

# MINUTES

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## McCall City Council Regular Meeting November 10, 2005

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## **ADJOURNMENT**

### **CALL TO ORDER AND ROLL CALL**

Council President Robertson called the regular meeting of the McCall City Council to order at 6:05 p.m. Council Member Bertram, Council Member Greer, and Council Member Robertson answered roll call. A quorum was present.

City staff members present were Lindley Kirkpatrick, City Manager; Rick Harvey, Airport Manager; Bill Keating, Public Works Director; David Simmonds, Network Administrator; Jerry Palmerton, Golf Course Superintendent; Allan Morrison, Golf Pro; Brock Heasley, Parks and Recreation Director; Carol Coyle, Grant Writer; Anne Kantola, Library Director; Jerry Summers, Acting Chief of Police; Dan Irwin, City Clerk; and Michelle Groenevelt, Community Development Planner.

### **PUBLIC COMMENT**

Council President Robertson called for public comment.

Tuck Miller, 657 Koski. Mr. Miller read his letter that he had presented previously, stating concerns about open burning and resulting health issues. He stated that when the City was burning recently, the air quality at the school peaked at 223, with less than 20' visibility at that time. Mr. Miller said that EPA says 221-300 air is unhealthy, and he believes that the burning near the school resulted in students sitting in classrooms with unhealthy air levels which in turn could have created real health issues. He called the City and requested the burning be stopped. He stated that other citizens called the Fire Department and wanted to have the fires put out. He said that respiratory problems are the number one cause of death in children, and he believes that respiratory problems in children are as high here as in L. A. He would like the City to lead by example by not

burning; he is willing to come up with alternative methods to dispose of woody materials. He would like to spearhead an initiative to clean up the air in the community.

Council Member Bertram asked about acceptable levels. Mr. Miller replied that when Boise hits 100, air quality alerts are issued.

Ralph Appa, McCall. He sent an email to Council members expressing his concern about pushing through a candidate for the Police Chief position without conducting a background check as noted in *The Star-News*. He would like the candidate to go through the same background check as the other officers were required to do and have Council examine the results.

Lyle Nelson, Elo Road. He spoke about the smoke from the wood burning and said he is not sure everyone is aware of how hazardous the smoke is. He stated that wood smoke is more carcinogenic than tobacco. He believes that both sides on the issue should work together to come up with a solution.

Steve Merandi, physician in McCall. He reported to the Council that wood smoke is more toxic than tobacco and can lead to a lot of other problems in the lungs. He believes that as the City is becoming more populated, the problem is becoming magnified. He is in support of a ban or restriction on open burning.

Sharon Jessie spoke in agreement with the concerns of air quality. She also spoke in favor of the Chamber's "One Million Lights" program, and stated that it will beautify the city.

Council Member Bertram responded to Mr. Appa's comments, saying that she found it amazing that the police officers will not allow the City Council to release their personnel information, but are asking that Mr. Summer's information be released.

Mr. Appa replied that he had just received the report and has not decided whether or not to make it public.

Hearing no further comments, Council President Robertson closed the public comment at 6:25 p.m.

Council President Robertson explained that the staff reports would be next.

## REPORTS

Rick Harvey, Airport Manager, reported he has initiated the master plan for the airport and just finished the Scope of Services. He said that all construction is completed for the winter - new fencing, taxi-way repair, fence repairs, runway marking paint, taxi line realignment by relinquishing five tie-down spots. The City has hired one employee at

the airport and needs to hire another snow plow operator. Mr. Harvey also reported that new specifications are being written for a loader to assist with snow removal. He said the Sun Valley airport manager had invited him to see their airport, so he and Mr. Kirkpatrick, Mr. Millar, Mr. Robertson and three airport committee members visited there last week. Mr. Harvey said they gained a lot of information that will help with future airport planning, and he believed it was a very worthwhile trip.

Bill Keating, Public Works Director, submitted a written report. Council Member Robertson asked how the snow plowing was going. Mr. Keating said it was okay, but they were having some equipment problems. He said the snow came about three weeks early and has been pretty heavy.

Council Member Robertson asked about the progress on the downtown sewer project. Mr. Keating said the lateral line crew was there, and the service crew was doing a good job. He reported that a 10" water main had been broken and they had to replace 13' of pipe.

Council Member Bertram asked about the State's issue with signage. Mr. Keating said the contractor was not authorized to close the highway; the contractor was meeting with the State to ensure compliance.

Council Member Greer asked about the schedule. Mr. Keating said they are behind a couple of months.

Council Member Robertson asked about the water tank project. Mr. Keating said the water storage tank project is going very well. There is a 1,100 yard concrete volume in the tank; they've poured all but 130 yards. The contractor said they are on schedule to be open the first of next month. Mr. Keating said the liner will not be in but the water can be used. Mr. Keating said that having the tank will give them eight hours to figure out a problem at the treatment center.

Mr. Keating reported that the manhole repair is going good. He said the contractor had nine manholes left as of a few days ago, and his department will check the job in the spring.

Council Member Bertram mentioned that John Hickock had resigned from his job with the City; Mr. Keating said he was hired by BMC Truss Company.

Council Member Greer asked about the lines painted on the street at Deinhard and Mission. Mr. Keating said the lines need to be broken up so that they are not solid.

Council Member Bertram asked about changing the speed limit on the East / West Loop. Mr. Kirkpatrick said staff is not ready to make a recommendation yet and they still need engineer review.

David Simmonds, Network Administrator, had prepared and submitted a written report. He is willing to assist Council implement the web mail system if needed. He has been working on website additions. Council Member Robertson asked about the financial server being implemented within the next few weeks. Mr. Simmonds said he will ask the Finance Department about that, but must be careful due to the audit and will wait until the Finance Department is ready.

Jerry Palmerton, Golf Course Superintendent. Mr. Palmerton reported that the golf course is now closed. He said they have been busy with snow removal along the cart paths and will be able to manage the putting greens the way they want by keeping the moisture level off of them. He said his plan is to not allow snow to stay on the greens for more than 30 days. He stated he is documenting which ones they are doing and are keeping a rotation going.

Allan Morrison, Golf Pro, reported they have had a reasonable year, with the number of rounds up when competitors have had losses. He stated their budget is balanced. He reported that three really big things happened this year: they did not need to borrow any general tax-dollar funds; they bought over \$120,000 in equipment; and Jerry Palmerton has made the golf course healthier than it has been in a long time.

Brock Heasley, Director Parks & Recreation, reported that the lights at the "Welcome to McCall" sign are on a timer for A.M. and P.M. The Parks and Recreation master plan is completed. He will get updates and present the plan to Council for approval. He said he is working on an RFP for businesses for watercraft rentals. Other areas he said he is working on include short-term parking for boat trailers and a possible boat launch fee located at the municipal boat launch ramps. He said the main reason he is looking at that is to help congestion and provide service to the public. He said there is interest in having new public marinas which would be privately operated.

Council Member Bertram asked if Mr. Heasley was working on the water park issue; Mr. Heasley said that he is working with the Department of Lands on that.

Mr. Heasley reported that the adult dodge ball program and the after-school programs were running well.

Mr. Heasley reported that Monika Trapp is using the machine to clear snow on the path in front of Lumbermens. He stated it takes about six hours to clear the snow in town, and clearing the path at Lumbermens adds another three hours. Mr. Heasley said he is very pleased with the staff he has now. Mr. Kirkpatrick added that they will keep an eye on that path at Lumbermens; there might be a problem with snow from the plows clearing SH 55. He said that each of the corners at that intersection will also be plowed, as well as the area around the sculpture.

Carol Coyle, Grant Writer and Long-Range Planner, reported she had attended the IDPR Grant workshop today, and has suggestions for the long-range parking for boat trailers. She said that Mr. Millar is in Boise tonight, accepting an award for the Smart

Growth Grant. Carol expressed thanks to the Council for their work this year that culminated in McCall's receipt of the Smart Growth Grant. Ms. Coyle said she turned in an LTAC grant for transportation planning for 2007; she said she will also be looking at another transportation enhancement grant, a congestion mitigation air quality grant, a 319 storm water grant, and that there will also be a public hearing for the South Corridor Downtown Revitalization grant. She said this is the season for submitting grants, so there will be a lot more of them.

Mr. Kirkpatrick added that Don Bailey is also attending the awards ceremony tonight, along with Mr. Millar.

Anne Kantola, Librarian, reported she has put in 29,906 records, very close to 30,000. She stated the Library received \$2,100 LOT money for their audio / visual collection, that they have purchased plastic boxes for the AV collection and also have covers for the magazines. In this last year, she reported the Library had 35,674 people in the door (up to the beginning of October); 34,700 items checked out; 2,270 children in the one children's program; and 7,600 hits on the computer.

Mr. Kirkpatrick reminded Council President Robertson that the public hearing was scheduled for 7 p.m. It was decided to have the public hearing and then return to the reports.

## **PUBLIC HEARING**

### AB 05-219 Idaho Community Block Grant Application for Downtown Revitalization – Southern Corridor Revitalization Project

Karl Augustine, Sage Community Resources and the City of McCall's certified grant administrator. Mr. Augustine passed around a sign-up sheet for people in attendance, stating he was required to do so for the public hearing. Mr. Augustine explained that at a public hearing, he is required to provide mandatory introductory information that is part of the block grant background, and that these Minutes will be included in the Idaho Community Block Grant application. Mr. Augustine then gave a verbal introduction to the block grant background.

Mr. Augustine said the purpose of the public hearing is to allow the citizens of the City of McCall to have input on the preparation of an Idaho Community Block Grant application, including the project proposals and anticipated outcomes and that the public hearing is being conducted in accordance with the City of McCall's Citizen Participation Plan.

Mr. Augustine explained that the project he was presenting this evening – and the subject of this application and public hearing – is the McCall Four Corners / South Corridor Revitalization Project. He said that this project will provide on-street parking

and physical improvements within the public right-of-way along Third Street / SH 55, from approximately the intersection of Deinhard Lane going north, to approximately Floyde Street in McCall, Idaho, which will include a variety of amenities and infrastructure items such as water, sewer, hydrants, street lighting, etc. He said the Block Grant Application includes, but is not limited to, the anticipated date of submission, the plan to assist persons or businesses if actually displaced (which in this case, there are none), the proposed activities, where the proposed activities will be conducted, the total project cost, the portion of the cost to be paid by the CDBG program, and the estimated portion of funds requested that will benefit persons of low or moderate income. He explained that this is not an application that addresses the issue of the low or moderate income; it is one that meets the national objective of the elimination of slums and blight.

Mr. Augustine stated that based upon this presentation, a request is made that the Public Hearing portion of the meeting be open and testimony or comments about the proposed application will be requested. He said these comments will be included in the application, and the community has five days after the close of this Public Hearing to submit any written comments that they would like (by the close of business on November 15<sup>th</sup>.) Mr. Augustine said this being the case, he was requesting the Mayor and Council open up the Public Hearing and receive any comments from the community on the project. He stated he also had a conceptual drawing prepared by the City engineering staff which gives some idea of some of the proposed work that could take place along the highway.

Council Member Robertson asked about the total cost of \$2.5 million, if broken down into two phases, Phase One would be \$656,000. Mr. Augustine replied that actually there will be three phases: Phase One is the Four Corners revitalization work at Deinhard and SH 55; Phase Two would be approximately up to Floyde; and then Phase Three would go further down to Railroad Avenue with some additional treatments.

**Council President Robertson opened the Public Hearing at 7:13 p.m., for any comments for or against this project.**

Judy McGuire stated she is in support of the project. She said it as a great opportunity to kick-start the community. She said that even though there are some great businesses along that corridor, they are not easily accessible.

Jean Odmak, member of the MIC, commented that they have been trying for a long time to change the look of that area.

Carol Coyle stated she supports this block grant opportunity. She said that MIC applied to serve as the BG committee for this, and they have put in a tremendous amount of hours evaluating and determining what was needed, sending out surveys, meeting with business owners and consumers. She believes this volunteer effort demonstrates how important it is to the people who live here to improve our community. Ms. Coyle said that during the recent EPA Smart Growth Charette, the economic specialist stated that

McCall is under-retailed. Ms. Coyle said it will be difficult to achieve what we need to do to compete in the marketplace if we are unable help the businesses that are already here. She said we need to be able to provide the infrastructure to allow more business development in that corridor. She stated that she is in support of that and said she cannot emphasize how much research has gone into this. She said she is hopeful that the City will be very successful in the grant application process.

**Council President Robertson closed the Public Hearing at 7:17 p.m.**

Mr. Augustine expressed his appreciation and stated that Sage will continue to finalize the application document. He said that even though there was a request for a motion that the Council give the Mayor approval to sign the application when it is finalized, it cannot be finalized it at this point in time given the fact that, by the citizen participation rules, the comment period is open for another five days. He said he will bring the application back to the City upon its finalization for the Mayor's signature and requested that a motion be made to that effect.

Council Member Bertram asked if the City needs to identify matching funds at this time. Council Member Robertson replied that the project will be for FY07 budget.

Mr. Kirkpatrick said that one revenue source for sure will be from franchise fees from both Idaho Power and Charter, and that component is more than enough to cover that estimated cost. Council Member Bertram said that it was not allocated for this year, and Mr. Kirkpatrick responded that it was not spent in FY05 and not planned for FY06 (approximately \$70-75,000 each year).

Council Member Bertram said she was surprised that costs were so low for the underground power and telephone and other miscellaneous. Mr. Augustine said those costs had been prepared by the engineering staff and are preliminary costs at this point in time.

Council Member Greer said he has no problem with the project, but he is concerned that funds are coming from Congress when there is such a large federal deficit. Mr. Augustine responded that the State of Idaho gets this entitlement each year and the money would be distributed regardless. Council Member Greer said he understands the situation, is still concerned that Congress is not doing enough to control the deficit, but likes the plan.

**Council Member Bertram made the motion that this application be accepted and the Mayor be authorized to sign all required documents. Council Member Robertson seconded the motion. A roll call vote was taken. Council Member Greer voted no, Council Members Robertson and Bertram voted aye. The motion carried, 2-1.**

**REPORTS, CONTINUED**

Jerry Summers, Chief of Police, McCall Police Department. Chief Summers had submitted a written report, as well as a report on statistics, and asked if there were any questions.

Council Member Robertson asked about statistics. Chief Summers reported that from January through October 25, incidents per year are up 13% (396 calls); arrests YTD are up by 27% (80); calls involving weapons are up 164% (18); alcohol-related calls YTD are up 74% (118); felony arrests are up 78% (14); and foot patrols are up 16% (9), and this was done with a shortage of officers and Chief Summers stated the police department is proud of that.

Council Member Bertram asked how many auxiliary officers are working; Chief Summers replied that there are 4.

Council Member Robertson said it is terrific that so much has been accomplished considering the shortage of officers. He asked if there has been any success in recruiting a Code Enforcement Officer and a Narcotics Officer. Chief Summers said they will be testing for Code Enforcement Officer applicants on November 30; they held testing in October and notified 17 applicants. Four indicated they would come. Two showed up, and one failed the written exam and the other failed the physical fitness exam. The second candidate, who failed the physical fitness exam, indicated he/she would like another opportunity to come back within a month and test for physical fitness again. Chief Summers said he agreed to that, and that testing was supposed to be on November 9<sup>th</sup>. Chief Summers said this individual contacted him again and asked for another week; Chief Summers rescheduled the testing for November 30 and December 1. Chief Summers stated he is pleased with this applicant; this person went to the point of hiring a personal fitness trainer at their own expense in an effort to get into shape. Chief Summers said he is looking forward to seeing what the results are. At this time, Chief Summers said he is not advertising the narcotics position; there are some internal candidates he wants to look at first.

Dan Irwin, City Clerk, gave notice of his resignation, due to not being able to find affordable housing. His last day is November 18<sup>th</sup>.

Mr. Irwin reported on the LOT moneys and also on the election results.

Mr. Kirkpatrick reported that Don Bailey and Kristi Foster (assuming she's confirmed tonight) will be attending the AIC City Officials Academy in Boise on Monday. Mr. Kirkpatrick said it is not too late to make plans to attend, if anyone else is interested. Mr. Kirkpatrick informed the Council that he will be gone the next week but will be available by cell phone. Mr. Millar will be available in his place. Mr. Kirkpatrick asked if a time had been set for the sewer district work session on December 15; Council Member Robertson said the time scheduled is between 1 pm and 5 pm and it is important for new members to attend.

Council Member Robertson reported on the HUD bus tour in Boise last Friday that he and Mr. Millar attended, to look at projects in the valley area that had federal funding. He said they learned that if we use federal funds, we cannot limit housing to workers, which is one of our focuses, and that the City might want to use tax credits. He said that a tax credit project will allow accelerated depreciation, but is also tied to federal funds. He said the Valley / Adams Planning Project seems to be on the right path.

Council Member Robertson commended the fire department for making their new building available for public use and that they are providing a real community facility benefit.

## CONSENT AGENDA

Council President Robertson asked if there were any comments on the Warrant Register.

Mr. Kirkpatrick pointed out that there were also two handout Warrant Registers, one is to be acted on now in the Consent Agenda, and the other one is a hardship case.

Council Member Bertram asked about the LOT distribution for the Audio / Video collection; Mr. Kirkpatrick replied that this was the money for the library.

Council Member Robertson asked if the payments listed on the Warrant Register for the election clerk were gross and if this was paid through payroll. Mr. Irwin said this was exempt from federal withholding.

Council Member Robertson noted that the overtime hours are getting slowly knocked down, and that is good.

Council Member Robertson said the sculpture of the children on the log is going to be wonderful and will be great at the library.

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

Council Member President explained the Proclamation honoring Marilyn Smith Swift Tenny. He said she contributed to the ice rink, as well as other causes in McCall.

## BUSINESS AGENDA

AB 05-227 Canvass Election Results / Resolution 05-25

Mr. Irwin reported on the election results with a voter percentage turn out of 29%. (556 ballots cast). He announced that the top three vote getters for City Council were Don Bailey, Laura Scott, and Michael Kraemer.

**Council Member Greer moved they accept the election results as final. Council Member Bertram seconded the motion. All members voted aye, and the motion carried.**

AB 05-226 Library District Report

Anne Kantola reported that 22% voted on the library issue; 647 yes, 646 no. In order to pass, the results must be 50% plus 1. A recount was done, with the same results. Two ballots were contested. Lee Heinrich threw out 1 ballot, pronounced it an official vote, and the library issue went down.

The Council express thanks to Mrs. Kantola for all her work. Mrs. Kantola also mentioned that Christy Gorsline and others made a great contribution towards this effort.

AB 05-228 LOT Commission Appointment

Mr. Irwin announced that one of the LOT members had moved away, and Amanda Kirkpatrick would like to be on the LOT Committee.

**Council Member Bertram moved that Amanda Kirkpatrick be accepted as the new member. Council Member Greer seconded the motion. All members voted aye, and the motion carried.**

AB 05-229 Holiday Lights

Council President Robertson announced that the Chamber of Commerce is initiating a Million Lights Program. He said the Chamber is incurring an additional \$10,000 cost. He said the Chamber will raise \$5,000 and the Council could earmark \$5,000 to assist with the program. Council President Robertson discussed several options to achieve this.

Council Member Bertram noted that the lighting program is for winter promotion and marketing, which the City has not done. She said that two years ago, McCall sent a Christmas tree to Congress which turned into a coming-together event for the community, and that the Million Lights will be a nice event for the community.

Council Member Greer said this is a beautiful idea, but it is an inappropriate use of tax dollars and resources.

Council President Robertson deferred to Mr. Nichols, City Attorney, for a decision. Mr. Nichols stated that of the options discussed, the only permissible one is for the City to purchase and maintain the \$5,000 worth of lights which could be installed on public

property. The City might not be limited to installing lights on only public property; the City would own them, maintain them, and decide where they are to be put.

Mr. Kirkpatrick said there should be some direction as to where to place the lights. Council Member Bertram stated that the Chamber of Commerce has already purchased lights for the downtown light poles. Council Member Robertson said the direction is to be coordinated with the Chamber

**Council President Robertson made the motion to approve the use of \$5,000 to purchase lights for the Million Lights Program to be owned and maintained by the City, and the City staff to coordinate with the Chamber of Commerce as to the most appropriate places to put the lights on public property. Council Member Bertram seconded the motion. Council Member Robertson voted aye, Council Member Bertram voted aye, and Council Member Greer voted no. The motion carried, 2-1.**

A break was taken from 8:10 p.m. to 8:20 p.m.

AB 05-206 Spring Mountain Meadows Appeal

At this time, Council Member Robertson recused himself from the Council. Council Member Greer said they have received emails, findings and conclusions, and both he and Council Member Bertram have reviewed the case.

Mr. Nichols said Staff is recommending a motion to deny the appeal and then a motion to adopt the findings as presented.

**Council Member Bertram made a motion to deny the appeal for the final plat approval for AB 05-206 Spring Mountain Meadows. Council Member Greer seconded the motion. In a roll call vote, Council Member Bertram voted aye and Council Member Greer voted aye. The motion carried.**

**Council Member Bertram made a motion to accept the findings and conclusions for the final plat approval for Spring Mountain Meadows. Council Member Greer seconded the motion. In a roll call vote, Council Member Bertram voted aye and Council Member Greer voted aye. The motion carried.**

At this time Council Member Robertson rejoined the Council.

AB 05-218 Payette View Estates Condominiums Final Plat and Development Agreement

Michelle Groenevelt, Community Planner. Ms. Groenevelt introduced the application. She stated that the recommended action is to adopt the facts, findings and conclusions and approve the final plat for SUB 04-17 Payette View Estates Condominiums. She asked if there were any questions.

Council Member Greer asked about the conditions being met; Mr. Kirkpatrick replied they are complete and in compliance with requirements. Council Member Robertson added if the development will include public parking by the river. Ms. Groenevelt said there will be seven parking spots, as well as an easement for a pedestrian path.

**Council Member Robertson made the motion to adopt the draft findings and conclusions and approve the final plat for SUB 04-17 Payette View Estates Condominiums. Council Member Bertram seconded the motion. In a roll call vote, Council Member Greer voted aye, Council Member Robertson voted aye, and Council Member Bertram voted aye. The motion carried.**

Council Member Robertson asked about the development agreement at the bottom of the first page. Mr. Nichols recommended the agreement be effective upon adoption by the private parties.

Council Member Robertson asked about Item 1.3 referring to the schedule for the development of the 'project as contained in the conditions of approval attached', stating that it was not attached. Mr. Kirkpatrick said it is not so much a schedule but more a sequence of events on a calendar. Mr. Nichols told the Council that the second paragraph under 123 implies that it has to do with time schedules. Mr. Kirkpatrick pointed out that what was labeled as Exhibit 2 is the staff report; in reality Exhibit 2 should be the Findings and Conclusions. It is actually Section 7.3 starting on page 8, but the Conditions of Approval is on page 9 Exhibit 2. The Recommended Conditions of Approval are contained in the Staff Report and were ultimately adopted. Council Member Robertson said there needs to be a time schedule.

**Council Member Robertson made a motion to approve the related development agreement and authorize the Mayor to sign any required documents. Council Member Bertram seconded the motion.**

Council Member Greer asked Mr. Nichols if this was a workable solution. Mr. Nichols replied it is, as long as when the agreement is presented to the Mayor for signature, it includes a schedule for tentative deadlines.

**In a roll call vote, Council Member Greer voted aye, Council Member Robertson voted aye, Council Member Bertram voted aye, and the motion carried.**

AB 05-230 Time Extension for Recording of River Ranch Phase 1 (SUB-04-10) and Pine Meadows Condominiums (SUB-04-2) Final Plat

Mr. Kirkpatrick said these are two related requests. He explained that city code says the developer must record the final plat within three months of the approval, and that the request is from River Ranch and Pine Meadows Condos to extend that. He said both developers are working through some infrastructure issues so each of them has requested an extension of that time period. Council Member Robertson asked if one month's extension will be adequate. Mr. Kirkpatrick said that River Ranch would need two months and Pine Meadows did not specify. Chad Olsen said he is requesting two

months. Council Member Robertson reiterated that the extension is a one-time request. Council Member Greer asked about the time limit for extension, and Mr. Kirkpatrick stated that the code is silent on this issue. Brian, with Pine Meadows, stated they are waiting on DEQ for approval. Council Member Robertson suggested they might need more time; Mr. Keating said it could take DEQ several months to finalize. Council Member Robertson suggested giving a 90-day extension; Mr. Nichols recommended giving a 120-day extension.

**Council Member Bertram made the motion to approve a 120-day extension; Council Member Robertson seconded the motion. In a roll call vote, Council Member Greer voted aye, Council Member Bertram voted aye, and Council Member Robertson voted aye. The motion carried.**

AB 05-221 Amendment of Performance Agreement for Timber Crest Downtown

AB 05-224 Amendment of Water Line Performance Agreement for Timber Crest Countryside

AB 05-225 Amendment of Verita Road Performance Agreement for Timber Crest Countryside

Mr. Nichols introduced these three performance agreements and said they are revisions to existing development agreements. He stated there was some ambiguity in the language concerning the sewer agreement, revising the linear feet between manholes; time deadlines were also added; and the language was cleaned up. He said the substance of the agreements has not changed; they were just tidied up so that the expectations on the part of the developers and on the part of the Council were clarified.

Council Member Bertram noted that the time limit on the sewer had been changed. Mr. Nichols said it had been changed on the downtown project to July 2006 unless Mr. Olsen requests a time extension. The Verita Road improvements date is October 15, 2006; the Boydston Street project is April 2006.

Council Member Robertson noted two word-processing errors: on 05-224, page 2, point 5, the word "assignment" should be "agreement". This is also on the next document, section 3, page 1.

Council Member Bertram asked if the bonds are higher; Mr. Kirkpatrick responded that they are, in order to more accurately reflect construction costs today.

**Council Member Robertson moved to approve the three performance agreements as amended: AB 05-221, AB 05-224, and AB 05-225. Council Member Bertram seconded the motion. In a roll call vote, Council Member Greer voted aye, Council Member Robertson voted aye, and Council Member Bertram voted aye. The motion carried.**

AB 05-222 Finance Director Appointment

Mr. Kirkpatrick reported that the search for a new Finance Director has culminated in a conditional offer of employment being extended to Kristi Foster. He said that Council

President Robertson was also involved in the search process and met the two finalists. He said the next step is for the Council to confirm the City Manager's appointment of a department head, and that Ms. Foster's starting date is November 29<sup>th</sup>.

**Council Member Robertson moved that the City Manager's appointment of Kristi Foster as Finance Director be approved. Council Member Bertram seconded the motion. All members voted aye, and the motion carried.**

Payment Approval List for Warrant Registers

Council Member Robertson abstained from this vote.

**Council Member Greer moved they approve the Approval List. Council Member Bertram seconded the motion. Council Member Greer and Council Member Bertram voted in favor of the motion; the motion carried.**

AB 05-223 Police Chief Appointment

Mr. Kirkpatrick introduced this item, stating it is the culmination of their search for a new police chief. He said that both Council President Robertson and Council Member Bertram were involved in this search and that the result of this search was a conditional offer made to Jerry Summers, subject to Council confirmation. He explained that the request before Council tonight is to confirm Mr. Summer's appointment as police chief. He said there were many very well-qualified candidates from all over the place, and he believes the best candidate was chosen. He said that Mr. Summer's background and management experience, his demonstrated leadership in the department, his high level of integrity, and many other attributes that he has had the advantage of observing first hand for several years, all point to Jerry as the best candidate for the next police chief. Mr. Kirkpatrick asked that the Council confirm his appointment of Mr. Summers.

Council President Robertson expressed his thanks to Mr. Summers for his work during the past five months during the search for a new police chief, stating that he had done a tremendous job.

Council Member Bertram recommended that Mr. Summers have both a psychological evaluation and a credit check done.

Mr. Kirkpatrick explained that when the City first hired Mr. Summers in 1997, the City completed a thorough background check. He said that the City has had the benefit of nearly nine years of observing Mr. Summers in the community and in the organization. Mr. Kirkpatrick explained that In part, background checks are to predict performance, but better than that, in this case the City has been able to observe Mr. Summer's performance and character. He said the only exam that is conducted now that was not conducted at the time Mr. Summers was hired is a psychological exam. Mr. Kirkpatrick stated that the reason why his recommendation did not include this was because he believed they had already had opportunities to observe Mr. Summer's behavior.

Council Member Bertram reiterated that she thinks a psychological exam and credit check would be beneficial in this situation.

Council Member Robertson said that Don Van Cleave had withdrawn from the race.

Mr. Kirkpatrick asked that Council confirm Mr. Summer's appointment subject to a psychological test report and credit check. Council Member Robertson and Council Member Greer asked Mr. Summers if he had any response to this discussion. Mr. Summers stated that everything was done properly at the time of his hiring. He said that Chief Donica did not require a psychological test for him, but all the other results were reviewed by Idaho State Post Academy and recently re-reviewed by the City Manager. Mr. Summers stated he is willing to do the psychological evaluation if that would make this situation more comfortable for Council.

**Council Member Robertson made the motion to approve the City Manager's recommendation to appoint Jerry Summers as Police Chief, subject to the credit check and psychological evaluation. Council Member Bertram seconded the motion. All members voted aye; the motion carried.**

## **ADJOURNMENT**

**Without further business, Council Member Greer moved to adjourn. Council Member Robertson seconded the motion. All Council Members voted aye. The motion carried. The Council adjourned at 9:06 p.m.**

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Bill Robertson, Council President

**ATTEST:**

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Dan Irwin, City Clerk