

MINUTES

McCall City Council Special Meeting Thursday, September 30, 2004

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CALL TO ORDER AND ROLL CALL

Mayor Eimers called the regular meeting of the McCall City Council to order at 7:01 p.m. Mayor Eimers, 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 Lindley Kirkpatrick, City Manager; Ralph Appa, Police Chief; Nancy Lockhart, Senior Police Administrative Assistant; Kim Caudle, Police Administrative Assistant; Chris Moore, Lieutenant; Liz Tash, Public Works Administrative Assistant; Paul Turke, City Attorney; and Dan Irwin, City Clerk.

Mayor Eimers led the Council in the Pledge of Allegiance.

BUSINESS

AB 04-157 Council Vision Statement for Police Department

Chief Appa stated that he reviewed the Council's recently adopted Vision Statement and had thought the most poignant terms in regards to the police department were the Council's vision to be a user friendly and fun community. Mr. Appa stated that he researched the police department's history in McCall and feels that his department's efforts have allowed McCall to become a friendlier and fun community. Mr. Appa stated

that the July 1987 headline in the Star News cited a violent fourth of July in downtown McCall with a bar shooting and general mob rule. The article cited former Chief Parker saying that he fears that violence would repeat itself and McCall would need 80+ officers to adequately police the fourth of July weekend in the community. Mr. Appa stated that the July 1998 Star News cited Chief Donica saying that the department saw a noticeable increase in youth drinking and drug use. He stated that since he has been the Chief in McCall, the Star News hasn't noted any major problems in the community over the fourth of July weekend as was seen in the 1980's and 1990's. Mr. Appa stated that during the fourth of July weekend in 2004 he noticed an increase in crowd size and family involvement. Mr. Appa stated that the Police Department is headed in the right direction as a result of teamwork by former and current staff.

Chief Appa stated that the Police Department formed a Vision Statement which he feels corresponds very similar to the Council's. He stated that the department's vision statement states that they will treat others with respect and courtesy, act with integrity, and apply the law in a fair and consistent manner. He stated that officers who haven't followed the professionalism value of the vision statement have paid a heavy price.

Chief Appa stated that he had formed a list of issues in which he would like Council to provide direction on. He stated that he would like Council to discuss traffic enforcement, DUI enforcement, youth issues, bar issues, downtown parking, and city code enforcement.

Council Member Muller stated that the department needs to effectively enforce code violations. He stated that businesses are operating in residential areas and they will continue to do so unless an ultimatum is issued. He stated that the officers should address any code issues with a positive attitude and meet with property owners before issuing citations.

Council Member Bertram stated that it is difficult for the Police Department to enforce code violations due to the lack of penalty provisions in the code. She would like planning and zoning to revise the code and include more stringent penalty provisions so the department can effectively enforce violations.

Council Member Robertson stated that the Chief has the ability to set speed limits. He stated that an uproar was caused when former Chief Donica lowered the in-town speed limits to 25 m.p.h., but it was a good move in retrospect. He stated that the department should set realistic standards for enforcing violations.

Mayor Eimers stated that speed limits in all areas should be rationalized to make sure the correct speed limit is set in the correct area. Chief Appa stated that he would have the police auxiliary conduct a speed limit survey to ensure all areas have the correct speed limits set.

Council Member Greer stated that it is important for the department to set priorities where enforcement should occur, such as school zones and other important areas of public safety.

Council Member Robertson stated that there should be no tolerance for drinking and driving, but the officers need to show courtesy and respect for the public.

Council Member Bertram asked if the department's philosophy had changed as a result of the recent events.

Chief Appa stated that the duties of the officers haven't changed, but they have become gun shy when making DUI stops. He stated that the officers are making sure no doubt exists when pulling over DUI suspects.

Council Member Robertson stated that visitors and residents have also become gun shy as a result of the perceived enforcement practices of the department.

Mayor Eimers stated that the department should only make DUI stops when obvious signs of intoxicated driving exist. Chief Appa stated that officers are now making observations for a reasonable time period before pulling over vehicles. Mayor Eimers stated that the Chief should ensure that drunken people are kept off the road but not be oppressive in their enforcement. He stated that the perceived oppressive enforcement tactics has hurt the community and local businesses.

Council Member Bertram stated that local businesses spend a lot of money on tourism advertising which has been undermined by the recent media involvement. She stated that problems should be solved by sitting down and talking through them rather than letting them play out on television. She indicated that the public should discuss their concerns with the City Council not the Boise television media. Chief Appa stated that he has agreed to meet with Lindley prior to interviewing with the television media in order to develop the City's response to controversial issues.

Council Member Robertson stated that he hasn't heard any complaints about the department's treatment towards the community's youth and asked what has been done to improve youth relations. Chief Appa stated that he accredits the improvement to new procedures that have been implemented. He stated that the department now makes parental contact in every instance where a youth is either involved in a crime or have placed themselves in a detrimental situation. The department also makes two contacts to parents prior to interrogation and questioning. He stated that the youth officer in the school has assisted in achieving a friendlier relationship with the department.

Council Member Bertram stated that she has concerns over the ABC violation reporting procedure.

Chief Appa stated that prior to his employment in McCall, ABC was only notified of liquor violations after court action was completed. His philosophy is to work with

establishment owners and explain the laws to them. He has taken a zero tolerance approach for underage drinking and over serving. He reports violations to ABC whenever his investigation concludes that a law broken. He stated that owners are allowed the opportunity to appeal the report in an administrative hearing conducted by the Colonel of the State Police.

Council Member Bertram stated that she has been informed that very few police departments report ABC code violations. Council Member Robertson added that the City Attorney had informed Council that the Chief isn't required by law to report violations to the agency.

Chief Appa stated that he had contacted the Attorney General's office and was informed that the reports must be sent to ABC or he would be subject to possible criminal sanctions. He stated that the ability to issue reports to ABC allows him leverage to make sure that bar owners comply with the law.

Council Member Bertram stated that owners are unable to defend themselves against reports issued to ABC by local police departments. She doesn't believe the administrative hearing is fair since the Idaho State Police oversees the decision. She believes that bar owners should have the opportunity to defend themselves in court.

Paul Turke, City Attorney, stated that very few cities actually report ABC violations so the police department has discretion whether or not to issue reports. He stated that Council is able to provide the department with direction on whether or not to issue the reports. Mr. Turke stated that Council should allow for open dialog between the Council, Chief, and City Manager instead of proposing a black and white decision.

Chief Appa stated that he is willing to meet with the City Manager and Council prior to issuing reports to ABC. Council Members agreed that this was an acceptable arrangement.

Council Member Robertson stated that the majority of downtown parking complaints stem from residents who work downtown and fail to abide by the restrictions.

Council Member Bertram stated that she would like to see the Chief develop a parking enforcement plan and bring it before Council. She is opposed to the placement of an additional 27 signs in the downtown area.

Council Member Muller stated that the police department or police advisory committee should meet with the local business owners in order to develop a comprehensive and workable parking plan.

EXECUTIVE SESSION

At 9:34 p.m., Council Member Muller moved to go into executive session per Idaho Code 67-2345(1b) to discuss personnel matters. Council Member Robertson seconded the motion. In a roll call vote Mayor Eimers voted aye, Council Member Bertram voted aye, Council Member Robertson voted aye, Council Member Muller voted aye, and Council Member Greer voted nay. The motion carried.

At 10:50 p.m., Mayor Eimers moved to come out of executive session. Council Member Greer seconded the motion. Mayor Eimers, Council Member Bertram, Council Member Greer, Council member Muller, and Council Member Robertson voted aye. The motion carried.

ADJOURNMENT

Without further business, Council Member Greer moved to adjourn. Council Member Robertson seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 10:51 p.m.

Kirk L. Eimers, Mayor

ATTEST:

Dan Irwin, City Clerk