

**POLSON CITY COMMISSION MEETING MINUTES
CITY HALL – CITY COMMISSION CHAMBERS
MONDAY, JUNE 7, 2010, 7:00 P.M.**

ATTENDANCE: City Commissioners: Ron Boyce, John Campbell, Judy Preston, Mike Lies, Elsa Duford, Fred Funke. Mayor Pat DeVries presiding. City Manager Todd Crossett present. City Attorney James Raymond absent. Others Present: Diana Luke, Carstens Surveying, Suzanne Laepke, Jim Redmond, Berl Tiskus, Ron Melvin, Lita Fonda, Murat Kalinyaprak.

Mayor Pat DeVries called the meeting to order and the Pledge of Allegiance was recited.

APPROVAL OF PROPOSED AGENDA: Motion made by Commissioner Lies, seconded by Commissioner Funke, to approve the proposed agenda. Motion carried unanimously.

CONSENT AGENDA:

- A. CITY COMMISSION MEETING MINUTES – MAY 17, 2010**
- B. MAY 18 TO 31, 2010 CLAIMS**

Commissioner Lies corrected the date of the claims from the 16th to the 18th of May noting that the City Commission approved the claims issued to the 17th of May at the previous meeting. **Motion made by Commissioner Lies, seconded by Commissioner Campbell to approve the Consent Agenda items A. and B with a correction to the beginning date of the May Claims to be approved. Motion carried unanimously.**

CITY MANAGER COMMENTS: Todd Crossett mentioned that Shari Johnson and he visited Tony Porrazzo at St. Pat's Hospital in Missoula and his mood was chipper considering the circumstances, he was engaged in their conversations about his budget and was optimistic and upbeat about his recovery. He expressed his appreciation for the support he has received from the City staff and the members of the community.

There was a recent water line break on 9th Avenue and 8th Street East and the water crew was called out and fixed the break by 2 a.m. The new water tank on Hillcrest was filled and passed inspection and is now in use. The Skyline water tank is currently under testing.

He and the department heads are currently conducting evaluations using a performance plan. The departments' preliminary budgets are due by Friday, June 11th and the first draft of the preliminary budget will be ready for review by the second week in July. Additional tax revenues will be received and more expenditures will be made in June before the year end cash balances are known. One impact on the General Fund cash balance was the expenditure made in prior fiscal years of approximately \$100,000, for the Westana subdivision infrastructure. City Attorney James Raymond is working on getting back \$50,000 from their bonding company, which is the amount the City Commission previously agreed to. An expenditure he feels is important to budget in the next fiscal year is the cost of a server, which would save money and time in the long run and provide more accuracy. The cost can be split between enterprise funds and the general fund.

Due to the rainy weather over the Memorial Day weekend the Golf Course estimated a loss of \$25,000 to \$35,000 potential revenue. They hope to catch up on the projected revenue throughout the summer and Fall months. The Golf Restaurant revenues are coming in and Bonnie Manicke is working with Suzie Tommer on preparing monthly profit and loss reports.

The new location of the Friday Farmers Market is being well received and appears to have a large number and large variety of vendors and shoppers, even in the rain it is quite successful.

The donations being solicited by the Polson Business Community for the stairway at Riverside Park is selling plaques to be installed on the stairs with the donors' name. They hope the stairs would be completed by this summer.

The Main Street Streetscape Project will start advertising for bids for construction starting in this week's paper and the project will proceed as scheduled pending CTEP's approval. A recommendation to the Council for award of the construction contract award is scheduled for July 19th at the Council's regular meeting, and start date of construction is August 9th which is after the Car Show.

He attended a downtown business owners' meeting recently where they expressed some concerns over the unpaved portion (where the new water main was installed during the spring) of Main Street. They requested that the City consider placing a durapatch strip at a cost of \$4,000 to \$5,000, which would have to be removed within several weeks for the mainstreet project. The Commission felt the street crew had done a good job filling the pot holes and leveling the unpaved area and asked that they keep it up especially for the car show weekend. Todd Crossett mentioned that some of the PBC members talked about canvassing for fund raising to pave the unpaved strip before the car show. It was clarified that during the planning stages the PBC agreed to live with the unpaved strip and wait until the whole road was paved. Commissioner Funke expressed concern about the chips damaging the cars participating in the car show and people tripping on the loose gravel. It was agreed that the Street crew could keep the unpaved strip in good condition and the majority of the Council voiced that they preferred not to pay for something that will be torn up in a short time.

Stelling Engineers was the successful engineer for the Tiger Grant to upgrade Skyline Drive. They will be responsible to prepare the environmental process standards for Phase I, which is a critical step in the process when federal funding is involved. They must commit funding for the project by putting the project out to bid by September 2011. There will be a number of public meetings throughout the year. He noted that they have received tremendous help and support for this project from local agencies including MDOT and the Tribes. The Tax Increment Financing software was purchased from Black Mountain Software and City Treasurer Bonnie Manicke is following up on the implementation of software to calculate and receipt the City's Tax Increment revenue, which should be here soon.

Mayor DeVries asked to have a copy of the TD&H Stormwater Report that the City recently made a \$15,000 final payment to TD&H. Todd Crossett replied that there is a summary on the City's website and that this report is a preliminary stormwater plan and is not a final plan and he would provide the office copy for her to review.

Todd Crossett stated that he would be in Kalispell tomorrow to participate in a field trip to look at wastewater systems on the north end of the valley.

Commissioner Duford asked if Mission Valley Power would maintain and service the Streetscape's proposed decorative light poles. Lee Manicke replied that they are planning to leave the existing MVP poles. The decorative poles will only be part of the project if the bid comes in low enough, only then will they decide what decorative improvements they can afford. He noted that the decorative poles would be at a lower height than the existing MVP poles. Ron Melvin replied that MVP is reviewing the plans and will let them know if they would service the decorative light poles. Todd Crossett clarified that Shari Johnson will be the point of contact with the contractors so that the information they receive is consistent and accurate. The PBC talked about setting up a display of drawings showing the Streetscape Project improvements during the car show. The Mayor and Commission commented on the good job the Street Department is doing keeping the unpaved strip of Main Street in good condition.

RESOLUTION #1010 – ANNEXATION PETITION – GOOD SHEPHERD LUTHERAN CHURCH PROPERTY OFF OF HILLCREST DRIVE COS #5184 LOTS A AND B: Diana Luke of Carstens Surveying explained that the owners of the property wanted to make a boundary line adjustment on COS#5184 Lots A and B and they were told by City Planner Joyce Weaver that they would have to annex the property. Commissioner Campbell clarified that the existing house will be required to be hooked up to City sewer as a condition of annexation. Commissioner Duford asked if the church is planning to expand. Diana Luke replied that at this time they are developing the property as single family residential and would go through the required process for a different use. **Motion made by Commissioner Campbell, seconded by Commissioner Funke, to approve Resolution #1010, annexation of property on Hillcrest Drive, known as COS #5184 lots A and B, as petitioned by the Good Shepherd Lutheran Church, conditioned upon the existing house hooking up to City sewer upon annexation. Motion carried unanimously.**

AUTHORIZE EXPENDITURE FOR COST OF APPRAISAL OF .9 ACRES OF LAND ON HIGHWAY 35 THAT IS A POTENTIAL SITE FOR A WATER WELL: City Manager Todd Crossett stated that water expert Roger Noble was hired by the City to assist in identifying additional sources of water for the City and identified this Highway 35 location as a potential water well site. It is close to town and is approximately one acre with potential access from Mission Bay subdivision. They received DEQ approval and are now requesting authorization to pay for an appraisal of the property. They plan to negotiate the purchase of the property contingent upon finding a satisfactory source of water so that if the water source is not satisfactory they would clean up the site and would not be obligated to purchase the property. They are requesting approval to pay approximately \$350 to have an appraisal done on the property. **Motion made by Commissioner Campbell, seconded by Commissioner Lies, to**

authorize the expenditure for an appraisal on the .9 acres of land on Highway 35 owned by Mission Bay at an approximate cost of \$350. Commissioner Campbell asked if there is room for a water treatment plant, which might be necessary like they have for other city wells. He noted that there is a water treatment facility at the airport, which blends in well there because it looks like a hangar. Mayor DeVries said they should agree on the value before proceeding to buy the property. Lee Manicke asked if they had looked at the 6/10 of an acre property the City owns on Hellroaring Road as a potential well site. Commissioner Campbell said he remembers how happy the property owners were on Hellroaring when they extended a 12” water main for residents in that area to use the surface water, which makes him think there wasn’t a good water source in that area. Todd Crossett said he would talk to Roger Noble to see if that option has been examined. **Motion carried unanimously.**

APPROVE 4TH OF JULY PARADE STREET USE PERMIT: Mayor DeVries noted that James Raymond is ill and could not attend this meeting. She is looking into having the Kiwanis cover the cost of the liability insurance that is required for the July 4th parade. They also request a waiver of the \$500 bonding required for the fireworks display, which is not on this agenda. She suggested that this item be tabled. **Motion made by Commissioner Funke, seconded by Commissioner Boyce, to table the July 4th parade street use permit agenda item until more information is available. Motion carried unanimously.**

SCHEDULE SPECIAL MEETING FOR CITY MANAGER CROSSETT’S EVALUATION: Mayor DeVries clarified that it is the City Manager’s prerogative and he chose to have his evaluation done in executive session. The Mayor and Commissioners agreed that the City Manager’s evaluation should take place at the Library Meeting room on Monday, June 21 at 5:00 p.m. and sandwiches would be served because there will be a regular City Commission meeting following, at 7:00 p.m. **Motion made by Mayor DeVries, seconded by Judy Preston, to schedule a special meeting to conduct City Manager Todd Crossett’s evaluation in an executive session on Monday, June 21 at 5:00 p.m. at the Polson City Library Meeting room. Motion carried unanimously.** The Mayor and Commissioners agreed that they would solicit input of his job performance from Department Heads because they work with the City Manager on a daily basis and the City Commission would also complete the questionnaire. Mayor DeVries suggested they use the same five question form as the City Manager is using for the City staff evaluations. City Manager Crossett said he could, if requested, provide information on his evaluation that was done six months ago, which outlined a priority list that he was given when he was hired and update on his progress on projects started by acting City Managers Mike Lies and James Raymond.

PUBLIC COMMENT ON MATTERS OF SIGNIFICANT INTEREST TO THE PUBLIC NOT ON THE AGENDA : Commissioner Duford said she sent City Manager Crossett’s e-mail to the rest of the City Commission for their information regarding the paving on 12th Avenue and asked if it will be paved or durapatched. City Manager Crossett replied that they have to wait until the rainy weather subsides and understood that it will be paved with asphalt from 3rd to 5th Street.

Lita Fonda commented that it is very nice to have the Farmers Market at their new location on 3rd Avenue West.

Murat Kalinyaprak said there should be more transparency in government and he doesn't understand why they are closing off the entire meeting from the public which he feels is defeating transparency in government. He felt the City Manager form of government can be changed by the public by obtaining the required signatures on a referendum. Mayor DeVries explained that the evaluation is a personnel matter. It is up to the employee, at his discretion and the City Commission has no say in it. Every ten years there is a vote whether or not to do a government study which results in another vote on the committee's recommendation on changes to the existing form of government. Commissioner Boyce noted that he knows of one instance where the Police Chief of another municipality had his evaluation open to the public and it was his choice to do so. Commissioner Preston asked how the public knows the results of the evaluation. Mayor DeVries replied that his contract is renewed. City Manager Crossett stated that the public comment provides an opportunity for public input and that Montana law exempts personnel issues and litigation from it sunshine laws. Mayor DeVries said she agrees with conducting the meeting in private and feels they are noticing the public by announcing the closure well in advance of the meeting. She asked that the public provide input by talking to or writing to the Commissioners and to herself about their concerns or comments regarding City Manager Crossett's job performance. Commissioner Preston explained that the closed meeting is a precedent that has been set by other governmental agencies and they are not trying to hide anything. She feels that the public elected them as Commissioners and entrusted them to do that job. Murat Kalinyaprak said he believes they are misinterpreting the personnel issues to be personal issues and his job as City Manager is not personal. He reminded them that the City Manager form of government can be put on the ballot to change it. Murat Kalinyaprak has questions if the new form of government is working, does it save the City money, can a part time mayor do the job and what does the city manager do that a part time mayor couldn't do. What is it costing or saving. City Manager Crossett replied that the analysis of whether the new form of government is working can be done in a public meeting. Mayor DeVries replied that that discussion can show up in the budget process. Mayor DeVries and some commissioners felt that the job the City Manager does is not a part time job, that city government is complex and she doesn't know of any city that went back to their old form of government after they had a city manager form although a change to the charter form could have been abandoned. Murat Kalinyaprak said he is just asking and is not saying that it is not working.

Meeting adjourned at 8:25 p.m.

Pat DeVries, Mayor

ATTEST: _____
Aggi G. Loeser, City Clerk