

MINUTES

McCall City Council Special Meeting Tuesday, June 29, 2004

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CALL TO ORDER AND ROLL CALL

Mayor Eimers called the special meeting of the McCall City Council to order at 7:02 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 City Attorney Paul Turcke, Deputy City Manager and Community Development Director Lindley Kirkpatrick, Treasurer Amanda Townsend, Public Works Director Bill Keating, Police Chief Ralph Appa, Parks and Recreation Director Brock Heasley, Librarian Anne Kantola, 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.

Louie Howard, owner of Lardo's, said he believes there is a feeling of distrust for the McCall Police in the community, which started two years ago. He mentioned that an employee of Lardo's, Jared Wolfinger, reported he was stopped by McCall Police officers on June 25, 2004 at 12:00 a.m., as he was walking home from Beside the Mill. Mr. Howard stated that he feels that the McCall Police Department is out of control.

Jared Wolfinger reported that he was at Beside the Mill Friday June 25, 2004, having a few drinks. He said that Tim Garber, owner of Beside the Mill, made sure that Jared was okay to walk home or that he had a ride. He reported that two blocks from home he was stopped by police; the officers asked if he was okay. Jared said he responded that he was okay and that he was nearly home. He reported that one officer grabbed his arm and said there were reports of gunfire in the area. Jared said he didn't hear or see anything and that he was on his way home. Jared said that the officer proceeded to jerk Jared around causing him to trip and skin the top of his toes on one foot. He said the officer asked his name, and Jared gave it and asked to go home. He said his name was run through the police computers, and there was an outstanding warrant from four years ago. He said the warrant was for littering, which he says he paid and holds a receipt showing payment. Jared reported that the police placed him under arrest, but did not tell him what he was being arrested for. He said he was taken to Cascade where he was held overnight, wearing only his pants. Jared said the police did not book him until 9:00 a.m. the next morning, which was when he was able to make a phone call.

Sadie Dunn read a letter on behalf of Tim Garber, saying that he feels that in the 33 years his family has been doing business in McCall, common sense, integrity, mutual respect, for the most part, has been shared among city government, city police department, and business leaders. He mentioned that he feels that has changed and indicated concern about how the McCall Police Department has investigated certain crimes in the area.

Louie Howard said he is tired of the police department policing by what he views as breaking the law. He mentioned that on June 25, 2004, 27 parking tickets were handed out, and over half were within two blocks of the Yacht Club. He said he feels as though there is a conspiracy.

Police Chief Ralph Appa reported that this is the first he has heard of Jared's arrest. He said he would look into the incident first thing in the morning. He said this is unfortunate because Louie Howard is on the Police Advisory Committee and he thought they had the ability to communicate. Chief Appa also replied that there were approximately 27

tickets issued throughout the downtown area for two hour parking violations. There is an issue about inadequate signage which Chief Appa is looking into.

Kathy Malone, co-owner of the Yacht Club, said an employee received a parking ticket at night and another employee was parked by Frontier where there were no signs and received a ticket. She said this sends a message that McCall is not a tourist friendly town and it is not good for the City. She feels it is a problem that needs to be addressed.

Council Member Bertram said the perception of the business owners is that McCall still has a problem.

BUSINESS

AB 04-110 Idaho Power Easement for the East-West Loop Project (Deinhard Lane)

Lindley Kirkpatrick said Idaho Power has requested an easement from the City for installation of electrical transmission lines along a portion of Deinhard Lane (also called East-West Loop). The construction will require the relocation of a short segment of their lines. This easement covers the new location. Staff recommendation is to grant the requested easement to Idaho Power and authorize the Mayor to sign all necessary documents.

Council Member Bertram moved to approve the requested easement to Idaho Power and authorize the Mayor to sign. Council Member Muller seconded the motion. In a roll call vote, Mayor Eimers, Council Member Muller, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried.

AB 04-111 City Manager Replacement

Mayor Eimers said Council asked him at the June 24, 2004 City Council meeting to visit with all department heads. Mayor Eimers put together a presentation on his findings. He thanked the staff for taking the time to meet with him and thanked them for their candor.

Mayor Eimers said for City Staff and Council Members the objective is to meet in the middle and build a team. He said predictability with the new election has changed, with new members there are different views. He believes there is a different perception of the Council/staff relationship today than there was six months ago. He feels the staff's view of Council is adversarial: that staff feels wrong or guilty; the staff feel like the Council is micro-managing; they feel as though the Council is questioning their decisions; and therefore the staff becomes fearful of making a decision. He indicated that the staff is unclear as to what the Council would like them to do.

Mayor Eimers said the Council's review of the staff is that they are unresponsive to the community and the Council. He suggested solutions: 1) Council and staff be sensitive to each other's views, 2) Council spell out their vision and expectations, 3) hold regular non-confrontational work sessions, and 4) Council support staff and staff respond to Council. Mayor Eimers said he feels it is silly and they can do better, the key is to communicate. He believes separation of Council and staff is real at the moment and unnecessary and unproductive.

Council Member Bertram wanted to know the definition of micro-management. Brock Heasley said the staff understands it as a directive, not a suggestion.

Mayor Eimers said that everyone needs to be sensitive and communicate.

Council Member Bertram said Council is the first line to the community. Mayor Eimers said staff should not take offense when things come from the community to a Council Member.

Council Member Muller said he would like to know what micro-managing is from the staff. He feels Council and staff need to be on the same page and the community needs to be included. Mr. Kirkpatrick said perhaps micro-management in one context or with one relationship between staff and Council and can mean different things. When it's an unknown or perceived distrust, just that simple question "why are we doing it this way?" could be perceived as micro-management.

Paul Turcke said Council Members wear at least three different hats: 1) a member of the community, 2) conduit for information, and 3) in a formal setting as a member of Council participating in discussions. Communication in the other two capacities by definition cannot be micro-management, because none of the members of the Council can do anything on behalf of the City of McCall individually.

Dave Simmonds gave an example of perception, regarding the holiday issue and the change in the personnel policy manual. The perception from city staff wondering what will be taken away next, such as a change in the vacation policy, sick leave, health, and dental. It seemed like a very sudden reaction on the part of Council and it spooked the staff.

Lindley Kirkpatrick said the best part about a perception problem, is that it can be changed.

Council Member Muller said the Council speaks for the community, the tax payers pay the bills, the City staff and Council salaries, and without them the City of McCall would not exist.

Council Member Robertson said the paper from the International City Managers Association talks about the City Manager form of government. The paper makes one

statement that the Mayor, the Council, and the City Manager constitute a policy development and management team. Council Member Robertson said in his perception the City has been away from that. He believes it has been a policy development separate from a management team.

Lindley Kirkpatrick said at the staff level they looked at a suggestion to the Council on how to proceed with hiring a new city manager. There are three changes the city staff would like to implement effective June 30, 2004: 1) Hire a City Clerk 2) GASB 34 implementation, and 3) hire a Development Review/Plan Checker in the Community Development Department.

Mayor Eimers moved to approve the three changes the city staff would like to implement effective June 30, 2004. Council Member Bertram seconded the motion. All Council Members voted aye. The motion carried.

Lindley Kirkpatrick discussed the brief and long term search for a new City Manager.

Council Member Bertram said she is not interested in a nation-wide search, and believes there is enough expertise within the City. She said the City needs someone who has been here and understands the dynamics of the City and shares the same philosophy. She said she feels confident that Lindley Kirkpatrick would do a good job.

Council Member Greer said he is comfortable with Lindley Kirkpatrick and that he has the knowledge and professionalism to be City Manager.

Lance Rogers, McCall Police Department, said if the Council decides to go with Lindley Kirkpatrick, the Council will be sending a great vote of confidence to employees as they trust the leadership that they have in place. He feels this would be a good decision for the entire city, community, and employees.

Mayor Eimers made a motion to appoint Lindley Kirkpatrick as the new City Manager as of July 3, 2004, and to immediately commence a search for a Community Development Director contingent upon a successful negotiations in executive session. Council Member Bertram seconded the motion. In a roll call vote, Mayor Eimers, Council Member Muller, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried.

AB 04-34 Ordinary and Necessary Expense for Necessary Improvements to the Domestic Water System

Paul Turcke said the Department of Environmental Quality has extended a tentative loan offer at 3.25% interest under the state revolving fund loan program in the amount of \$1,800,000.00.

Council Member Muller moved to adopt Resolution 04-10 and approve the draft DEQ loan agreement and direct the City Attorney to petition the court for judicial

confirmation of this action at the appropriate time and authorize the Mayor to sign. Mayor Eimers seconded the motion. In a roll call vote, Mayor Eimers, Council Member Muller, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried.

REPORTS

Police Chief – Ralph Appa thanked Mayor Eimers for his time and efforts this past week in gathering information and presenting it to Council, and said he feels the City is headed in the right direction. He made reference to his comments from the June 24, 2004 Council Meeting, saying that he made an error in judgment using an improper word describing an executive session with him on April 8, 2004. Reviewing the Idaho Statutes, Chief Appa realized that he was incorrect in phrasing the April 8, 2004 session as an illegal executive session and apologized to the Council for his inaccuracy. He explained that the City was coming off an emotional and dramatic time in City government with Robert Strobe's departure. Chief Appa said he was feeling emotional and vulnerable during the City Council meeting on June 24, 2004 over that loss. He said he was taken by surprise when Council asked the City staff for their opinions and feelings on the matter. He said he takes full responsibility for his comments and asked that the Council accept his apologies.

Council Member Bertram said she spent the weekend very distressed over the accusation of holding an illegal executive session during the April 8, 2004 Council meeting. She said the Council had representation during the meeting and takes the accusations seriously when the Chief of Police accuses the Council of holding illegal activities.

Council Member – Jerry Greer received a call from Todd Ferguson regarding a business proposal. Lindley Kirkpatrick said the City of McCall has an Economic Specialist, John Blaye, who deals with business proposals, recruiting, and handling confidential and sensitive information on a daily basis. Mr. Kirkpatrick said that he will get in touch with Todd Ferguson and John Blaye and set up a meeting and attend as the City's representative.

EXECUTIVE SESSION

At 9:55p.m., Mayor Eimers moved to go into executive session per Idaho Code 67-2345(1b) and (1a) to consider personnel matters. Council Member Robertson seconded the motion. Mayor Eimers, Council Member Bertram, Council Member Greer, Council Member Muller, and Council Member Robertson voted aye. The motion carried.

The discussion concerned personnel matters.

At 11:30 p.m., Mayor Eimers moved to come out of executive session. Council Member Robertson 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, Mayor Eimers moved to adjourn. Council Member Muller seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 11:30 p.m.

Kirk L. Eimers, Mayor

ATTEST:

Tina A. Clark, Deputy City Clerk