

Mayor David Anderson called the special council meeting of July 27, 2009 to order at 7:00 p.m. Present for the meeting were Mayor Anderson, Council President Dave Gray, Council Members John Langs, and Connie Wells, Clerk Kris Larson, City Administrator Stephen Boorman, Assistant City Administrator Dave Sims, Police Chief Rick Alonzo, Fire Chief Pat Warkentin, and Street Department Supervisor John Youngwirth. Also present were Darrell Kerby, Marcia Cossette, Carolyn Testa, Dottie Gray, and Julie Golder. Councilman Clark was gone on personal business.

The purpose of the special meeting was to discuss liability insurance, approve a catering permit, and go over the general fund budget proposal.

Darrell Kerby spoke to the group regarding liability insurance. Mayor Anderson told Darrell that we are having many requests from people that do not have liability insurance to put on events within our city. He asked if we appoint people from these groups as volunteers if they are covered. Darrell said ICRMP is a municipality or a subdivision of the State. ICRMP is prohibited from lending credit to any non-events of the city and if we have appointed volunteers to carry out the event then ICRMP can cover them. If the people are authorized volunteers then they are covered. Darrell said a fear is that people coming into the city and asking the city to waive the insurance must know they are not covered by ICRMP. Darrell spoke of risk management and variable risks that the city faces such as using a meeting room versus a street dance or outside activity in the streets or parks. He said if the event is a benefit for the citizens and if council thinks the citizens would be willing to take on the risk if necessary then we could cover. If an event is not in the best interests of the citizens then we should require a group to have their own insurance so the taxpayers are not at risk.

Mayor Anderson asked a question about the risk of events and how the previous mayor looked at the scenario. Darrell said if it is a broad brush event that all citizens would benefit from then it was worth it. If not, and the risk is not worth taking it on then it would not be sponsored as a city event. Darrell said risk is looking at the taxpayers' money. He gave the example of the fireworks being a high risk activity but it being a community activity where responsible volunteers are in charge.

Tim Wilson said there are three decisions the council can make: (1) sponsor or take on the event as a city event; (2) waive the insurance requirement (Darrell said people would then think it was the city's event since we waived it and the city would be the first in line for coverage); (3) require insurance. If a group has an event we need to have them indemnify us and hold the city harmless. We are only asking an entity to have insurance for their negligence, not any negligence of the city.

John Langs said the visitor center insurance was the issue that caused the insurance question. Darrell said as long as the council is in their legislative mode, a judge would not generally turn a decision over as long as the city followed their processes. Darrell said if the function is mundane enough that the taxpayer would understand the risk. Dave Gray said the city has had groups that want the city to pay their insurance. Tim said as long as the legislative process is due process for the entity that there should not be a problem. Connie asked if the limit of liability policy has to be a million dollars or if it could be less. Darrell said currently the Idaho tort claims act has a limit of \$500,000. If a lawsuit is brought under a federal statute then the sky is the limit. He said one million dollars is pretty standard. He also said the cost of a liability policy between \$500,000 and a million dollars is very insignificant.

Darrell said there is a \$5,000 medical no fault clause in our ICRMP policy that does not admit negligence on our part. He said Medicare and Medicaid know about these no fault clauses and now will not pay until the no fault clause pays.

Darrell left the meeting at 7:33 p.m.

John Langs moved to approve the catering permit for the Sportsman's Club beer garden at the location across from the Sportsman. Connie Wells seconded the motion. The motion passed, all in favor.

Attorney Tim Wilson looked into the issue of comp time rather than overtime or holiday pay. Tim said if it is regular comp time then a person can accrue 20 hours per month if a regular employee or 40 hours per month if the employees are safety employees. The primary job classification rules which comp time limit applies. Tim said liability is a huge concern and when a person takes comp time someone must cover the shift or if a person leaves employment the city must pay all the comp liability. Tim said policies must be discussed with the employees before a change is made. Stephen asked what rate comp time is accrued. Tim will have to look at the issue. John Langs asked if one person can accrue comp time and if another person can take overtime. Rick said our policy is either comp or overtime. He said the county only pays overtime and has no comp time. Rick said the city has always paid overtime rather than comp time if possible. Rick also explained the reason for the comp time question being due to the budget cuts that have been requested. He also said the comp can cause a problem.

Tim Wilson left the meeting.

The group reviewed budget proposals.

Rick Alonzo said the only way he could get to the budget figures needed was to not fill a position that is anticipated to become vacant this fall. Rick also looked at a scenario of using comp time rather than overtime or holiday pay but this was not a viable option. Rick is planning to schedule the DARE officer to fill in on patrol to help take care of the loss of the position. He is concerned about the coverage if there is someone that is sick or gone. Rick will try to schedule teaching one school per day and share the duties of school resource officer. Mayor Anderson asked if this will cut into administrative time for him and his detective. Rick said it is doable. He is concerned that the officer that is being omitted may never come back. Dave Sims asked about cutting the animal control budget. He said there was a problem over the weekend where a stray could not be put in the pound because it was full. Rick said the pound is now operated more like a humane society and he is hopeful that Second Chance will take over the duties soon. Dave expressed concern about the costs of the pound when an officer position is being omitted and the street and fire department are making major cuts. Dave Sims said the statute is clear about getting rid of the dogs after a limited time. Rick said all the food is donated for the pound. He also said the county is now paying the city \$4,000 per year. Rick said we have adopted hundreds of dogs. He said he will not take the dogs to get euthanized. Dave Gray spoke of two pit bulls running at large and how that is unnerving. Dave Gray said he did not know there was no leash law in the city. Stephen said the utilities for the dog pound are high and we will look at this. Council complimented Rick for his hard work.

Pat Warkentin said the fire department did not have much wiggle room to begin with. He said the insurance and utilities are huge costs to the fire department. He said until the buildings are made more energy efficient the utility costs will remain high. He said if the roof is done at station one that this may

help the high costs. He said most of his costs are set. Pat inquired about the fire call rate of \$11.78 per hour and training being \$6.75 per hour. He said travel and training was reduced to \$2,000 and training and equipment must be considered. The better trained a person is the less risk there is. He said much training is done in-house and does not cost extra. He said there is not expertise in the group to train on everything. He said there are new recruits that are being trained because the fire group is getting older. Pat spoke of the subscription and dues line item and said many of the publications are for training purposes and to keep the firemen safe. This line item also includes networking organizations that the city belongs to. He said the fire department is looking at better ways to do their jobs as cost effectively as possible. Pat said the fire department is governed by set requirements for safety. He said our supplies are low for the upcoming year so we will not be able to update the equipment next year. He said it is bare bones. John Langs asked how many firemen we have. Pat said there are 22 on the payroll and there are four probationary firemen. John Langs asked what the requirements are to be on the fire department. Pat said firemen must show up for training and fire calls. John asked what happens if someone is not meeting the requirements. Pat said if this is the case the firemen will not put up with it. He said firemen are dedicated. John asked if anyone has been let go. John Youngwirth said people have left because it is known that they are not welcome when they are not pulling their weight. John Langs asked what would happen if the number of firemen were reduced to 19. Pat said we need the bigger numbers to have enough firemen to work on fire scenes. He gave the example of the wild land fire near the Marx Subdivision. Pat said the firemen are good about notifying if they are out of town.

John Youngwirth said his distributor truck is not fixable and is not safe so he took out chip sealing for next years' budget. John said he figured in a portion of wages to go to other departments. John said we did not cut overtime due to not knowing the wishes of council for the season. Stephen said the snow plow budget can be anywhere between \$20,000 to \$60,000 depending on the weather. John also said we may be able to accrue comp time rather than pay overtime if necessary. The supply budget was left high due to the old equipment that needs to be repaired. Another large cost to the street department is utilities because it contains the street light electric charges that are over \$2,200 per month. Stephen explained the reasoning for charging ourselves electricity, water, and sewer to keep the city honest. The group briefly discussed street light fees. John commented on the need for snow storage.

The group discussed the visitor center, parks, and pool budgets. Mayor Anderson asked if there is a way to charge ourselves less for water. Stephen commented on meters and sprinkler systems that are planned. John Langs asked about the required number of lifeguards that are needed. Stephen said we have had many requests to use the pool after hours so we are anticipating a fee for this usage. Stephen spoke about a blanket for the pool to help reduce utility costs.

Golf was looked at. Most of the expense is the contract and commissions that we pay. Mayor Anderson said we need to raise pass and green fees for 2010. Stephen said there are equipment needs and a sprinkler system at the course. Mayor Anderson said the Golf Committee will give a presentation to council.

The group reviewed the general government budget.

Stephen showed a worksheet of wages and fringe costs and how they are rising substantially. He said the people cost of the budget is increasing about six percent and without annexation or another source of income we will be in trouble. David said the police, fire, and street budgets are about five years out due

to the escalating costs. David said the police budget for wages and fringes are at about 86 percent with a reduced officer. David said the budget will get progressively worse especially if we have a decrease in revenue.

John Langs said council asked for each department to reduce their budgets by eight percent and he thanked police for nearly hitting their target. We need to have the budget to the paper on August 14, 2009 for publication. Stephen cautioned about the increasing sewer costs that we are experiencing. David spoke about the dredging costs of \$72,000 that came out of sewer contingency last year.

The budget will be another large part of the next council meeting.

There being no further business, the meeting adjourned at 9:28 p.m.

David K. Anderson, Mayor

Attest:

Kris Larson, City Clerk