller stated that he would like to see the community get back to the situation where the Police Department does their job and the local businesses do theirs. He would like the situation and animosity between the Police Department and Lardo's solved. Council Member Muller stated that he would like to act progressively in order to remedy the situation before the Police Department can't operate.

Council Member Robertson asked about the recruiting of a new Community Development Director. Mr. Kirkpatrick stated that the job position was re-advertised, and he recently received a request for more information from a possible candidate.

Council Member Robertson asked if the Planning and Zoning was reviewing the possible zoning issues on the lots located on Mission Street around the airport. Mr. Kirkpatrick stated that the Police Department, City Prosecutor, and City Attorney are in the process of working to revise the nuisance ordinances. Council Member Bertram stated that the penalty provisions in the zoning ordinances are strict enough to address

the problem. She stated that Planning and Zoning needs to complete the process of revising the zoning codes.

Council Member Muller asked if Greystone Construction was going to request that the Urban Development Agency assist with the development of streetscapes and lighting. Mr. Kirkpatrick stated that the developer will be approaching the agency to discuss possible financial assistance with the project.

Dwight Utz stated that as a private citizen and taxpayer he is opposed to the personal use of an unmarked police car.

ADJOURNMENT

Without further business, Council Member Robertson moved to adjourn. Council Member Greer seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 10:31 p.m.

Kirk L. Eimers, Mayor

ATTEST:

Dan Irwin, City Clerk