

# MINUTES

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## McCall City Council Regular Meeting Thursday, June 24, 2004

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#### *Executive Session*

#### *Adjournment*

### CALL TO ORDER AND ROLL CALL

Mayor Eimers called the regular meeting of the McCall City Council to order at 7:05 p.m. Mayor Eimers, Council Member Bertram, Council Member Greer, and

**Council Member Robertson answered roll call. Council Member Muller was absent. A quorum was present.**

**City staff members present were City Attorney Chris Yorgason, City Manager/City Clerk Robert Strobe, Community Development Director Lindley Kirkpatrick, Treasurer Amanda Townsend, Police Chief Ralph Appa, Parks and Recreation Director Brock Heasley, Librarian Anne Kantola, Golf Course Director Dan Pillard, Airport Manager Kevin Delaney, Network Administrator Dave Simmonds, Public Works Administrative Assistant Liz Tash, Grant Coordinator Carol Coyle, and Assistant to the City Manager Tina Clark.**

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

## **PUBLIC COMMENT**

**Mayor Eimers called for public comment.**

**No public comment was received.**

## **CONSENT AGENDA**

**Minutes of June 15, 2004 and Amended Minutes of May 27, 2004**

**Payment Approval List for warrant Registers for input dates between June 4, 2004 and June 17, 2004**

**AB 04-97 Alcohol Beverage License Applications – Beer and Wine**

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**Council Member Bertram asked about the sewer refunds paid to Jeffery Baker. City Manager Strobe explained that Mr. Baker had paid for the sewer hookup fees when he was issued a building permit, but wasn't able to complete the proposed work so the fees were refunded.**

**Council Member Robertson moved to approve the Consent Agenda and authorize the Mayor to sign all necessary documents. Council Member Greer seconded the motion. All Council Members voted aye. The motion carried.**

**AB 04-106 Sale of LID #3 parcels to Silvertip, LLC**

Mr. Ray Robnett, representing Silvertip, LLC of Boise, requested a 30 day extension on the due diligence period for parcels K, L, and M. The extension is needed due to the extensive history of the properties which have discovered during the research process. They have estimated that it is going to cost the company \$5,000,000 to develop properties. Mr. Robnett stated that after reviewing the original ordinance they discovered that they could increase the number of lots on the property by twenty percent. The addition of these 14 lots will allow the company to continue developing the property. He stated that he was under the impression that the hookup to the lift station was included in the \$1.3 million cost of the properties when the company agreed to purchase them, but later found out that isn't the case. Mr. Robnett stated that they would be willing to give another \$10,000 in earnest money if the Council was willing to extend the due diligence period by another 30 days. He stated that after the 30 day extension, the company will be facing an additional \$60,000 expense if they fail to close on the property.

Lindley Kirkpatrick, Community Development Director, stated that Planning and Zoning must approve the request to increase the number of lots on the property.

Mayor Eimers asked for clarification regarding the \$60,000 that would be incurred if the company failed to purchase the property by the closing date.

Robert Strobe explained that if the payoff date for the property is exceeded, an additional \$60,000 would have to be added to the purchase price of the property as a result of penalties and interest. Mr. Robnett stated that this was a situation that the City would have faced regardless of their purchase of the property. He stated that after the due diligence period is done, the company would release the money deemed reasonable to the City.

Lindley Kirkpatrick explained the primary advantage for the City extending the due diligence period, is that the City would be able to sell the properties for the LID balance due and have the burden of expense removed. The disadvantage to the City extending the period would be the time lost which could have been used to negotiate with somebody else if the deal falls apart with Silvertip. He recommended extending the due diligence period and closing date with the stipulations that Silvertip LLC add an additional \$10,000 in nonrefundable earnest money and require that the final price can not be less than the LID balance owed by the City at closing.

Ray Robnett stated that Silvertip would be willing to release the current \$10,000 in earnest money, and add an additional \$10,000.00 in refundable earnest money.

**Mayor Eimers moved to extend the due diligence period by an additional 30 days, require Silvertip LLC to pay \$10,000.00 in nonrefundable earnest money payable to the City now, and place an additional \$10,000.00 refundable earnest money in escrow. Council Member Robertson seconded the motion. All Council Members voted aye. The motion carried.**

### **AB 04-92 ZON-04-3**

Lindley Kirkpatrick said that on May 10, 2004 the Council conducted a public hearing on Ordinance 794, which will annex the property and provide for residential zoning. Mr. Kirkpatrick stated that Mr. Hunt has submitted the attached letter regarding the Sheep Bridge, and has agreed to repair it to the City's specifications, donate the bridge to the City, and provide public access across the bridge and along a paved trail through the proposed Rivers Crossing Subdivision. Mr. Kirkpatrick stated that the City will assume a new liability by taking over ownership of the bridge.

Mayor Eimers asked if it is in the better interest of the owner to build private roads. Mr. Kirkpatrick said that it benefits the City due to the lack of access to the subdivision by City or County roads.

Council Member Bertram asked if the owner was going to improve the landing around the bridge. Mr. Kirkpatrick confirmed that he had agreed to do so.

**Council Member Greer moved to suspend the rules and read Ordinance 794 one time by title only. Council Member Eimers seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Robertson, and Mayor Eimers voted aye. The motion carried.**

City Manager Strobe read Ordinance 794 by title only

**Council Member Greer moved to adopt Ordinance 794. Council Member Bertram seconded the motion. All Council Members voted aye. The motion carried.**

### **AB 04-105 Update the City of McCall's compensation plan**

Brenda Loftis, Personnel Officer, presented an update of the City of McCall's compensation plan. Ms. Loftis stated that the City of McCall's performance management plan states that the City should conduct a formal salary survey at least every two years. She stated that the last survey was conducted on June 1, 2002, and that the City should contract with BDPA for the completion of a new salary survey study. In response to an email she received from Council Member Robertson, Ms. Loftis stated that BDPA would charge \$70 per hour for the completion of the survey, but has agreed to eliminate the \$312 in other expenses previously cited in the proposal.

Council Member Robertson stated that he wasn't a member of the City Council when BDPA completed the initial compensation plan for the City. He was disappointed in the lack of information provided by BDPA to the public about how the initial study was conducted. He stated that there are good salary survey devices and disastrous survey devices used in performing salary survey's, and wants to know why BDPA chose the City of Boise, City of Eagle, and Forest Service as the entities to factor the compensation plan against. He stated that he wouldn't approve the plan if the City ends up with a two page methodology report about how BDPA arrived at their figures.

**Robert Strobe recommended tabling AB 04-105 to the next Council meeting for further discussion.**

**AB 04-101 Concession Agreement between the McCall Skateboard Park Association and the City of McCall.**

Brock Heasley, Parks and Recreation Director, presented a concession agreement and supporting documents requesting permission for the McCall Skateboard Park Association to operate a concession cart in Legacy or Fairway Parks on Tuesday through Sundays from July 1, 2004 through September 30, 2004. The purpose of the concession is to raise funds for the McCall Skateboard Park project.

Council Member Bertram asked if the agreement represented the least expensive way to conduct a fund raising activity. Brock Heasley stated that the agreement represents a negotiated agreement between the association, the City Clerk, and himself.

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

**AB 04-103 Airport Manager conference update**

Kevin Delaney, Airport Manger, presented a summary of the conferences he has attended this year. In April, he attended two conferences hosted by the American Association of Airport Executives. The first conference he attended discussed the rules and regulations of small airport management which govern the airport of McCall. During the conference he learned of potential revenue sources and information about minimal standards governing small airports. He stated that the information was useful as he is in the process of examining the City of McCall's airport revenue sources and rewriting the minimum standards for the facility which haven't been updated for many years. The second conference that he attended discussed the new FAA airport regulations and the different types of federal grants available. His attendance allowed him to preview the new regulations which will be placed on airports by the FAA. Mr. Delaney stated that he just recently returned from Big Ben Community College where he attended a 40 hour aviation safety and fire fighting course. The course presented him with the tactics used in the case of an aircraft accident.

Council Member Robertson asked if he discovered anything at the Northwest FAA conference that could be utilized to get the City to be placed at a higher priority for funding. Mr. Delaney stated that the new FAA regulations have been changed to prioritize safety and firefighting, and there is less financial support for security.

Council Member Eimers asked about funding avenues for terminals. Mr. Delaney explained that terminals would have to be granted through the FAA grant funding process. He explained that the federal government would pay 95% of the project, the State would contribute 2.5%, and the City would have to make up the difference.

### **AB 04-107 Local Option Tax**

Robert Strobe, City Manager, stated that if the City plans on placing a Local Option Tax on the ballot this fall, the Council needs to decide on what the expense provisions for the ballot should be. Mr. Strobe provided a copy of the Ordinance provisions and asked that Council determine what the uses of the tax revenue should be. Mr. Strobe stated that the City has attempted to pass a Local Option Tax on three occasions since he has been City Manager of McCall, and it has failed each time. He stated that the wording for the provisions of use need to be specific enough for the community to relate to, but general enough that the City has room to levy the tax. The Local Option Tax must collect a 2/3 majority of voters in order to be approved and any revenues that aren't expended on the identified uses go directly to local property tax relief.

The Council Members discussed how the tax would be administered, how much time would be involved for the administration of the tax, what purposes should the tax be utilized for, and to what rate the tax should be set at.

Council Member Bertram asked if there was still a provision for an independent commission to oversee the utilization of the tax revenue. Mr. Strobe stated that if the measure passes, an independent commission would be appointed from the community that would oversee what the uses of the tax will be utilized for. The committee would meet and make recommendations to the Council for approval.

Council Member Robertson stated that he heard comments from the community in the previous years that they opposed the tax based upon the control by the commission rather than by Council. He was concerned that too big of a potential uses list also makes voters wary of approving the tax.

The Council discussed what rate of tax should be proposed under the provision. Mr. Strobe stated that each percentage of lodging tax equals approximately \$30,000 in revenue. Mayor Eimers stated that his wife believes that if the tax rate is more than 2%, it would deter local business.

Council Member Robertson stated that he recommends putting the idea of the proposal before the accommodators in order to feel their responses before finalizing a decision.

Robert Strobe recommended that AB 04-107 be tabled until the next Council meeting on July 8, 2004. He recommended placing a press release in the paper to notify the community that the Council is considering a 2% or 3% bed tax, looking to refine the potential uses of the tax, and that the Council is committed to putting this on the ballot this fall.

The Council's guidance was to contact the accommodators to inform them that the Council is considering a 2% - 3% bed tax and are looking to refine the uses of the potential revenue.

### **AB 04-108 Prosecutor Coverage**

Robert Strobe, City Manager, stated that with the departure of Jamie Shropshire, the City faces a lapse in coverage. He recommended that the City Attorney take over until the City finds a replacement for the position. Council Member Bertram asked if they would perform the duties at the same rate of pay. Mr. Strobe stated that he believed he could negotiate the fee at the same rate.

Council Member Robertson said he thought the City sought to utilize someone local as the Prosecutor in order to assist in the criminal protection process. He stated that in order to arrest someone, it is helpful for the Police Department to have face to face contact with the prosecutor of the case. He asked if it may be beneficial for Council to explore a possible relationship with Matt Williams who is running unopposed in the general election. Tom Kerr, Valley County Commissioner, stated that the County doesn't care what their prosecutor does in their spare time as long as it doesn't interfere with their elected duties.

Council Member Bertram stated that she would prefer to stay with utilizing the services of Jamie Shropshire for one more month until all of the job applications are all in. Mr. Strobe stated that he would research the availability of the City Attorney just in case the logistics of the RFP timing interferes with the ability to establish a new Prosecutor by August.

### **McCall Bypass**

Council Member Greer asked if anybody had heard if the Goose Creek bypass had been removed from discussion by the Idaho Transportation Department.

Tom Kerr, Valley County Commissioner, stated that he recently attended the Idaho Transportation Department board meeting where the idea of the McCall Alternate and Goose Creek project was debated. He stated that both projects have been taken off the table by the Department. Commissioner Kerr stated that he was disappointed that nobody from the City of McCall attended the meeting. He had worked on the issue in the 70's and 80's and again in the 90's to current. He was disappointed that all the work

and environmental studies were performed in each instance, only to have the idea tabled by the Department of Transportation.

### **AB 04-109 City Manager Replacement**

Mayor Eimers moved to have a plaque made in appreciation of the services provided by City Manager Strobe.

Council Member Greer gave a personal thank you to Mr. Strobe and stated that his work has shown that he has a talent for the field, and thanked him for his contribution to the City of McCall.

Mayor Eimers suggested that the Council consider asking Lindley Kirkpatrick if he would like the position of City Manager, and Council could focus their attention for a new City Planner.

Robert Strobe said that because the action would represent a promotion, the City would have to provide an internal posting as a minimum.

Council Member Robertson said he recommended Lindley Kirkpatrick when he left the City. He stated that there are a number of issues that have been brought out by the press and he is concerned about moving too quickly. He stated that they need time to make the right decision. He doesn't understand how Mr. Kirkpatrick could possibly handle another position with everything that is happening in the City at this time.

Council Member Greer stated that he also is not comfortable making the hiring decision quickly. He recommended that Council identify the criteria they are looking for to make it a competitive process. He recommended selecting a citizen committee who make the final decision from three finalists chosen by the City Council.

Council Member Bertram stated that she would like to see what Lindley's hopes and dreams are for the community. She doesn't want to prolong the process, and believes that Council needs to have a long conversation to see if Lindley would want the position.

Mayor Eimers agreed that there needs to be some continuity in the City. He stated that Council should investigate an alternative solution, such as hiring a specialized firm to take over City Manager duties as a temporary solution.

Roberts Strobe said there are a number of firms that specialize in the placement of government personnel. He stated that a firm he contacted has a pool of retired City Managers who they contract with. Mr. Strobe stated that the salary range works out to be 1.5 (\$50 an hour) times the current hourly rate, in addition to paying for temporary lodging.

Council Member Robertson said there may be retired people in the community who may have had City Manager experience. He recommends that the Council get together with

the department heads before making a recommendation. He stated that he agrees with Council Member Bertram that hiring a person that knows the local environment would benefit the community.

Council Member Greer stated the only benefit a local person would give to the situation is that they know the local situation. He stated that he believes they should be looking for a person that knows how to manage a City.

Council Member Bertram recommended that the Mayor step in and help Lindley until a decision is made. Council Member Greer stated that he agrees with the idea that Lindley step in as intermediate Manager.

Lindley Kirkpatrick said he appreciates the comments made by Council and the fact they have considered him as a possible replacement for the position. He stated that Council doesn't need to make an immediate decision tonight, and that they should determine what they are looking for in a City Manager, what role they want the City Manager to play, what role they as Council Members should play, and what their overall vision for the City is. He stated that the City is structured with a strong staff and productive department heads that would allow him to productively manage the City for the short term. Since the process could take several months, he recommends looking for a professional manager to take over in the interim during the recruitment process.

Council Member Bertram stated that Council or members of the community may want to take the position of looking at changing the Council/Manager form of government during the November election.

Tom Kerr, Valley County Commissioner, stated that the duties and responsibilities of every position in the Council/Manager form of government is outlined in a manual which he helped create in the committee process. He said that if the City decided to change the form of government, it would have to be done during the regular city election or by declaring a special election. Each Council Member would have to run for election again in order to elect the new Council Members and Mayor.

Council Member Robertson proposed a meeting next week to discuss the idea of changing forms of City Government further. He stated that Council should meet in a week to discuss what to do as an interim measure, instead of dumping the responsibilities onto Lindley.

Liz Tash, Public Works, stated that she is saddened that Robert Strobe is leaving his employment with the City. She stated that she would be happy to work for Lindley.

Ralph Appa, Police Chief, expressed concerns about the relationship between the City Council and staff.

Brock Heasley, Parks and Recreation Director, stated that Robert has been an outstanding boss towards him. He stated that the City Council and staff need to work together as a team.

Council Members agreed to hold a Special Meeting to be held on the next Tuesday at 7:00 p.m.

Council Member Greer asked if someone could obtain a copy of a contract for a City Manager from AIC or the International Association of City Managers, which Council Members could discuss at the next meeting.

Council Member Robertson stated that the Council should establish a vision of what goals they have for the City of McCall in order to identify the criteria of what they are looking for in a City Manager.

City Manager Greer stated that the Council should verbalize how they want to interact with the City Manager to make sure they choose the right personality for the position.

Mayor Eimers agreed to meet with staff members in order to a feeling for what the staff wants and envisions for the City.

## **REPORTS**

**Council Member – Jerry Greer wanted to thank the Chief of police, and apologized for failing to communicate that point with the department.**

**City Attorney – Chris Yorgeson said he has talked to the people at Masco regarding the Mountain Lakes Realty sewer issue. According to Masco they hooked up everything that was specified on the plans, so from their prospective, the City is liable for the damage for not citing the pipe on the plans. He stated that the claim may have to be submitted to ICRMP.**

**Police Chief – Ralph Appa stated that in May he attended a week long FBI Command College training. The training topics covered were communications in organizations, leadership, and media relations. He stated that he attended the training to assist him in obtaining Executive Level Certification as a Police Chief, a goal he established in conjunction with the City Manager. He stated that recently his department had issued several parking violations in downtown McCall. He stated that the department received many complaints in which he believes stem from the lack of signage. He performed a survey of downtown and identified the need for 29 new signs. Mr. Appa asked Council if parking enforcement is a priority and whether they should explore purchasing new signs for downtown. Council Member Bertram asked that the Chief explore the option of placing parking meters rather than putting up new signs.**

**Director of Golf Operations - Dan Pillard stated that they are making a lot of progress on the golf course especially with the new equipment they've received this year. It has taken a long time to get the golf course into the condition they wanted and there were high expectations from the customers utilizing the course. He commended the golf course crew for the work they've performed. He stated that Robert always supported his decisions and thanked him for the support. He also thanked the Mayor and Council for their support of him and his crew.**

**Council Member Robertson asked Brock Heasley about his new assistant, Ryan Cadillo. Brock stated that Ryan will be assisting him in implementing recreation programs. Council Member Robertson asked that Brock attend the golf committee meeting that will be held next week. Mayor Eimers asked if Brock has been successful in getting more softball tournaments. Brock stated that Ryan will be attending ASA meetings in Boise in order to get more softball teams and tournaments scheduled in McCall.**

## **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 10:24p.m.**

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Kirk L. Eimers, Mayor

**ATTEST:**

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Dan Irwin, City Clerk