

# MINUTES

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## McCall City Council Regular Meeting Thursday, July 8, 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 7:04 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 Manager Lindley Kirkpatrick, Police Chief Ralph Appa, Network Administrator Dave Simmonds, Public Works Administrative Assistant Liz Tash, Grant Coordinator Carol Coyle, Personnel Officer Brenda Loftis, 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.

Judy Watkins, Nampa, Chairman of the Board for the Treasure Valley Transit, encouraged the City of McCall to support the Treasure Valley Transit and the McCall Transit System. The McCall Transit system transported 11,000 riders over the prior year, and the statistics for this year show that ridership is already up 46% over this time last year. Ms. Watkins stated that the system is working and that the majority of people that utilize the service are McCall residents.

Tracey Smith, 110 Thula, Director of the McCall Chamber of Commerce, commended the City of McCall on a successful 4<sup>th</sup> of July. She expressed her gratitude to City Staff for the planning, implementation, and follow-up. Ms. Smith also expressed her concerns regarding the budget focus for the community, saying that the budget is currently out of balance, and there are zero dollars budgeted for advertising the City of McCall. She stated that the budget includes a proposed \$3500 expense for the purpose of a staff holiday party which should be used to address other issues. Ms. Smith stated that she believes the Police Department does a great job in the community, but they are budgeted 2% higher than in the City of Coeur d'Alene. She believes that the City should refocus the budget and include advertising for the City in order to generate tourism dollars in the community.

Hearing no further comments, Mayor Eimers closed the public comment at 7:12p.m.

## CONSENT AGENDA

Payment Approval List for Warrant Registers for input dates between June 17, 2004 and July 1, 2004  
Payroll Report for Pay Period Ending June 19, 2004 to July 02, 2004  
AB 04-113 Alcohol Beverage Catering Permits

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

## BUSINESS

### AB 04-105 BDPA Salary Survey

Brenda Loftis, Personnel Officer, requested that the City of McCall update and approve the salary compensation system and complete a salary survey contracted by BDPA.

Council Member Robertson requested that he be kept informed and involved in the survey before it is approved.

**Council Member Robertson moved to approve the BDPA proposal and direct City staff to work with BDPA, Inc. to complete the update to the salary compensation system. Mayor Eimers seconded the motion. In a roll call vote, Council Member Bertram, Council Member Greer, Council Member Muller, Council Member Robertson, and Mayor Eimers voted aye. The motion carried.**

### AB 04-112 Karl Augustine Sage Community Resources, Block Grant presentation

Karl Augustine with Sage Community Resources updated Council on the Community Development Block Grants.

**Mayor Eimers moved to approve Sage Community Resources to represent the City of McCall in putting together a community development block grant proposal for the south corridor for submission in November 2005. Council Member Bertram seconded the motion. All Council Members voted aye. The motion carried.**

### AB 04-107 Local Option Tax

Council Member Bertram stated that the Council Members have identified the list of eligible activities that could be funded under the proposed tax to be: new paving,

parking, bike paths, and transportation; matching funds to leverage grant funding; construction and maintenance of recreation facility to include the municipal golf course; recreational activities to include the development of River Front Park site, and Skate Board Park; city beautification including but not limited to open space acquisition, streetscapes, burial of over head utility lines; recreational and cultural activities and facilities including but not limited to library, community art and cultural events; animal shelter support (MCPAWS), economic growth, marketing, and development; and direct costs to collect and enforce the tax.

Tracey Smith, Director of the Chamber of Commerce, said the verbiage in the list of eligible expenses is very broad and general. She stated that the Council should add language in the ballot measure to include advertising and promotion of McCall in order to provide direct benefit and overflow to the local hotels and Chamber of Commerce.

Toby Whitman, McCall, said the local option tax should be expanded to include a bed and alcohol tax.

Richard Coontz, 706 Saddle Horn, McCall Transit, stated that he appreciates what the Council is doing in their efforts to place a Local Option Tax on the ballot. He stated that the list of eligible activities will help in making a better community.

Milford Terrell, 605 Whipkey Lane, Board Chair of Camp Ida Haven, stated that in some instances youth camps fall under the \_auspices of these tax provisions. He would like Council to provide for an exemption of youth camps.

Council Member Bertram stated that she would like the Council to consider implementing the duration of the local option tax to five years instead of seven.

**Council Member Robertson moved to direct staff to prepare an ordinance providing for a 3% local option bed tax on accommodators for a seven year period, providing for an exemption to church and children camps, and specifying the eligible activities that the revenue can be utilized for. Council Member Muller seconded the motion. All Council Members voted aye. The motion carried.**

#### **AB 04-114 Chief Appa to report on his findings regarding Jared Wolfinger's allegations**

Chief Appa said at the last Council meeting Jared Wolfinger brought up complaints and allegations regarding several police officers. He provided a report to the council on the allegations. Chief Appa stated that he reviewed tape recordings and car video to see if the complaints were valid. Mr. Appa stated that dispatch logs, officer recordings, and car video dispute the majority of allegations brought to Council by Mr. Wolfinger. Chief Appa presented a video tape of the incident of how the arrest was handled by his officers. Chief Appa requested that when a member of the community makes a complaint to the Council, that they are redirected to the City Manager to discuss the matter, and use the Council as a forum of last resort.

Council Member Robertson said that at no time has a Council Member asked or advised an individual to make an accusation against the police department at the Council Meeting.

Council Member Muller stated that he agrees that the public does need to talk to the Police Chief and the City Manager, but they also need to have the ability to bring the venue (issue?) to the City Council.

Jared Wolfinger stated that the tape shows the date to be July 16<sup>th</sup>, but the incident he was referring to occurred on June 25<sup>th</sup>. Mr. Wolfinger stated that he called the Police Department the next Monday morning and was told that there wasn't a report of gun fire on the night in question.

Todd Ferguson, 217 Ernesto Dr., asked for clarification as to when the officers who arrested Jared Wolfinger were hired. He stated that based on the new officer's date of hire, it should prove that the incident shown in the video was the most current arrest.

Sergeant Jerry Summers stated that he was the field training officer at the arrest of Mr. Wolfinger. He stated that he is having a malfunction with his in-car video and that he didn't reset the date of the video in question. He stated that the video shown was the video of the arrest made on June 25<sup>th</sup>.

Brett Huish, 1007 Bitterroot Drive, stated that he suggests that criminal or civil actions be brought against individuals when allegations based on malicious intent are made against city officials.

Tim Garber, owner of Beside the Mill, stated that Jared Wolfinger is a regular customer and occasionally fills in as a bartender or server at the establishment. Mr. Garber stated that after Mr. Wolfinger informed him of his arrest, he advised him to contact dispatch and see if there was a report of shots fired on the night in question. Mr. Garber stated that he witnessed the phone conversation and that a female officer reported that there wasn't a report of shots fired on the night in question.

Lindley Kirkpatrick stated that he would like to repeat the offer that if anyone has any questions or wants to review the police dispatch logs, to contact him and he would coordinate the effort. Council Member Robertson stated that he would like to be a part of the review process.

**A break was taken from 8:48 p.m. to 9:02 p.m.**

### **City Manager Agreement**

Lindley Kirkpatrick proposed to discuss personnel matters in open session.

Lindley Kirkpatrick provided City Council with the proposed terms of his contract as City Manager. Mr. Kirkpatrick proposed that his compensation level be moved up to level 16 at a step C, the city to match his contribution into an additional retirement fund up to \$1200 per year, asked that the city contribute \$3,000 per year in his FSA account, the city to cover his contributions to the FSA account made in this fiscal year, provide for a three month severance package with an additional one month addition for each year of service, pay for personal development by splitting half the cost of tuition for an online MPA program, and pay for membership dues for three professional organizations.

Mayor Eimers stated that he proposes giving Lindley a ten percent increase over his current compensation and he can choose to utilize the additional money towards the additional benefits he requested.

Council Member Muller stated that an MPA would be beneficial for the job but isn't necessary. He stated that as Council Member he needs a City Manager that can provide leadership and stability to the City. Council Member Robertson stated that he doesn't agree to pay for his continuing education. He agrees that a Master's program is beneficial, but worries about the commitment of time involved. Council Member Greer stated that he doesn't have any reservations about assisting with the MPA program. Mr. Kirkpatrick stated that due to the reservations of the Council Members, he is willing to take the idea of the city contributing to the MPA program off the table. Mr. Kirkpatrick asked if Council would approve the utilization of the City's broadband internet connection if he was to further seek entering the MPA program. City Council Members agreed to allow the use of the internet connection for such use.

Council Member Robertson stated that he doesn't think the City should agree to the terms of three month severance package plus an additional month for every month of service as it would result in too big of a liability to the City for the future. He stated that there should be a capped limit on the amount of severance that could be built up. Council Member Bertram stated that it is important to develop a contract that is acceptable to the community. She stated that allowing for a three month severance package is acceptable. All Council Members agreed that a three month severance package should be agreed to in the contract.

Mr. Kirkpatrick asked if the Council was willing to approve the additional \$3000 per year contribution in his FSA account. He stated that the additional contribution would be utilized to cover his increased dependant care cost. All of the Council Members agreed to accept the provision of the additional contribution.

Council Member Robertson recommended that the use of the vehicle be removed from the terms of the contract, but allow Mr. Kirkpatrick to utilize the vehicle in the same manner as the former City Manager. Mr. Kirkpatrick stated that he wanted the Council to understand that he will be using the vehicle for business use, but will occasionally utilize it for errands such as checking the mail or dropping his children off at school. Council Members agreed to remove the terms of the vehicle use from the contract and allow Mr. Kirkpatrick to utilize the vehicle for business and limited personal use.

Council Member Muller moved to approve the City Manager agreement with Lindley Kirkpatrick, as amended and upon the review of all Council Members, to be effective July 3, 2004. Council Member Robertson seconded the motion. Mayor Eimers, Council Member Muller, Council Member Robertson, Council Member Greer, and Council Member Bertram voted aye. The motion carried.

## REPORTS

Council Member Muller stated that a certificate of appreciation should be given to Ben Gau from the Council for the work he performed on the beach volleyball court.

Council Member Muller asked if any progress had been made in regards to the possible zoning violations on Lick Creek Road. City Manager Kirkpatrick stated that he has received a response which he will forward to the Council Members.

Council Member Robertson stated that the Nordic skiing proposal and the development of the Council's vision statement need to be added to the next regular Council meeting agenda.

Council Member Bertram stated that the railing at the Golf Course is presenting a hazard and needs to be replaced.

## ADJOURNMENT

Without further business, Mayor Eimers moved to adjourn. Council Member Greer seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 11:00 p.m.

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Kirk L. Eimers, Mayor

ATTEST:

Dan Irwin, City Clerk

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**Deleted:** 11/19/2004