

# CITY OF POLSON COMMISSION MEETING

Commission Chambers

May 16, 2016

7:00 p.m.

**ATTENDANCE:** Mayor Knutson, Commissioners Coutts, Erickson, Siler, Southerland and Turner, City Manager Mark Shrives, and City Clerk Cora Pritt

**ABSENT:** Commissioner Donovan

**OTHERS PRESENT** (who voluntarily signed in): Kevin Avison, Garth Cox, Linda Cox, Jane Dickson, Elsa Duford, Shari Johnson, Sherry Jones, Keryl Lozar, Bonnie Manicke, Lee Manicke, Steven Pickel and Tony Porrazzo

**CALL TO ORDER: (00:01)** Mayor Knutson called the meeting to order. The Pledge of Allegiance was recited. Roll call was taken.

**APPROVAL OF PROPOSED AGENDA (00:47) - Commissioner Turner motion to approve the proposed agenda. Commissioner Erickson second.** Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

**PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC **NOT** ON THE AGENDA (01:19)**-Craig Rayle Ward II-commented about the Shrives cabins project. This is a follow up due to more information located regarding the noise decibel level. The City of Polson permits 70 decibel. As stated in the April 21, 2016 meeting Mr. Rayle's bedroom is located 5 feet from the proposed road. The average vehicle traveling 10 miles per hour on fresh asphalt generates a decibel level of 70. On a slope of 10% the decibel level will be higher. There was a discussion between Mr. Rayle and the Commission about the noise level on the west side of the home. Mr. Rayle commented that the kitchen and garage are on that side. The noise level is minimal. Mr. Rayle also pointed out that a person yelling creates a decibel level of 100. Mr. Rayle requested the Commission to require an additional Special Use Permit if the project gets built larger than proposed. Mark Johnston-Ward II-commented that he was confused by the process that the City of Polson goes through in preparing the agenda. In Mr. Johnston's opinion the discussion among Commission is lip service the decision has already been made. On this evenings agenda the wording reads approve not discuss. The public is permitted to comment but the decision has been made before the meeting. Mr. Johnston would like to have the process in writing. The survey on the City website is confusing to the average person.

**CONSENT AGENDA (18:40)**-(a). April 29, 2016 claims, (b). May 1-12, 2016 claims, (c). City Commission meeting Minutes May 2, 2016 **Commissioner Coutts motion to approve the Consent Agenda. Commissioner Southerland second.** Commission discussion: none Public comment: Elsa Duford, Ward III commented on the importance of having the minutes from previous meetings, City County Planning Board April 18, 2016, available to the Commission and the public. The minutes are still not posted to the website. Minutes are very important. The minutes from the City County Planning Board meeting April 18, 2016 was about the Shrives Cabins. The comments from the neighbors was important and the Commission didn't have those minutes. Elsa commented that the Commission should have not voted on the subject unless all the information was available. Elsa also commented that she has a problem with the action minutes. The written minutes and the audio should be the same. One set of minutes would be less confusing. City Manager Shrives reminded the Mayor and Commission that when the motion is made to adopt the minutes there needs to be verbiage adopting the electronic recording as the official minutes. **Mayor Knutson asked Commissioners Coutts & Southerland if it was okay with them to amend the motion to include the City Commission electronic meeting minutes of May**

**2nd. The Commissioners were okay with amending their motion. VOTE: Unanimous Motion carried**

**CITY MANAGER COMMENTS (25:16)**-City Manager Shrives commented on the following: a draft of the next chapter in the recodification was handed out to the Commission to begin reviewing. This was Chapter 9; Streets and Sidewalks. Any corrections or comments should be sent to the City Manager. City Streets Superintendent Terry Gembala stated that the city-wide clean up generated 8 dump truck loads of debris. Also, the Fallen Police Officer Memorial Parade & Ceremony will be Wednesday, May 18<sup>th</sup>. The parade will begin at 11:30 and the ceremony will begin at 12:30 in Linderman Elementary. There will be a huge presents from Montana and Canada.

**APPROVE BID FOR CENTER ADDITION SEWER & WATER REPLACEMENT (27:24)**-This agenda item was presented by City Civil Engineer Shari Johnson. Shari began by giving some history of the project. The plans show detail between 4<sup>th</sup> and 5<sup>th</sup> Streets and 9<sup>th</sup> and 12<sup>th</sup>. This area has experienced sewage back up into basements and claims have been filed against the City. In an effort to clean up this area and prevent the numerous claims being filed, the Sewer department has been jetting the lines and cleaning debris out of the lines. Some of the pipes are the original pipes and the pipes are breaking down. More time and effort on maintenance is being spent so it is time to replace the lines. This is the first phase of many more areas to be cleaned up and lines replaced. There will be 3 ½ blocks of sewer main that will be replaced. The pipe will be replaced at a lower grade. There are a lot of homes with basements that the sewer hook-up is level with the basement. This situation permits sewage to back-up into the homes very easily. In order to replace the sewer line, the water lines have to be moved as well. The alleys are very narrow, the buildings are right up against the right-of-way, and the water and sewer mains have to be 10 feet apart. The conditions of the water mains were 2 inch galvanized, rusting, pitting lines. There weren't a lot of options with DEQ (Department of Environmental Quality). There just was not a 10 foot separation in the alleys. During one of the previous water upgrades the City was already working on putting water mains into the roads and connecting the services back to the homes. None of the services were connected to the mains but the mains are there. While this is a small area, the City sees the potential situation from where the back-up claims have happened from the age and condition of the pipes this is happening in a broad area of the older parts of the City and it is happening in multiple parts of the City. The City was able to get a Preliminary Engineering Grant through the TSEP program to help study this. Perhaps the City will apply for additional grants for the additional phases. The City advertised for bids on this project. The bid tabulations show that Sandry Construction was the lowest responsive bid. The approval of Sandry is contingent upon reference checks. The City has worked with Sandry before and like all contractors there's good and bad. The bid was \$141,000.00 for the sewer project and \$103,000.00 for the water side of the project. Shari comments that her engineers estimate was slightly lower, for sewer \$120,000.00 and water was \$103,000.00. Bidding climate is starting to be more competitive and the contractors are getting busy. Material prices are also high. Commissioner Siler asked if check valves had been considered on this sewer project. Shari answered that check valves on sewers don't exist within the DEQ regulations. The valves are flappers are similar to a dryer vent. The flappers allow the sewage to pass through and theoretically if the sewage pressure in the main is high because it is backed up it will help close that flap thus preventing the sewage from backing up into the home. DEQ does not recognize them as a design preventative device because toilet paper, and other things can cause the flap to remain open that don't allow it to close when the pressure comes in. The City does not have that in the standards as an approvable means of preventing a back flow. DEQ does not recognize it as a means. What the City wants to do is rely on elevation control to get the sewage flowing. Commissioner Turner asked why the engineer estimate was quite a bit lower than the bids. Shari replied that it came down to three different categories more or less. The pipe, if you noticed is about \$10.00 a lineal foot difference in both the 10 inch and the 12 inch. The next lowest bidder had the same price as Shari on the pipe. That accounts for about \$10,000.00 difference. The other place of difference is on the connect to, the re-connection of services. The difference between \$500.00 to re-connect houses versus

their \$755.00 made about a \$5,000.00 difference. Shari commented that she is very rarely the low bid. Shari is often at the high because of trying to provide the planning abilities for projects. All of the bidders expressed that they were busy and no one selected the alternate start date that was made available in the packets. The hard spot for the City is that there have been recent back-up claims. To get a better bid, the City would have to wait until late fall, potentially bidding in the winter, and coming back into spring again. The development is picking up and prices are getting high. Commissioner Turner asked that when Shari is putting together estimates she isn't calling to get current prices. Shari commented no, she is pulling from previous bid numbers in the last two years. If you want to wait, it will be late fall coming into winter because the climate in Polson is a little more mild. That is a balance game of will there be another back-up. Commissioner Southerland asked how frequently are there back-ups. City Manager Shives answered the City has had four or five claims. The sewer crews have been focusing on the lines while this project has been put together. The crews are spending a lot of their time on this to try and avoid any more back-ups. The entire maintenance program has been looked at. There is a plan put in place that the crews will try and jet one of the 4 quadrants once a year so one quadrant per year so in four years the entire system will be jetted. The longer this project is delayed the longer the rest of the maintenance will be. There is a risk of more back-ups. Now that the City is aware of it, if we don't do something, the liability will increase substantially. Shari comments that some of the sewer lines are at a 90 degree turn thus creating additional sewage flow problems. These types of issues need to be resolved. Commissioner Turner commented that with more hook-ups that is not the greatest idea with the existing pipe. Shari commented that the four or five back-ups that have occurred have been in the last year. Mayor Knutson commented that recognizing that it would be better to have the problem fixed but trying to understand what the disruption would be for the folks that live there. Shari answered that the disruption will be hopefully fairly minor when it comes to the water. The contractor has been told he can't have anybody out of water for more than four hours without providing them temporary water service. The contractor plans to do directional drill through some of the yards from the new main so that he doesn't have to disturb some of the landscaping and fencing. The sewer will be more disruptive. The contractor is responsible for providing a by-pass sewage line which means that everybody needs to be in service with their sewage. The contractor may be able to take a block out at a time for a small amount of time while actual hook-ups with the houses. Other than that the contractor has to pump and by-pass from one man-hole to the next in order to keep people in service. A lot of the disruption will be from the excavators coming down the alley and working if you are a resident in those areas. There will be disturbance but it will be short-term. The construction period itself is 45 days for both the water and the sewer. Mayor Knutson asked if there is a communication plan in place between the City and the residents. Shari answered that it will be some of both. This will be discussed at the pre-construction meeting should the Commission award the bid. If the Commission chooses to award, there will be a construction meeting this week those are the kind of things that would be outlined with the contractor. The City's responsibility to give prior notice to the residents that this is why the City is doing the project and it is the contractor's job to door knock within 48 hours of when he is going to be disrupting service to a resident. The contractor is required to maintain access for both emergency and residential use while working in any of these areas. If there are concerns or complaints the residents are asked to come to the City, file a complaint notice so that the contractor can keep at his work as diligently and efficiently as possible. Commissioner Siler asked if there was a cost on the litigation that the City has had on the back-ups. City Manager Shives answered there is one claim active right now, the rest have all been settled. It is not necessarily litigation but insurance claims. Mayor Knutson commented that the claims can get pretty significant when it's back up in basements. City Manager Shives replied it can. There's been a couple. Mayor Knutson commented that she has received telephone calls from a couple of the residents who experienced back-ups and it was a very, very unpleasant experience. **Commissioner Turner commented that he wanted it noted that he owns a piece of property with this so he will not be voting.** Mayor Knutson asked the City Water/Sewer Superintendent Tony Porrazzo if he had any additional comment. Mr. Porrazzo did not have any comment. Commissioner Coutts asked what the typical claim amount was on the claims that had been paid. City Manager Shives replied one claim was in the \$20,000.00 range. The claims will be houses, furniture, carpet, so they're running in the \$20,000.00 range. Mayor Knutson asked for a motion. **Commissioner Southerland moved to award**

**the bid for the Center Addition Sewer & Water Replacement to Sandry Construction in the bid amount of \$243,965.00 for Schedules one & two. Award is contingent pending final approval of bonding and insurance and completion of reference check. Authorization is given to the City manager to execute all necessary contracts. Commissioner Siler second.** Commission discussion: Commissioner Siler asked where the Contractor is from. Shari answered Kalispell. Commissioner Southerland asked how soon the project will start. Shari answered in the next couple of weeks. The contractor will need to get insurance and bonds together. The first part of June is the target start date. Commissioner Turner asked when the contractor comes down thru the alley way will the landscaping that the resident has done be disturbed? Shari answered that the contract allow the contractor the alley right-of-way as the construction zone. The contractor has to re-gravel the alleys when completed. The land owners need to know that landscaping and vegetation in the right-of-way is in the right-of-way and that will be needed for construction. Landscaping and trees are not conducive to sewer so it is time to clean up the edges of the right-of-ways within the City's jurisdiction. There won't purposely be things taken down but they will need all that room for construction. Commissioner Coutts commented that it seems like one or two more claims, or try and whittle down the bid but if one more claim comes in there's that difference and it could cost us more in the long run if we don't get it going. Mayor Knutson commented that materials could continue to go up too. Public comment: none **VOTE: 5 ayes 1 abstain Motion carried.**

**APPROVE RESOLUTION OF INTENT FOR WATER/SEWER RATE INCREASE (52:58)**-City Manager Shrives introduced the agenda item. This ties in with the City Wastewater project. After the Resolution of Intent then a Public Hearing will be scheduled for June 6<sup>th</sup>. The presentation was then turned over to City Finance Officer Cindy Dooley. This Resolution of Intent is notification to the public that there is going to be a rate increase. The schedule is outlined by the Montana Code. The approval occurs tonight, then 3 publications of the notice; May 19<sup>th</sup>, May 26<sup>th</sup> and June 2<sup>nd</sup>. Letters will be mailed out to all of the utility billing owners of the accounts. The Public Hearing will be June 6, 2016 at 5:30 p.m. The Commission meeting on June 20<sup>th</sup> will be the actual Rate Increase Resolution. That Resolution would go into effect and the new rates would go into effect July 1<sup>st</sup> and August 31<sup>st</sup> would be the first bill with the new rate. Presently the budget is at \$17,210,503.00 that is up \$420,000.00 from the December 2015 budget mainly due to construction cost of a building that the City is going to utilize to store chemicals in due to new OSHA regulations. The budget splits out; \$1,200,000.00 local funds, \$125,000.00 RRGL Grant, \$750,000.00 TSEP Grant, \$450,000.00 CDBG Grant, \$400,000.00 SRF Loan 1 (similar to a grant), \$14,285,503.00 SRF Loan 2 (2.5% interest rate, 30 year term, semi-annual payments) The payment will be approximately \$680,000.00 with a coverage ratio of 10% above that to make certain the City can make the net payments out of our gross. Once construction starts, the City will be paying out \$600-800,000.00 per month. To stay ahead of the game, a rate structure will be implemented in 2 steps: the first step will take effect July 1<sup>st</sup> and the second step would be a To Be Determined when that would start. The first step will raise a little over 1.5 million per year. We should be able to carry that increase all the way through construction. Step 2 would come in right before the project ends in 2 years. This fall when the City goes out to bid, the numbers will be available on the actual construction. The City has 1.8 million sitting in a contingency and so if the City doesn't have to use that monies that lowers the amount of debt we would have to take out. City Manager Shrives commented that the WRDA Grant has yet to be awarded so there may be additional monies. It will be awarded January 2017. Mayor Knutson comments that the recommendation is to do the Resolution of Intent. City Finance Officer Dooley clarifies that this is the intent of the City by passing this resolution. The majority of the residential customers will fall into the 2,000 to 5,000 gallon range so on the Step 1 increase that would mean an increase of \$10.64 to \$14.09 in their sewer. That takes care of a little over 1900 of the City residential customers. There are only 2200 hook-ups all together. The combined bill with water & sewer and stormwater would be \$63.71 to \$77.57. The Exhibit attached to the Resolution is the actual rate structure. On the sewer, usage is paid on the first gallon of use whereas the water the City includes 5,000 gallons in the base rate. Commissioner Turner asked if it was common to adjust the usage rate when the base rate goes up. City Finance Officer Dooley answered that what will happen is the City is working off of a percentage of what Carl Brown's figures were. We are raising both at the same time.

The final one will be slanted more towards the base rate because that is where the debt service. The base is the overhead and the usage is the operations and maintenance of the system. Commissioner Turner asked if the final step is set in stone or are we waiting to see what the final cost will be. City Finance Officer Dooley answered that it will be the final costs. Commissioner Turner then commented that it would be adjusted accordingly. City Finance Officer Dooley commented that the City will have an idea after the construction bids come in if we are already lower than the engineer, Kevin Johnson. Hopefully there won't be very many change orders as the project proceeds. There are still a lot of variables. Mayor Knutson commented that when we started this the City was looking at a \$60.00 increase and now we are looking at \$46.00. City Manager Shrives commented that this will get the timeline started. The City does have signed contracts and commitments for the grant monies and funding. The next thing will be the bids. Commissioner Turner asked what the date would be for the bids. City Finance Officer Dooley commented the next step will be the final design has to go to DEQ and then the bids. Mayor Knutson commented that the Commission knew this time would come again. **Commissioner Turner motion to approve Resolution of Intent No. 2016-#\_\_\_\_ to change rates for users of the City of Polson municipal sewer system and to call for a Public Hearing on the proposed rate changes.**

**Commissioner Coutts second.** Commission discussion: Commissioner Turner asked what the final rate would be. Mayor Knutson answered that this is Step 1. Commissioner Turner commented what the prediction would be. Mayor Knutson commented that the total would be \$77.57. Commissioner Turner commented that he knew Cindy mentioned the number but he didn't write it down. Public comment: none. **VOTE: Unanimous Motion carried**

**APPROVE THE WAIVER OF OPEN CONTAINER ORDINANCE FOR THE COVE DELI & PIZZA CONCERT (01:09:50)**-City Manager Mark Shrives presented the agenda item along with Kevin Avison of The Cove Deli & Pizza. City Manager Shrives commented that this is the 2<sup>nd</sup> annual concert and the Cove is requesting that 3<sup>rd</sup> Avenue West be closed from the alley to 1<sup>st</sup> Street West. This is the area directly in front of The Cove Deli. The band will set up in front of The Cove Deli and the crowd will sit out in the street to watch. There will be orange fencing with 5 people acting security to make certain that the customers stay within the perimeters with any alcoholic beverage they may have. Kevin Avison commented that last year there were approximately 200 people in attendance. *The Wench* will be the band, same as last year. Commissioner Turner asked if the Police Chief had reviewed the request. City Manager Shrives answered that the City Department heads had reviewed the application and signed off on it. **Commissioner Southerland motion to approve the road closure of 3<sup>rd</sup> Ave. West from the alley to First Street West, in front of The Cove Deli & Pizza and a Waiver of the Open Container Ordinance within the boundaries. Commissioner Erickson second.** City Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

**APPROVE USE OF SALISH POINT PARK FOR 6<sup>TH</sup> ANNUAL FLATHEAD LAKE BLUES FESTIVAL & SANDPIPER ART GALLERY FLATHEAD LAKE FESTIVAL OF ART AUGUST 19-21<sup>ST</sup>. (01:09:53)** This agenda item was presented by Steven Pickel and Keryl Lozar. The organizers are requesting the same closures as the previous 5 years. The Art Gallery show at Sacajawea Park was fantastic and bolstered attendance to the Blues Festival and vice versa. City Manager Shrives commented that the biggest change this year is that there will be no recreational vehicle parking on 2<sup>nd</sup> Street East, 1<sup>st</sup> Street East and Kootenai Avenue. The Polson Police Department will be enforcing this new change. Steve Pickel commented that he is working with Pat Nowlen to allow camping at the softball field and that there would be a shuttle service from the area to the concert area. Commissioner Turner asked if there would be orange fencing to contain the customers with alcoholic beverage. Steve Pickel replied that as in years past, the concert patrons who purchase alcohol are given a wrist band to wear. There has not been any issues in the past. Mayor Knutson commented that the concert has gotten really great reviews. Commissioner Turner requested advertisement letting the public know that there will be shuttle service available. Steve Pickel commented that there will be ads and KPAX will advertise the event as well. Commissioner Coutts asked about attendance. Steve Pickel answered that the numbers depend on the weather. Last year just under 1,000. In previous years attendance has been 400-800 people.

**Mayor Knutson stated the suggested motion; approving the suggested motion that includes all of the items as identified. Commissioner Southerland motioned so moved Commissioner Siler second.** Waiver of PDC noise level ordinance to 12:15 am. Saturday morning August 19, and 12:15 a.m. Sunday morning August 20. Extension of Park hours until 12:15 am. Saturday morning August 20, and 12:15 a.m. Sunday morning August 21. Waiver of Park open container ordinance for August 19 & 20. Road Closures and use of barricades to block two streets during festival. Parks Department cooperation to prepare park grounds for festival use. NO Recreational Vehicles to be parked on 2<sup>nd</sup> Street East, 1<sup>st</sup> Street East, and Kootenai Avenue. CC discussion: none Public Comment: Mark Johnston Ward I commented that he lives in the neighborhood where this festival is held. Mr. Johnston commented that he is quite amazed that it isn't a bigger disturbance with all of the music. Mr. Johnston appreciated that Chief Nash included the no recreational vehicle parking. Fencing and piers take several days to get the fencing removed. It would be nice to have it removed quicker than a week. Mr. Johnston requested that the neighbors who live there be given some kind of a wrist band identifying them so that they may drive to their own homes. Once the barricades go up it takes an act of Congress just to get to your own home. Also the time ordinance extension it has crept into later and later. If the concert ends at 12:15, then the people walk around trying to find their vehicles. 11:00 p.m. would be a good cut-off time. Further Commission discussion: Steve Pickel answered that the fence issue last year was due to a fire call the fence company was called away on. As far as the time, it doesn't get dark until 10:00 p.m. The time extension is so that the closing band can have a light show. The identification for the people living in the neighborhood is a great idea and the organizers will work with the neighbors to come up with something for this year. Clean up tries to occur as the show is going on and looking at a different company for the fencing this year. The concert ends at Midnight and there will be a shuttle service so hopefully that will get the crowd out of the area quicker. **VOTE: Unanimous Motion carried**

**APPROVE USE OF SECAJAWEA PARK FOR THE 2<sup>ND</sup> ANNUAL FLATHEAD LAKE FESTIVAL OF ART AUGUST 20 & 21, 2016 (01:33:04)** This agenda item was presented by Steven Pickel and Keryl Lozar. Mayor Knutson read the suggested motion: Allow Sandpiper Art Gallery and Flathead Lake Festival of Art use of Sacajawea Park the following dates and times: Setup day Friday, August 19 (park open to public) 4 to 8 p.m. for Vendor Tent setup. Festival Saturday, August 20, Set up 6 to 9 a.m. Festival 10 a.m. to 6 p.m. Festival Sunday, August 21, 10 a.m. to 5 p.m. Cleanup to follow. Close Kootenai Avenue from 3pm August 19 to 5 p.m. August 21. **Commissioner Siler motioned so moved. Commissioner Southerland second.** CC discussion: none Public comment: none **VOTE: Unanimous motion carried**

**ACCEPT RICK LAPIANA RESIGNATION FROM THE POLSON REDEVELOPMENT AGENCY AND THE ECONOMIC DEVELOPMENT COUNCIL (01:34:40)** City Manager Mark Shrives reads Mr. LaPiana's letter of resignation. The resignation is due to health problems. **Commissioner Siler motion to approve Rick LaPiana's resignation from the Polson Redevelopment Agency and the Economic Development Council. Commissioner Southerland second.** CC discussion: none Public comment: none **VOTE: Unanimous Motion carried**

**APPEAL DECISION OF CITY MANAGER TO REFUND OR MODIFY GOLF DUES FOR 2016 SEASON (01:35:51)** Garth Cox presented this agenda item. The Golf Course Season Pass was purchased in January 2016. Due to an injury in March 2016 Mr. Cox is unable to play golf. The purchased golf pass was in the amount of \$619.00. A request for a refund was sent to the Golf Board. The Golf Board did not have a quorum so no vote was taken on his request. The Golf Board did respond that they could not override the decision of the City Manager for no refunds. A telephone call to the City Manager was not returned by the City Manager. A week later another telephone call was made to the City Manager and then received a letter of refusal in the mail from the City Manager. There were a couple of issues with the letter; the date is June 18, 2015. Not a very personal letter. In the letter it states that the Golf Board's decision not to give refunds. It was not the Golf Board's decision. In the letter it mentions a letter mailed out to previous season pass holders, when Mr. Cox spoke with Roger Wallace, Director of the Golf Course, Roger commented that he did not mail those letters this year.

When Mr. Cox spoke with Roger about purchasing his pass, Roger never mentioned the no refund policy so there was no verbal notification as stated in the letter. Mr. Cox is requesting a refund to his credit card which was used to purchase the pass. If a refund is not possible, maybe carry over dues to next year. Mr. Cox has purchased a pass for 40 years. City Manager Shrives commented that in 2013 the City refunded \$10,000.00 in refunds. This impacts the golf course budget so the policy was put in place. This is the third request this year, the previous two were denied. Roger Wallace, Director of Golf at Polson Bay Golf Course commented that when the policy was implemented it was with the knowledge there would be some painful decisions. As an Enterprise Fund, the golf budget holds off on capital and replacement/depreciation expenditure until the season passes come in in February so that the amount of revenue is known. The refund requests also put the Golf Board in a situation of trying to decide who's injury was serious enough to give a refund and who's wasn't. Doctors were willing to write letters for their patients to get them refunds. This policy really cleaned things up and took the Golf Board out of having to make this decision. The roll over sounds palatable enough but you run into the same situation. How do we define it? What warrants a refund and what doesn't. Mayor Knutson called for a motion before Commission discussion. **Commissioner Erickson motion to appeal decision of City Manager to refund or modify golf dues for 2016 Season for Mr. Garth Cox. Commissioner Southerland second.** Commission discussion: Commissioner Turner commented that the Commission needs to take a better look at this. There should be some tolerance if someone is hurt before the season starts. There shouldn't be any tolerance if that individual has gone out and played say 6 rounds. There are certain instances that should be able to make exceptions. Commissioner Coutts commented that not playing any golf there's no interpretation. If he hasn't played any golf, he hasn't played any golf. Commissioner Turner commented that he likes the idea of rolling it over to the next year. If there's an increase, then the pass holder pays the difference. Commissioner Siler commented that a 40 year member should carry some weight. Mayor Knutson commented that she called 6 golf courses in the area and all 6 either transfer or refund. This policy needs to be given another look and find a more common ground. We owe the Mr. Coxes to look at this and fine tune the policy. Commissioner Southerland requested that this be tabled for further study. Mayor Knutson asked that Mr. Cox be patient and allow the Commission to work through this. Mr. Cox commented that he encourages review of the policy but does not understand why his situation needs to be tabled. Mayor Knutson commented that under the current policy, it is a no refund policy. Mr. Cox commented that even though the letter states he was notified three times he did not receive the notification. **Commissioner Southerland withdrew her second. Commission Erickson withdrew his motion, and motioned to table Agenda Item #13, request that the Golf Board review the policy and then bring it back to the table. Commissioner Southerland second this motion to table Agenda Item #13.** Commission discussion: none. Mayor Knutson has requested that the item be brought back the second meeting in June which will be June 20<sup>th</sup>. Public Comment: Linda Cox commented that she appreciates the problem with refunds. It is great to hold up a policy, but it needs to be in black and white. There needs to be some way of knowing that the pass holders were told. Mr. Shrives said that this has to be run like a business. There needs to be considerations. In the Commission Code it states that we seek creative solutions. The purchase price of \$619.00 is a lot of money and golf participation is dropping off. If you alienate the folks that have been golfing for 40 years, that's not going to help you. Businesses want to make their customers happy. If you have a no refund policy, you just need to be able to have some ability to take some reasonable steps and it shouldn't be up to one person. It should be up to a board. Mark Johnston-Ward I appreciate Mr. & Mrs. Cox. At the golf course in Columbus, OH if you bought a membership then had to leave, you could sell your membership. That might be another option, they could transfer it to someone else during the season. Mr. Johnston suggested that Mayor Knutson participate in the discussion about the policy. Commission discussion: Commissioner Southerland commented that this is the right procedure to follow. We shouldn't just overrule it at this point without looking into the parameters for making the change. We will come back to Mr. Cox. Commissioner Siler asked if the Commission would be brought into the discussion. Mayor Knutson commented it will be brought back to the Commission in June 20<sup>th</sup>. At that point the Commission will have the opportunity to weigh in on. If any of the Commission has any thoughts or comments, get them to the City Manager. Commissioner Turner commented to Mr. Cox that as a Commission we are trying to look forward and not just favoritism to

him. We want to change the policy for everybody. We are asking that you be patient until next month so that we can create a better policy. It will possibly help Mr. Cox and others. **VOTE: Unanimous Motion carried**

**(02:15:55)** Mayor Knutson asked if the Commission wanted full minutes or action minutes. Commissioner Turner requested full minutes on Agenda Items #7 and #8. Action minutes would suffice on the other agenda items.

**Adjourn. (02:16:54) Commissioner Coutts motion to adjourn. Commissioner Donovan second.** Commission discussion: none Public Comment: none **VOTE: Unanimous Motion carried.**

**ADJOURN: 9:17 p.m.**

\_\_\_\_\_

**Mayor Heather Knutson**

**ATTEST:** \_\_\_\_\_

**Cora E. Pritt, City Clerk**