

**POLSON CITY COMMISSION SPECIAL MEETING MINUTES
CITY HALL – CITY COMMISSION CHAMBERS
THURSDAY, FEBRUARY 5, 2009, 5:30 P.M.**

ATTENDANCE: City Commissioners, Bruce Agrella, Jim Sohm, Jules Clavadetscher, Mike Lies and Elsa Duford present. City Commissioner Fred Funke absent. Mayor Lou Marchello present. City Attorney/Acting City Manager James Raymond present.

CALL TO ORDER: Mayor Lou Marchello called the meeting to order and the pledge of allegiance was recited.

APPROVAL OF PROPOSED AGENDA: Motion made by Commissioner Lies, seconded by Commissioner Agrella, to approve the proposed agenda as presented.

REAPPOINT JAMES RAYMOND AS INTERIM CITY MANAGER FOR 90 DAYS: Motion made by Commissioner Lies, seconded by Commissioner Agrella, to approve James Raymond's appointment as interim City Manager for 90 days at the same rate of pay previously given to Mike Lies, \$4,000. Commissioner Duford stated that since Mike Lies was full time interim city manager and James Raymond is part time he should get less. Commissioner Clavadetscher explained that the full time city manager position was advertised at \$7,000 per month and since James Raymond has served in the position for \$1 a month for the last 90 days, that he deserves even more than \$4,000. Commissioner Sohm noted that they discussed this issue previously and clarified that when Mike Lies was appointed he was not declared as full time interim city manager. He agreed with Commissioner Clavadetscher that considering the \$6,000 to \$7,000 per month salary being offered for the full time city manager position, \$4,000 is close to half and it is fair. Commissioner Duford stated that \$4,000 is too much to pay when he already gets \$3,600 as a City Attorney. She suggested paying James Raymond a \$25 per hour rate which is what Mike Lies was paid converted to an hourly rate. She felt that a part time city manager should not be paid at the full time rate of \$4,000. Mayor Marchello stated that James Raymond spends time on City business after business hours, as shown by the e-mails that they have received from him. Commissioner Duford replied that \$4,000 per month was too much to pay for a part time city manager. Commissioner Agrella said that James Raymond is doing the job of city manager and not shirking his responsibilities. He further stated that the City owes him a lot and he deserves at least \$4,000 in that temporary position. **Motion to approve James Raymond's reappointment as interim City Manager for 90 days at \$4,000 per month carried. Commissioner Duford opposed. Motion carried.**

RESOLUTION #978 – AMENDING RESOLUTION #974 – PROCEDURE TO HIRE CITY MANAGER: Motion made by Commissioner Clavadetscher, seconded by Commissioner Lies, to approve Resolution #978 amending Resolution #974, procedure to hire city manager. Commissioner Sohm explained that the City has adopted a charter with a transition plan. He spoke with Ken Weaver who told him that everything that is in the plan is in there intentionally and it was written that way to cover national and state guidelines for non-discriminatory practices and in no way would he recommend that they change those guidelines or they would put the City at risk. The procedures outlined are all intended as they are prepared. The omission of a law degree for a city manager is intentional because the city already has a city attorney providing a legal opinion. There is no merit or benefit for the manager of the people, administrator or overseer to have a law degree. The requirement is for the city manager to have a

managerial degree or experience. The process can be streamlined but it is a good process. What he recommended is not to have the salary range and benefits as negotiable. He suggested setting a low, mid and high salary range with a set benefit package. We should have been tighter in the advertising with requirements and in the process of offering the position. We need to set the standard and the times for both the selection committee and the individual. We advertised once and we got Jay and the second time we received many applicants. He suggested not changing anything in the transition plan or the charter for the selection of a city manager. Commissioner Duford asked if the word merit would be removed. Commissioner Sohm stated that nothing in the charter or transition plan should be changed because it was voted on by the people and any change should also be voted on by the people. Commissioner Clavadetscher clarified that the Charter was approved by the commission but the transition plan was not. It is a guideline of procedures to follow. Commissioner Sohm stated that Ken Weaver told him that the transition plan is part of the charter and part of the process so he will not vote to change anything. Commissioner Clavadetscher agreed that the transition plan is a good process but is not part of the charter, it is a guideline for the city to follow. Commissioner Sohm replied that Ken Weaver suggested they don't change anything or they would put themselves at risk of some discriminatory issues and there is no reason to change it because they haven't determined that it doesn't work. He doesn't see a reason to lower the standards through another resolution. Lois Hart agreed, having been a member of the search committee, she felt that refining the specificity of the amount that each candidate qualifies for and setting a benefit package would refine the process and she would not recommend the change at this time. Dick Baumberg said he doesn't know what is in the resolution but he assumes it says that the City Commission can appoint a city manager on the basis of merit. He warned the commission that unless he hears and it is recorded in the notes, what merit means, or the City Attorney gives an opinion what merit means, there is no due process and they cannot change the current resolution. Without a long discussion of what need there is for this change he would say it is illegal. He spoke with enough citizens in this community that they will challenge anyone if they change the resolution. The other resolution was voted on with public comment from the citizens of Polson and unless the Commission gives some reason, they should not change this resolution. Commissioner Sohm spoke on behalf of Mick Holien, who also served on the Search Committee who told him that he doesn't want any standards lowered. He doesn't have any problem with the process that was followed, the qualifications and the experience level required. Although he couldn't be here tonight he asked him to speak on his behalf. Liz Marchi said she is a member of the search committee and urged the Commission not to make any changes at this time because she thinks the process and the procedure that is laid out is a good one and she feels it will work effectively and there is no rush to change the process at this time. Jeff Smith stated that after serving on the search committee he wanted to thank Lois Hart for doing such a good job as chairman. The process they went through was non discriminatory and although not in the same order, all the members ranked the same finalist candidates. Going through the process proved to him that it was a good system. Commissioner Duford stated that they should be very cautious on making changes and should stick with the transition plan, requiring education and experience as the top priorities in selecting a city manager. She questioned if there was sufficient notice for this special meeting and felt there should be more notice so more people knew about it. She was in favor of staying with Resolution #974 and asked if there are any changes to sections 3 through 7. City Attorney replied that that Resolution #978 revises sections 3 through 7 in Resolution #974, if approved by the commission. Commissioner Clavadetscher stated that it appears that passing Resolution #978 would raise public concern and until the need for change has been more clearly defined it

would be better to let it die. **Commissioners, Agrella, Sohm, Clavadetscher, Lies, Duford and Mayor Marchello, voted against the motion. Motion failed with a unanimous vote.**

REVIEW CITY MANAGER SELECTION PROCESS: Mayor Marchello stated that it appears that there is support to continue with the current process to hire a city manager. It can be revised to streamline the negotiating process and set more specific timeline criteria. He noted that Don Seten was the fourth of the finalists selected out of ten candidates and he is still very interested in the position. The commission can vote to re-advertise the position with the new criteria in place and notify the previous candidates if they are still interested, some of whom have shown continued interest. **Motion made by Commissioner Sohm, seconded by Commissioner Lies, to approve that the Search Committee provide to the Commission a recommended criteria for each low, medium and high salary range.** Commissioner Duford expressed her concern if the City of Polson can afford the advertised salary range this year and the coming years considering its population and the current economic situation we are in. Commissioner Sohm stated that the salary range can be set fairly whatever the commission approves. The Search Committee will come up with the required criteria, education and experience, and other guidelines for the salary ranges which the City Commissioners will approve along with the amount for each salary range they feel are appropriate for this year and next year's budget. **Commissioner Sohm amended his motion to include that the Search Committee would also provide a recommended time schedule for the City manager hiring process. The amendment to the motion was seconded by Commissioner Lies. The amended motion carried.** Dick Baumberg suggested that the budget information should be presented at the next meeting and the new ideas, recommendation and time line are all great ideas that he encouraged the commission to proceed with as soon as possible. Lois Hart said she was glad to have the chance to speak to the City Commission about Don Seten. She feels strongly that he has the qualifications to be a good City Manager for Polson and with no city manager experience he is not at the top level of the salary range. He was the first to write a thank you note. His career plans were not clear in December but a recent decision he made is to pursue a career as a city manager. Although he was fourth in the second round of candidates, he is highly qualified. She reviewed his resume and it clearly shows pertinent experience, such as downtown improvement, grant writing, commercial development, economic development and planning. His work history shows a person who interfaces with people and operating his own business has a combination of skills and experience along with eagerness to learn what he doesn't already know. She spent a significant amount of time with him and found him to be observant and a quick study. He likes history, geology and was sincerely interested in the City of Polson asking a lot of questions. He treated the citizens he met with respect, and wanted to hear what they had to say, he has good communication skills and made eye contact. His work history shows that he has experience talking with groups, has the ability to hold partnerships and collaborates. He has worked on refining processes by analyzing and refining it to make it more efficient and economical. He stated that he wants no more in benefits than what the city staff gets. He worked as a planner in Breckenridge, Colorado when it was the size of Polson which gave him good experience with local development issues. She felt that he is a good candidate. She stated that it would be discouraging to start over having such a good candidate available. Jeff Smith also stated that he recommends Don Seten. Mayor Marchello agreed that he is a good candidate and they should not rush to advertise again. Liz Marchi also spoke on his behalf. Lois Hart stated that she agrees with refining the salary timeline in case it doesn't work out with Don Seten and the position is re-advertised. Jim Sohm suggested that they could have a second interview for Don Seten if he is still interested. Commissioner Clavadetscher stated that Don Seten was

chosen as the number one candidate by some of the City staff and department heads and he would vote in favor of scheduling a second interview. Lois Hart said she also heard from the city staff and department heads who chose him as number one. Commissioner Lies agreed that he should be asked to return for a second interview. Commissioner Clavadetscher agreed and suggested that this second interview be at his own expense. Commissioner Duford suggested that a phone conference interview be an option for him. Commissioner Sohm suggested that the salary ranges, according to what the City can afford, would be determined by the next meeting and a proposed salary for Don Seten would have to be established. A special meeting was proposed. **The motion that the Search Committee provide to the Commission a recommended criteria for each low, medium and high salary range and that the Search Committee would also provide a recommended time schedule for the City Manager hiring process at the next meeting was carried unanimously.** Dick Baumberg suggested that the Commission needs to determine what salary range the city can afford to offer in the next budget year. Lois Hart encouraged the City Commission to invite Don Seten back for another interview and spend time getting to know him. The City Commission agreed to schedule a special meeting to be held next Monday, February 9, at 5:30 p.m. to review and approve the stepped city manager compensation packages to be prepared by Acting City Manager James Raymond. James Raymond stated he could not attend that meeting because of a previous commitment, but would have the information they requested for the meeting. Commissioner Sohm said it would be helpful to have information of city manager salary and benefits paid by other third class cities in Montana at the next meeting, to see what the competition is.

GOLF COURSE LEASE ISSUES: Commissioner Lies explained that the Golf Resaturant carpets and the grill need cleaning before the new managers take over. He agreed to do the cleaning provided the City pays for the cleaning supplies. The Commission agreed. Commissioner Lies noted that Brian Seidita left some large dividers that are not being used and should be discarded. City Attorney James Raymond replied that they will be disposed of following the rules. Commissioner Lies asked who would be responsible for the purchase of a walk in cooler which is important to have in the restaurant. City Attorney James Raymond noted that the draft lease can be modified. Commissioner Sohm stated that the cooler should be the City's responsibility because it involves installing water lines and is necessary for the restaurant operation. The commission agreed that any surplus items can be disposed of following the rules and that the walk in cooler be put out for bids and purchased and installed at the City's expense.

PUBLIC COMMENT ON MATTERS OF SIGNIFICANT INTEREST TO THE PUBLIC NOT ON THE AGENDA: No public comments were made.

Meeting adjourned at 6:45 p.m.

Lou Marchello, Mayor

ATTEST: _____
Aggi G. Loeser, City Clerk