

MINUTES

McCall City Council Regular Meeting Thursday, February 10, 2005

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CALL TO ORDER AND ROLL CALL

Mayor Eimers called the regular meeting of the McCall City Council to order at 5:00 p.m. Mayor Eimers, Council Member Bertram, Council Member Muller and Council Member Robertson answered roll call. A quorum was present. Council Member Greer arrived at 5:35 P.M.

EXECUTIVE SESSION

At 5:01 p.m., Mayor Eimers moved to go into executive session per Idaho Code Section 67-2345(1f) to consider pending litigation. Council Member Bertram seconded the motion. In a roll call vote, Mayor Eimers, Council Member Bertram, Council Member Robertson and Council Member Muller voted aye. The motion carried.

At 6:10 p.m., Mayor Eimers moved to come out of executive session. Council Member Robertson seconded the motion. In a roll call vote, Council Member Bertram, Council Member Robertson, Council Member Muller, Council Member Greer, and Mayor Eimers voted aye. The motion carried.

PUBLIC COMMENT

Mayor Eimers led the Council in the Pledge of Allegiance.

Mayor Eimers called for public comment.

Pauline Doleshal, 625 Floyd Street, thanked the City Manager for responding to the concerns which she voiced at the last City Council Meeting but she is still seeking a resolution to the problems with the construction of her residence. She believes the City is negligent in the building inspection process. She stated that the International Building Code regulates the grading of property which wasn't performed properly when her dwelling was constructed. Ms. Doleshal provided a letter and documentation for the Council to review. She stated that the footings of her home weren't constructed according to the building plans or building code. As a result of the deficiency, water pours into the crawl space of her residence during snow melt or heavy rains causing a problem with mold to occur. Ms. Doleshal said that the City Building Inspector approved the footing trenches on the building permit 26 days after they were dug and subsequently backfilled. She doesn't see how the footings could be properly inspected at that time since they were covered with fill dirt. Ms. Doleshal asked if the purpose for a building permit was only to generate revenue for the City. She stated that she wants somebody to be held accountable for the failure in the inspection process.

Hearing no further comments, Mayor Eimers closed the public comment at 6:22 p.m.

CONSENT AGENDA

Council Members Robertson and Bertram provided corrections to the January 13, 2005 Minutes to be made prior to the Mayor signing them.

Council Member Robertson asked why the entry on the warrant register for the Sewer Revenue Bond only showed a payment for interest and not the principal amount. Amanda Townsend, City Treasurer, explained that the payment was for the loan refinance by the Idaho Bond Bank and was a payment for interest only. She stated that a payment for the principal amount would be due at a later time.

Council Member Robertson commended Mr. Kirkpatrick for waiving the alcohol catering permit fees for the Chamber of Commerce during the Winter Carnival. Mr. Kirkpatrick stated that the City has traditionally waived some of the fees for the Chamber during the Winter Carnival.

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

BUSINESS AGENDA

AB 05-30 Water Storage Tank Engineering and Construction Management Agreement

Bill Keating, Public Works Director, stated that as a result of the decision to construct the water storage tank at the Nokes site, the agreement with Pharmer Engineering for the engineering and construction management of the water storage tank project that was approved at the January 27, 2005 Council Meeting needs to be revised. He explained that due to the increase in elevation at the new site, additional engineering work will be required for the design of the project. He stated that in order to provide an adequate supply of water to fill the tank, two high pressure pumps and face piping will be added at the water treatment plant.

Mr. Keating stated that the changes which Council Member Robertson had requested to be made to the document were incorporated into the new agreement with the exception of the revision to the reuse and ownership of documents clause. Council Member Robertson agreed that the revised agreement was acceptable.

Council Member Muller asked if the developers of Aspen Ridge had incurred any additional costs as a result of the decision to move the water tower to the Nokes site. Mr. Keating responded that the developers haven't incurred any additional costs as a result of the site change. Mr. Kirkpatrick added that it isn't a certainty that the Nokes site will be used for the project. He explained that even if the Nokes site is used for the

water tank, the lot in Aspen Ridge will be needed for the placement of a pressure reducing vault.

Council Member Muller stated that he doesn't want to cause any additional expenses to the developer as a result of the project change.

Mr. Keating stated that the only concern with the project is the ability to serve the upper lots in the development with water during the construction season. He stated that the City will do everything possible to provide water to the upper lots at the earliest possibility.

Council Member Bertram asked how much of a delay in the completion of the project has occurred because of the site change. Mr. Keating stated that the change in location hasn't delayed the project schedule.

Brad Bjerke, Pharmer Engineering, stated that the geotech drilling at the Nokes site will begin on February 15, 2005.

Council Member Robertson moved to approve the engineering agreement with Pharmer Engineering for the engineering and construction management of the water storage tank, and authorize the Mayor to sign all necessary documents. Council Member Muller seconded the motion. In a roll call vote, Council Member Robertson, Council Member Muller, Council Member Greer, Mayor Eimers, and Council Member Bertram voted aye. The motion carried.

AB 05-28 Ordinance No. 802: Correction to the legal description contained in Ordinance No. 794 (Rivers Crossing Annexation)

Dan Irwin, City Clerk, stated that Ordinance No. 794 was adopted by the City Council on November 18, 2004 and approved the annexation of River's Crossing subdivision. He explained that the Ordinance was rejected by the Idaho State Tax Commission since the legal description of the property boundaries didn't close to the scale required by IDAPA 35.01.03.225.04. Mr. Irwin stated that Secesh Engineers has revised the legal description of the property, and approval of Ordinance No. 802 will correct the deficiencies contained in Ordinance No. 794 and will allow the subdivision to be annexed into the City of McCall.

Council Member Robertson moved to suspend the rules and read Ordinance No. 802 one time by title only. Council Member Bertram seconded the motion. In a roll call vote, Mayor Eimers, Council Member Bertram, Council Member Robertson, Council Member Muller, and Council Member Greer voted aye. The motion carried.

Mr. Kirkpatrick read Ordinance No. 802 by title only.

Council Member Robertson moved to adopt Ordinance No. 802. Council Member Bertram seconded the motion. In a roll call vote, Council Member Robertson, Council Member Bertram, Mayor Eimers, Council Member Greer, and Council Member Muller voted aye. The motion carried.

AB 05-34 Surplus Fund Balance

Mr. Kirkpatrick stated that staff had developed a spreadsheet for the Council which identifies the fund balances in the general fund, streets and public works fund, library fund, recreation fund, airport fund, and enterprise funds. He said that the calculations of the fund balance show what surplus money can be used for various projects which the Council would like to see completed. Mr. Kirkpatrick stated that the Council has expressed an interest in past meetings for using the surplus in the general fund for an impact fee study, housing needs assessment, and possible improvements to the sewer system. Mr. Kirkpatrick requested that the Council provide feedback about what projects they would like prioritized for the use of the funds. He stated that staff would then meet to get estimates for the projects.

Upon the request of Council Member Muller, Mr. Kirkpatrick explained how the calculations for the fund balances in each fund were determined.

Council Member Robertson asked for clarification about the amounts calculated in the enterprise funds.

Mr. Kirkpatrick stated that enterprise funds don't technically have a fund balance. He explained the differences in calculating surplus amounts in the general and enterprise funds.

Council Member Robertson asked if the DEQ loan is taken into account in the water fund.

Mr. Kirkpatrick stated that the City has approval to borrow \$1.8 million from DEQ for the water tank project. He stated that the City has budgeted \$800,000 of the expenses to be paid from the loan amount and the rest of the project cost would be paid from the water fund. He stated that when the project begins the Council will need to make a decision of how much of the loan should be borrowed.

Mr. Kirkpatrick stated that the other future obligation that is considered in the water fund is \$950,000 for the construction and site acquisition for the westside storage tank.

Mayor Eimers stated that by estimating \$442,000 remaining cash balance in the fund, it is assumed that \$800,000 will be borrowed from the DEQ loan.

Council Member Robertson asked Mr. Kirkpatrick to discuss the calculation for the Sewer Fund.

Mr. Kirkpatrick stated that the calculation for the sewer fund begins with a negative cash amount because of the legal expense fees. He stated that the fund has a substantial restricted asset amount that is dedicated for the construction of the airport sewer project. Mr. Kirkpatrick stated that future obligations for the fund include the Mission to Mather I&I reduction project, sewer system master plan, J-Ditch liner repair, and Spring Mountain Ranch regional lift station. He stated that the combination of the factors results in a large negative balance for the fund.

Council Member Muller asked if the surplus estimation calculation for the sewer fund takes into consideration private developers providing for I&I reduction projects.

Mr. Kirkpatrick stated that the calculation doesn't take the possible development agreements into consideration as it would be assumed that an equal amount of money would be spent by the City for I&I reduction projects in other areas of the City.

Mayor Eimers stated that in the next year, the water fund will probably generate \$1 million positive cash and the sewer fund will generate between \$600,000 and \$800,000. Mayor Eimers asked if staff anticipated that an equitable level of building compared to last would occur during the summer.

Mr. Kirkpatrick stated that it was anticipated that the level of new construction would be similar to last year unless a moratorium on building permits has to be issued.

Council Member Bertram stated that she would like to see the Council take action on adopting a policy that promotes infill development over annexation requests. She stated that individuals with property located in the City limits who have paid their property taxes for several years should be given priority for development approval.

Mr. Kirkpatrick stated two new annexation requests will be on the next Council agenda. He stated that he would prepare an agenda bill for the Council to discuss adopting a policy that favors infill development.

Mr. Kirkpatrick asked if the Council had any other projects they would like to consider for the use of the surplus funds.

Mayor Eimers stated that it is important to get the impact fee study conducted.

Council Member Bertram asked if a capital fee could be added to the cost of a building permit and dedicated towards saving for a new sewer facility prior to the completion of the impact fee study.

Tammy Zokan, City Attorney, stated that if a fee is to be used for future improvements an impact fee study is required to be conducted.

Shawn Kohtz suggested that the City examine the current capitalization fees that are charged to developers to ensure they encompass everything which they should. He stated that the fees could be increased without the requirement of an impact fee study.

Mr. Kirkpatrick stated that individuals are charged \$7,315 during the building permit process for water and sewer capitalization and hookup charges. He stated that the equation that it used to determine the charges could be examined.

Council Member Robertson stated that he would rather assess the cost to the developer rather than the person applying for a building permit. He asked if an additional cost could be attributed to a development application and subject to change when the impact fee study is complete.

Mr. Kirkpatrick stated that the fee would need to be based on some rational methodology instead of establishing some arbitrary amount.

Council Member Robertson asked if a fee could be established and be subject to change based upon the outcome of the impact fee study. Council Member Robertson stated that the existing sewer system is capable of maintaining the current development in the City. He stated that a rational fee could be derived by considering the amount of anticipated development requests by the total cost of a new facility.

Mrs. Zokan stated that the fee would have to be established based on an actual impact fee study. She stated that connection fees are charged for the development's contribution to the current system and must be established accordingly. She stated that fees which are charged for future improvements must have an impact fee study completed before their implementation.

Mr. Kirkpatrick stated that staff will look at the equation that is used to calculate the sewer and water capitalization fees in order to ensure that all of the elements are captured.

Council Member Bertram stated that she would like to see the impact fee study completed as soon as possible, and requested that a Request for Proposal be published in the immediate future.

Mr. Kirkpatrick stated that he will develop a Request for Proposal in conjunction with the City Attorney and City Engineer. He stated that the RFP will be published prior to the next Council meeting.

Council Member Robertson asked if the Rio Vista step system was included in the appropriated fund balance for the general fund.

Amanda Townsend, City Treasurer, stated that the cost of the step system and the remodel of the Fire Station were identified as appropriated amounts in the fund.

Council Member Bertram stated that the Pine Wooley connector needs to be paved. She added that Bill Keating should identify other streets in Rio Vista which are ready to be paved as well.

Council Member Greer stated that staff should identify areas that have been previously promised services such as paving. He stated that it is important to complete the projects which have been promised to the public in the past.

Mayor Eimers stated that it was the desire of the Council to perform a significant amount of paving projects with the surplus balance, and requested that staff prioritize a large amount of the surplus for those projects.

Council Member Bertram asked if the City was receiving input from the County wide bike path committee. Mr. Kirkpatrick stated that the group has developed a master plan for the City of McCall which is being discussed by the Transportation Advisory Committee.

Mayor Eimers asked if the Council would consider using the surplus to conduct additional I&I reduction projects.

Council Member Muller stated that he supports projects that will provide benefits to future taxpayers of the City. He said I&I reduction projects will ensure that the infrastructure is adequate for the future. Council Member Muller stated that the Council may also want to consider acquiring land for snow storage.

Mr. Kirkpatrick asked if the Council would be receptive of establishing a Capital Reserve Fund for future purchases. The Council agreed that establishing the fund would be a good idea.

Council Member Bertram stated that the Council should have a discussion about the plans for the remodel of the old fire station.

Mr. Kirkpatrick stated that staff would begin preparing a prioritized list of projects for the Council to review.

A break was taken from 7:50 p.m. to 8:00 p.m.

AB 05-32 Police Advisory Committee Discussion

Mr. Kirkpatrick stated that the Council had asked staff to prepare an agenda bill to discuss the role, function and existence of the Police Advisory Committee. He stated that staff had prepared copies of the minutes from the City Council meeting when the Committee was established, and a copy of the approved Committee Charter to prepare for the discussion.

Council Member Robertson stated that the charter of the Police Advisory Committee is similar to those for the other advisory committees, but the nature of the Committee is very different from the other groups. He said that based upon the serious and sensitive concerns that are addressed by the Police Department such as robbery and drugs, he believes the Council needs to address the charter of the Committee and possibly make changes. He stated that the membership of the Committee should be more diverse to provide for a broad representation of the community.

Council Member Greer stated that the Police Advisory Committee has a broader scope of discussion than other Advisory Committees. He believes the Council should discuss the purpose of the group and then make a determination of what the membership should be.

Mayor Eimers stated that the Committee was able to solve the issues with the community youth because of a balance in membership. He stated that discussion was able to occur between the Police Department and Steve Millemann until a compromise was reached. Mayor Eimers is concerned that the balance of the Committee membership no longer exists. He stated that the Council should determine if the Committee needs to report to the Council or to the Police Chief.

Council Member Greer stated that an advisory committee should be designed to assist in managing the concerns of the City. He stated that the Council should decide if the Police Advisory Committee is needed.

Council Member Bertram stated that she understood that the Police Advisory Committee existed for the benefit of the Police Chief. She doesn't see how the Committee benefits the Council since most issues are funneled through the Chief and then Mr. Kirkpatrick. She stated that if the Police Department needs a committee to see what is going on in the community then it should exist for that purpose. Council Member Bertram stated that she doesn't think policy issues such as unmarked vehicles should be discussed by the Committee.

Council Member Robertson stated that he doesn't feel that the Police Advisory Committee is an advisory group to the Council but is for the Department itself. Council Member Robertson stated that community members should always have the right to come before the Council to address their concerns. He stated that other committees have been established to address fiscal concerns but the Police Advisory Committee often discusses human related concerns.

Council Member Muller stated that the City Council has always listened to both sides of the issues when controversy has arisen with the Police Department. He stated that during the summer the media inaccurately reported that the Council was planning on firing the Police Chief. He stated that the bar owners and the Police Department came before the Council and presented their sides of the issues. Council Member Muller stated that the Council never took a stance that the Police Chief's job was in jeopardy and thinks it might have been leaked to the media by members of the Committee. He

stated that he would like the Committee to address their concerns with the Chief, who can pass them onto the Council if needed. Council Member Muller stated that he trusts the Police Chief and always places his interests for first consideration. He stated that he has never made a decision to not uphold a police officer's actions after hearing both sides of the issue. Council Member Muller stated that he would like to see the Committee and Police Department focus on narcotic enforcement.

Council Member Greer stated that he struggles to find how the Committee benefits the Council.

Mayor Eimers stated that based upon the comments of the Council members, he believes the Committee should report to the Police Chief rather than the Council.

Council Member Bertram stated that after meeting with the Police Advisory Committee she felt the Committee benefits the Chief rather than the Council. She said that if the Chief felt that the need for the Committee was warranted she would support the Committee directly reporting to him.

Council Member Muller stated that he would like the Committee members to address their concerns with the Chief who can then pass them along to the Council when needed. He stated that there isn't a need for the entire Committee membership to individually address the same issue to the Council. He stated that the membership would need to become significantly more diverse if the Committee was to continue reporting to the Council.

Council Member Robertson stated that he believes the Committee should be established for the Police Department rather than the City Council. He suggested that if the Police Chief felt the Committee was beneficial, Mr. Appa should meet with the City Manager to establish what the mission of the Committee should be.

Council Member Bertram agreed that if the Police Department would like a Committee that can act as a representative of the community then it should be formed to specifically serve the Department.

Ralph Appa, Police Chief, stated that he would support the idea of the Committee being established to assist the Police Department rather than the Council. He asked if the Council would still like to know the Committee's position on certain policy issues.

Council Member Robertson stated that he would like the Chief and City Manager to establish the goals and objectives of the Committee and the purpose they serve.

Chief Appa stated that he will request that future members be approved by the Committee rather than making the appointments himself.

Council Member Robertson stated that he would hope the Police Chief uses the Committee as a sounding board for various issues facing the Department. He stated

that the organization of the Committee would soon be changing when Dave Fields leaves. He stated that it will be important for the Chief to establish the goals of Committee.

Council Member Bertram stated that during the Council's tour of the old fire station, Council Member Robertson suggested that the building could serve as headquarters for the Department. She suggested that the Council may want to reconsider the idea.

Council Member Muller stated that he thinks the City should keep all emergency personnel in one location which is by the airport. He stated that it would be less expensive to build a new Police headquarters by the airport rather than trying to retrofit the old Fire Station.

Council Member Robertson added that the project could pay for itself if holding cells were constructed in the building.

AB 05-31 Unmarked Vehicle Use Policy

Mr. Kirkpatrick stated that unmarked Police vehicles are common to most police departments when a staff size of six to seven officers is reached. He stated that in smaller departments the police chief and senior supervisors assume more patrol functions than administrative duties. In a department the size of McCall's, the police chief is required to assume more administrative duties than patrol functions. Mr. Kirkpatrick stated that the City of McCall has had unmarked vehicles in their fleet for approximately 20 years. As the Department has grown three unmarked cars have been issued to the Police Chief, Senior Supervisor, and a Detective. The functions of the unmarked cars serve several purposes. Mr. Kirkpatrick stated that the City benefits from the unmarked cars by allowing surveillance to be performed, allows for offsite interviews of witnesses in sensitive investigations, and allows for additional on-call availability through radio monitoring. He stated that there is often only one officer on duty in the area and the County officers are located miles away. He stated that the ability to provide a quick response to emergency situations is gained when senior officers have the capability of monitoring the Department's communications. Mr. Kirkpatrick stated that limited personal use of the unmarked vehicles allows for better response to the needs of the community since the officers can monitor the radio traffic.

Council Member Bertram stated that the issue is being discussed because of the poor judgment used by the Police Chief by transporting a deer with the vehicle. She stated that she supports the limited use of the unmarked vehicles as long as good judgment is used.

Council Member Muller stated that he believes the use of unmarked vehicles is a good idea, but three unmarked vehicles are excessive for the size of McCall. He believes that the Police Chief and Detective are the only employees who warrant the need for an unmarked vehicle. He stated that he doesn't believe that the vehicles should be used to transport family members because of the liability risk that is assumed by the City. He

stated that it is the responsibility of the Department to ensure that adequate officer coverage is available for backup and wants a written policy established. Council Member Muller stated that he thinks there should only be two unmarked cars in the fleet and should only be available for use when the officers are conducting City business. He stated that the vehicles should never be taken by the employees when they are on vacation. He said that personnel need to have an avenue for escape without bringing the duties of the job with them. Council Member Muller stated that he understands the need for unmarked cars for the purposes of conducting sensitive investigations. He stated that because of the recent growth in the area and recreational atmosphere of the City, narcotics are becoming an increased problem. He said that he doesn't mind unmarked cars being used to investigate those problems, but doesn't want to see them used for personal trips or to transport family members.

Chief Appa stated that the vehicles are taken on personal trips to allow the ability for the senior officers to respond to emergency situations.

Council Member Muller stated that rather than taking the vehicles on personal trips, the Police Department needs to ensure that another senior officer is in the area and able to respond.

Mayor Eimers stated that if the Chief wants to go on a fishing trip then another officer needs to be available for backup coverage. He agreed that the vehicles should never be used for personal business. Mayor Eimers stated that at all times either the Chief, Lieutenant, or Sergeant should be identified as the on-call officer that is available for emergency response.

Chief Appa stated that the current policy allows all three supervisors to monitor radio traffic and allows each of them to respond to emergency situations if needed. He stated that unmarked vehicles allow the ability of the senior officers to exercise more discretion in pulling over individuals for minor traffic infractions. He stated that it is the public's expectation that marked vehicles must stop individuals for every infraction. The use of unmarked vehicles allows an officer to attend meetings or respond to more urgent matters rather than making traffic stops for minor violations.

Council Member Bertram stated that she is comfortable with the current number of unmarked vehicles in the fleet. She stated that the officers just need to exercise good judgment when using them.

Mayor Eimers stated that the only way to ensure that good judgment is exercised in the use of unmarked vehicles is to adopt a policy requiring that the vehicles only be used when conducting City business.

Council Member Muller stated that he believes the City incurs a great liability when transporting family members in the unmarked vehicles. He believes that the Department should only be equipped with two unmarked cars, and mandate that they only be used for official City business.

Council Member Greer said that in the State of New Mexico officers purchase their own vehicles and the City Police Department outfits them with the required equipment.

Tammy Zokan, City Attorney, suggested that ICRMP be contacted to answer the Council's concerns about the liability risk to the City by transporting family members in the vehicles.

Mayor Eimers stated that the Department should never be left without a supervisor in the area who can respond to an accident within a timely manner. He stated that an officer should be able to use the vehicle if they are planning to provide backup for emergency response but not if they are going fishing.

Council Member Robertson stated that the need for emergency coverage is not a result of cutting an officer position. He stated that the Department chose to staff the resource officer position instead of assigning them to patrol duties. He doesn't like to see the personal use of public vehicles and questions the legality of doing such. Council Member Robertson stated that the Chief and other officers need the ability to get away from their jobs instead of being on call 24 hours a day. He suggested that the officers be given portable radios if they feel that they must stay in touch while out of the area.

Mayor Eimers stated that the Council needs to discuss the number of unmarked vehicles in the fleet, on call supervisory response, and whether the vehicles should be used for personal use.

Council Member Bertram and Council Member Greer stated that they believe three unmarked cars are sufficient for the Department. Council Member Muller, Council Member Robertson and Mayor Eimers stated that they believe the Department should only have only two unmarked vehicles in the fleet.

Mayor Eimers asked if the Department had a policy for ensuring that management response was available.

Chris Moore, Police Lieutenant, stated that if an officer needs assistance the protocol is to first contact the Sergeant and then the Lieutenant if necessary.

Chief Appa stated that without the use of the unmarked vehicles he couldn't guarantee coverage by a supervisor at all times.

Mayor Eimers stated that the community should never be without a supervisor who can respond to an emergency situation in timely manner.

Mr. Kirkpatrick stated that with proper scheduling one of the four senior officers should always be able to provide coverage. He asked what the Council considered an adequate response time.

Mayor Eimers stated that the response time should be reasonable.

Mr. Kirkpatrick asked if the Council considered the availability of an officer to respond within a reasonable time to be official City business.

Mayor Eimers stated that he would consider it to be City business if it was the officer's sole intent to be available for a response.

Chief Appa stated that the current established policy allows for high level of public service by allowing for response to emergencies. He stated that by monitoring radio traffic he or the Lieutenant could respond to any given situation if needed.

Council Member Muller stated that no personal use of a public vehicle should ever be allowed. He said that the vehicles should not be used to transport family members because of the liability that is assumed by the City.

Mayor Eimers stated that a public vehicle should only be used for public use. He stated that the vehicle should only be utilized during off-duty availability if the officer is intending to provide backup to the on-duty patrol.

Mr. Kirkpatrick stated that the officers currently take both a personal vehicle and the unmarked vehicle when camping within a short distance of the City. He stated that by bringing both vehicles, the Officers have the ability to monitor radio traffic and respond if needed. He asked if the Council would consider this practice to be acceptable.

Mayor Eimers stated that the practice is unacceptable and a senior officer should be identified to provide the emergency response coverage.

Council Member Muller stated that because of the cost that would be incurred to mark the third vehicle, he has reconsidered his previous contention that the Department should only have two unmarked cars. Mr. Muller stated that he would support the current makeup of the fleet until one leaves service.

Mr. Kirkpatrick stated that the Council has clearly identified that a policy should be adopted allowing three unmarked vehicles in the Department's fleet, require that a supervisor be on-call to respond to emergencies within a reasonable time, not to allow the transportation of family members in the vehicles, and to only allow the use of the vehicles for City business. He stated that as City Manager he will be responsible for the implementation of the Council's desire.

Lieutenant Moore stated that the policy could present a problem since he has an officer with young children that is often called in when her husband is also on duty. He stated that her child care provider is located in McCall and it would present a problem if she had to bring her children to the child care provider and then return to her residence in Donnelly to pick up the vehicle.

Mayor Eimers stated that the scenario wouldn't be a problem if it only occurred occasionally but if it was a regular practice then the officer would need to work out other arrangements.

Council Member Muller stated that he doesn't want to see the transport of any family members in the vehicles unless ICRMP will certify that that City doesn't have any liability risk if an accident occurred.

Council Member Muller moved to adopt a policy allowing three unmarked vehicles for the Police Department. 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.

Council Member Muller moved to adopt a policy requiring that a supervisor be on-call and able to respond within a reasonable time at all times. 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.

Council Member Muller moved to adopt a policy requiring that unmarked vehicles for the Police Department not be used for personal business. Mayor Eimers seconded the motion. In a roll call vote, Mayor Eimers, Council Member Muller, Council Member Robertson, and Council Member Bertram voted aye. Council Member Greer voted nay. The motion carried.

Council Member Muller moved to adopt a policy requiring that family members not be transported in the unmarked vehicles for regular transportation. 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.

Council Member Robertson stated that he hopes the Council's decision doesn't demoralize the Police Department as it wasn't their intention. He stated that the City Council doesn't expect 24/7 coverage from the Department.

AB 05-21 City Manager Performance Evaluation

Council Member Muller stated that he wasn't comfortable in utilizing the BDPA form for Mr. Kirkpatrick's evaluation. He stated that Mr. Kirkpatrick has done remarkably well in his position as City Manager even though he has had to assume the duties of two job positions. He stated that he believes Mr. Kirkpatrick will do even better in the position when the Community Development Director is hired.

Mayor Eimers stated that Mr. Kirkpatrick has done an exceptional job in keeping the City afloat during the transition of staff member changes and has managed the City

finances effectively. He stated that it will be important for Mr. Kirkpatrick to manage the City through the issues with the J-Ditch, manage City staff and achieve objectives, and to proactively identify problems facing the City. He stated that Mr. Kirkpatrick has done a very fine job in his position as City Manager.

Council Member Robertson stated that Mr. Kirkpatrick has excelled in achieving the core expectations of the City Manager position. He stated that Mr. Kirkpatrick leads by example, inspires staff, possesses outstanding integrity, and has done a good job with the City finances. Council Member Robertson stated that it is difficult to evaluate Mr. Kirkpatrick's performance in the position since he has assumed the duties of multiple job positions in the City. He suggested that the Council perform another evaluation for Mr. Kirkpatrick during the summer after Mr. Millar has been established as the Community Development Director.

Council Member Greer stated that Mr. Kirkpatrick has done a good job in exercising the management of the City, coordinating the legal concerns of the City, and managing the finances of the City. He stated that it is too early in Mr. Kirkpatrick's tenure to determine his performance in interacting with the public and his supervision of staff.

Council Member Bertram stated that she didn't complete a written evaluation of Mr. Kirkpatrick. She said that Mr. Kirkpatrick is a single individual performing the duties of several jobs and has multiple issues facing him. She would like to see him promote his philosophy of providing a high level of customer service to the public among the other members of the City Staff. She stated that Mr. Kirkpatrick stepped into the position during a difficult time and has done an outstanding job.

Mr. Kirkpatrick asked the Council if they were going to make a determination of whether to approve a merit based increase in his salary.

Council Member Robertson stated that he would like to perform another evaluation of Mr. Kirkpatrick in the summer and make a recommendation at that time. He stated that any increase in salary could be made retroactively. He stated that he would be prepared to consider discussing Mr. Kirkpatrick's total compensation package at that time.

The Council agreed to perform another performance evaluation of Mr. Kirkpatrick in the summer.

REPORTS

Council Member Robertson stated that he would like the Public Works Department to clear the streets with the sweeper due to the amount of dust that exists. He also asked if signs regarding the prohibition of compression brakes had been posted yet. Council

Member Robertson informed the Council that he had scheduled a meeting with Harry Bettis to discuss the land application problem.

Mayor Eimers stated that the City Prosecutor informed him that the only thing the business on Lick Creek could be cited for under the McCall City Code results in a \$50 fine. He said that the City needs to consider increasing the penalty provisions under the Zoning Ordinance in order to close the business down. Tammy Zokan stated that the City may want to look at the City of Nampa's Zoning Ordinance as a template for making the changes.

Council Member Bertram asked if ICRMP had reimbursed the City for the sewer backup at Mountain Lakes Realty. Mr. Kirkpatrick stated that the claim had been denied by ICRMP.

Council Member Bertram stated that the City should consider assisting the Board of Central Idaho Historical Museum and Visitor Center with the operations of the SITPA buildings. She added that they have been cited by the Division of Building Safety for multiple safety violations. Mr. Kirkpatrick stated that the Parks and Recreation Department would continue to maintain the grounds during the summer.

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 11:20 p.m.

Kirk L. Eimers, Mayor

ATTEST:

Dan Irwin, City Clerk