

CITY OF POLSON

COUNCIL MEETING

Commission Chambers

May 5, 2014

7:00 p.m.

ATTENDANCE: Mayor Heather Knutson, City Commissioners: John Campbell, Todd Erickson, Ken Siler, Jill Southerland, Stephen Turner, City Manager Mark Shrives and City Clerk Cora Pritt.

ABSENT: Commissioner Dan Morrison

Others present (that voluntarily signed in): Elsa Duford, Dennis Duty, Lita Fonda, Bonnie Manicke, and Andrew Speer

1. CALL TO ORDER

Mayor Knutson called the meeting to order. The pledge of allegiance was recited.

2. APPROVAL OF PROPOSED AGENDA

Commissioner Turner motioned to approve the Proposed Agenda. Commissioner Erickson seconded. Commission Discussion: None Public Discussion: VOTE: Unanimous Motion carried

3. APPROVAL OF CITY COMMISSION MEETING MINUTES APRIL 14, 2014-Commissioner Southerland motioned to approve the City Commission Meeting Minutes of April 14, 2014 with the mentioned corrections. Commissioner Erickson second. Commission Discussion: Commissioner Erickson's spelling of his name needs to have the "C" put in it. Mayor Knutson asked that at the end of the Waste Water Summary indicate it was the end of the summary. Public Discussion: none VOTE: Unanimous Motion carried

4. APPROVAL OF CITY COMMISSION MEETING MINUTES APRIL 21, 2014-Commissioner Turner motioned to approve the City Commission Meeting minutes of April 21, 2014. Commissioner Siler Second. Commission Discussion: None Public Discussion: Elsa Duford

commented about the newspaper article regarding that meeting. It said that it was good that John was concerned about people on low income senior citizens being able to deal with these increase rates if that is, ends up being the case. So I just wanted to say that I hope more people will take an interest in this because if it turns out to be this way, there's going to be a lot of people going to lose sleep and it's going to be tough. On the Clean Up/Green Up thing, I did talk to Heather about that too. If people can't water, we're not going to have a pretty green town. It's going to be a dried up, brown town because they will barely be using water just for their household use the same as needed. I think there has to be some more thought given to people being able to maintain their places. In the past when we had a spell and there wasn't enough water, you drive around town and you'd see brown lawns. You could see where they'd tried to water around trees, there'd be a green ring. So, they were trying to keep certain things alive and let the rest of the grass die. I just want you to keep that in mind. Thank you.

VOTE: 4 ayes, Commissioners Campbell & Southerland Abstained. Motion Carried.

5. CONSENT AGENDA-April 18-30. Commissioner Campbell motioned to approve the consent agendas dated April 18-30th. Commissioner Turner second. Commission Discussion: none Public Discussion: none. VOTE: Unanimous Motion Carried.

6. CITY MANAGER COMMENTS-City Manager Shrives commented on a budget update. The City is still in the preliminary stages. There have been meetings with City Finance Officer Cindy Dooley and City Clerk Cora Pritt. The City is still waiting on some costs on health insurance. From a scheduling standpoint and the State's budget guidelines; there will be a preliminary budget brought to the Commission in June during a workshop, around August 18th there will be a budget presentation, then on September 3rd the City will adopt a budget by resolution.

7. APPROVE AMENDMENT TO THE 1993 POLSON DEVELOPMENT CODE-CHANGING THE JURISDICTION AND APPROVAL OF SPECIAL USE PERMIT PROCESS-City Manager Shrives presented this agenda item. Basically changing the approval authority of the Special Use Permit from the City County Planning Board to the City Commission. This is not changing the entire Development Code, just the approval authority of the Special Use Permit. In the past the City County Planning Board has approved the Special Use Permit. There will not be any change in what they do. They will still go through the entire process, they will hold the public hearing, work with the Planner. Instead of approving the Special Use Permit, the Board will give a recommendation to the Commission. It is keeping the work at the Planning Board, it's just the approval that will change. That is all this will be. Commissioner Turner asked why we had to go through this and what is the cost? City Manager Shrives answered that there would not be an additional cost. The City Commission will review the packet, and approve the Special Use Permit per State law. There will be no new presentation, just strictly a review and approve. There will be a cover letter from the Planning Department. There will be no additional cost to the applicant. Mayor Knutson commented that the City County Planning Board will make sure that the application is compliant with the Polson Development Code. Commissioner Campbell asked if this would affect anything that had been done previously. City Manager Shrives answered that no, it would not. Commissioner Campbell asked about the situation of an applicant being denied a recommendation by the City County Planning Board. What would the process be? City Manager Shrives answered that the applicant would have the opportunity to bring the application to the City Commission. City Manager Shrives further clarified the appeal process; if there is an appeal of the Administrator, the Planner that goes to the Board of Adjustments. If there is an appeal of the City Commission decision, that would go to District Court. **Commissioner Siler makes the motion that we accept the amendments and changes to the development code labeled: "2014 Amendment to the City of Polson Development Code 1993-Amending the jurisdiction and process of Special Use Permits."** **Commissioner Campbell second.**

City Commission discussion: none Public Discussion: **Dennis Duty**-“This probably won't be the last time that we talk about this as the new Development Code is presented. There will be a lot of discussion on Special Use Permits. In this case, Mark and I disagree. There will be more discussion at City Council when this is brought forth because you are the body that makes the final decision. We're certainly going to want to make sure that either negatively or positively you're getting all that information again even though the Planning Board will have heard it once. So I do think that it is more than one hearing in my mind. Most people don't know how to do a Special Use Permit application. They just want to build a building or whatever the Special Use is. So they have a consultant hired and that consultant has to come back for both hearings. What I am recommending that we have a one hearing process like it was before. I understand the legal ramifications of the Planning Board not having the jurisdiction to do this and that you should make the final decision. The question is whether we really need to have two hearings on something, in most cases, is a permitted use already in that zoning district. It's just, for instance in Highway Commercial, every single building, anything, has to go through a Special Use Permit. The same with the Resort Zoning. It has to go through a Special Use Permit. So, what I'm asking is that we just have one hearing, and we don't have to go through this twice. I think we can do that simple, and like I said, if you are following all the rules with this, following all

the Performance Standards, it's pretty much done. I'm going to recommend in the future that administratively this be done that we don't even have to go through the hearing process for certain typed of Special Use Permits. I would like to see it be a one hearing process. That's what I'm asking for here tonight. Any questions?" There were questions and comments from the Commissioners about the process. Mr. Duty would like to have just one hearing, and have a project go directly to the Commission. Commissioner Campbell felt that the projects need to have public input. **Lita Fonda**-“I like the idea of having it vetted at a public hearing at the City County Planning Board and then just coming here for the decision. I don't have a problem of that. I agree with some of John's comments. The concern that I wanted to mention though, isn't with the jest of it but more with the wording. The Polson Development Code is enforced by two jurisdictions, the City and the County. I notice in the change of the wording it says “if the Board finds that complies it shall recommend approval to the City Commission. If the Board finds the proposed Special Use Permit fails to comply, it shall make a recommendation to the City Commission, etc. etc.” So, the old wording wasn't quite so specific and it could go to either jurisdiction. But here it's just coming to one jurisdiction. So, if there's a Special Use Permit from the County, what happens to it? I can't read this and quite figure this out. The other thing is that because this, the Polson Development Code, is a document that two jurisdictions are enforcing typically both jurisdictions have to approve an amendment or you have a split code. When I worked for the City, many years ago, I had to actually find a way to reflect in the Code which things had been passed by one jurisdiction and not the other. So, just a heads up that should you choose to pass this, it will be a split section in the Code where you've got one jurisdiction doing one thing, and another jurisdiction doing another, as I'm seeing it. Maybe there's another thing I haven't quite caught.” City Manager Shrives commented that he has spoken with County Commissioners. Theirs is a little bit different so they have asked their Planning Department and their County Attorney to take a look at it and taking some sort of action down the road. In the meantime the City needed to take action because of the Special Use Permits coming. Since the City has an attorney opinion on the execution of the Code, it make sense to move forward for the City. Lita commented that just to be aware that it will need to be clear because when the public goes to read that code, they're going to have to be able to figure out what it is saying. You are going to have to be able to, whoever is doing that for the City now, is going to have to be able to put that in there, have the leeway to put that in there in such a way that it's clear who is doing what. So, I just wanted to mention that as a concern. Thank you for your comments Mark. That's helpful.” **Lee Manicke**-“I have a question, what's the proper method or procedure to amend the Development Code? The Development Code was approved by an Ordinance. Since then there have been at least a dozen amendments to the Development Code and they've all been done by ordinance. Maybe a time or two they tried to get one done with a resolution, but part of that was to resolve, have a resolution to adopt an ordinance. What you are doing tonight is different than that and so the question is what is the proper method or procedure to amend the Development Code? City Manager Shrives answered that this is the procedure that the attorney recommended to do this to fix this problem. At this point, that is the procedure because we're trying to basically fix a legal issue. Mr. Manicke answered that he understands and has no objection to what is being done. Mr. Manicke further commented that he didn't see anything that said it could be done without an ordinance. There was a brief discussion in which Commissioner Turner and Mayor Knutson voiced their concerns about the review process, changing it, and not getting to hear a complete presentation. The Mayor did state that she like the idea that the Commission would have the last say and the

fact that if a project should ever go to court, the Commission would be the Board that had approved the project. Commissioner Turner agreed but stated that if it did go to court and the Commission hadn't seen the entire presentation, then there would be a little gray area there.

VOTE: 4 ayes 2 nays Motion Carried

8. PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE

AGENDA-Andrew Speer-"I do have a comment but it has to do with stuff on the agenda. I see that we're going to be going into recess and then an Executive Session, then you are going to reconvene. I was curious about Item #12, which is the City Manager six month performance appraisal report. Could you enlighten us on that?" Mayor Knutson answered yes. We will give a summary of the appraisal that was done so that the public can hear what the summary is for Mark Shrivess review. Mr. Speer then commented, "Could you also give us some indication as to how long the Executive Session will be." Mayor Knutson answered that the estimated time of the Executive Session will be roughly 40 minutes. Mr. Speer then asked if that was going to be done in the Council Chambers. Mayor Knutson answered that the Council would recess to the Fire Hall to have the Executive Session then re-convene in the Council Chambers.

Commissioner Campbell read an article from the Daily Interlake-"One hundred years ago, kids can't swing on trees. Mayor Pauleen, last night, instructed the City Engineer, Street Commissioner, and all other City employee's connected with the care of the boulevards to take any child who might be caught swinging on the trees about the City and bring them to his parents. On the second offense it was suggested that the parents be made to pay for the damage to the trees. Hundreds of young trees have been killed. It has been a big expense to the City." Commissioner Campbell then commented that some things never change.

Penny Jarecki-"I serve on the beautification committee for Polson. I just thought you would like to know that we had our annual Clean- up/Green up effort on Friday. We had a tremendous support from the school and the High school and Linderman and the Middle school. There's always more to do, but we are proud of what we accomplished on Friday. We would have liked to have had more adult participation. I am hoping that there is still some volunteer groups that will cover the areas that we didn't get. You will notice trash out along the Highway 93 on the north side of town and I think probably along the bike path on Highway 35 as well. We plan to go forward with this project and we welcome any suggestions you have to make it better, more of a community event as each year progresses. We think this is a statement of pride in our community and we're proud to be a part of that. Secondly, our committee is finding volunteers to help maintain the bump-outs on Main Street. The bump-outs are beautiful but they do need care and the City doesn't have time to take care and maintain, deadhead, and weed. So, we are finding volunteers to assign to each one of those bump-outs. We are looking forward to having Polson more beautiful this summer. We will, once again, have the Polson In Bloom contest. That's our next project that we have on the agenda. We're not a huge force in Polson and we're not a huge item on your agenda, but I just thought you would like to be brought up to speed. That we're out there and helping as we can." Mayor Knutson thanked the organization for their effort in cleaning up Polson.

Mayor Knutson commented that the meeting would recess for Personnel. "This matter concerns the evaluation of the City Manager and his job with the City. A written evaluation has been conducted by me, with input by the Commission and the City Employees. I am now prepared to discuss the results of the evaluation with the City Manager and the Commission. I have

determined that the interest of the public and the knowledge of this evaluation clearly out-weigh the interest of the employee's privacy. However, the City Manager has the right to request that the discussion of the evaluation be closed as a matter of personal privacy and if he exercises that right, the discussion will be closed. If the discussion is closed, upon its completion the Commission will reconvene into open session for action upon the terms of the City Manager's contract. I expect the discussion to take approximately 40 minutes. At that time the Commission shall reconvene an open session an appraisal report will be read and voted on for approval by the Commission. Public comment will be heard at that time. I would like to ask Mark Shrives if he wishes for the discussion to be closed." Mark Shrives, "Yes." Mayor Knutson, "Okay. With that we will go ahead and recess."

9. **Recess**-7:40 p.m.

10. **Executive Session**

11. **Reconvene**-8:30 p.m.

12. **CITY MANAGER SIX MONTH PERFORMANCE APPRAISAL REPORT**-Mayor Knutson read the following appraisal summary:

"Dated May 5, 2014: Mark Shrives began his position as Polson City Manager on October 15, 2013. Regular Performance Reviews are an important part of insuring appropriate direction and communication are taking place between the Council and the City Manager.

We have conducted a Performance Evaluation based on the first six months of Mr. Shrives employment at the City of Polson. From this point forward we will conduct evaluations on an annual basis starting in March of 2015. We may elect to perform appraisals more frequently but at a minimum we will conduct them annually.

This current evaluation was generated by gathering input from the Commissioners as well as the City of Polson employees. Results can be seen on two attached documents entitled City Commission Appraisal Survey and City Employee Appraisal Survey. All of the Commissioners agreed this is considered a satisfactory performance review. The contract entered into by Mr. Shrives and the City of Polson indicates that an annual pay increase of \$2,500.00 would be implemented following a satisfactory performance review to take place six months from the date of the signed agreement. The agreement was signed on September 20, 2013 therefore the pay increase should have taken place on March 20, 2014. Based on the completed satisfactory review and the signed contract, the Commission will increase Mr. Shrives pay to \$2,500.00 annually. Additionally, because the review and pay increase should have taken place by March 20, 2014 we will pay retroactively from March 20, 2014 until now. Note: \$2,500.00 over 26 pay periods is \$96.15 per pay period, \$6.87 per day from March 28th we will need to pay \$61.83 gross. We will also need to add \$192.30 gross pay for what should have been included on the April 11th and April 25th paycheck. Total retroactive gross pay will be \$254.13 to be included with the May 9 paycheck. The paycheck scheduled for May 9 will begin the \$96.15 per pay period increase and will bring us current. We will continue to include the \$96.15 per pay increase from here forward.

The City Commissioners want to thank Mr. Shrives for his management, leadership, and professionalism in representing the City of Polson over the last six months. We want to insure open communication continues and encourage Mr. Shrives to talk with the Commissioners as

needed to clarify direction, and in turn Commissioners intend to continue to communicate with Mr. Shrives openly about issues, questions, and direction.” End of Performance Appraisal Summary.

Mayor Knutson then asked for a motion to approve the City Manager Mark Shrives performance appraisal report, including the approval of a salary increase of \$2,500.00 annually in compliance with the City Manager Employment agreement dated September 20, 2013.

Commissioner Turner motioned to approve City Manager Mark Shrives performance appraisal report including the approval of a salary increase of \$2,500.00 raise annually in compliance with the City Manager Employment agreement dated September 20, 2013.

Commissioner Erickson second. Commission Discussion: none Public Discussion: none

VOTE: Unanimous Motion carried

Seeing no other comments, Mayor Knutson asked for a motion to adjourn. Commissioner Southerland motioned to adjourn. Commissioner Campbell second.

VOTE: Unanimous Motion carried.

ADJOURN: 8:35 P.M.

Mayor Heather Knutson

ATTEST:

Cora E. Pritt, City Clerk