

**POLSON CITY COUNCIL MEETING MINUTES
CITY HALL COUNCIL CHAMBERS
WEDNESDAY JULY 6, 2005, 7:00 P.M.**

ATTENDANCE: City Council: Lou Marchello, Mark MacDonald, Jules Clavadetsch, Mike Maddy, Tom Corse, Dan Morrison, Mayor Randy Ingram presiding. City Attorney James Raymond present.

Others present: Rick Smith, Rory Horning, Doug Chase, Margie Hendricks, Joann Reksten, Elsa Duford, Rick Johnson, Murat Kalinyaprak, Lee Maicke, Rocky Shriver, Traci Williams, Joan Lajoie, Dale Gillespie, Sam Williams, Robert Lajoie, Cathy Loucks, Terry Forrest, Todd Michelott, Dennis Duty, Tony Porrazzo, Bob Fulton, Stephen Stanley, Karen Sargent, Bonnie Manicke, Aggi Loeser.

CONSENT AGENDA: Mayor Ingram read the consent agenda items A - I. Councilman Maddy requested that item E be removed for discussion. Councilman Morrison motioned, Councilman MacDonald seconded, to approve the Consent Agenda as follows:

- A. City Council Meeting Minutes, June 20 and June 29.
- B. Police Training FTO school, 7/15-22 In Billings, Allan Booth
- C. Police Training Firearms, 8/15-19 in Helena, Clint Cottle
- D. City Liquor Licenses for Fiscal Year 2005-2006
- F. Resolution # 897 Pre-Disaster Mitigation
- G. June 2005 Claims
- H. Hire Assistant Library Kassandra Smith @ \$8/HR + .50 increase upon satisfactory completion of 6 month probation
- I. Fireworks Display July 14th Kerr Dam Ballfield, Rob Alfiero, Polson Baseball Association State Tournament

Motion carried unanimously.

Discussion: Murat Kalinyaprak asked if the City ever bought liquor license insurance. Mayor responds that they are covered by the City's blanket policy. City Attorney James Raymond clarified that the City's Liquor License operation is covered. Bob Williams asked what is meant by item G. June 2005 Claims. Mayor Ingram replied that it is approving paying the City's monthly invoices. Elsa Duford asked about the minutes in item, A which state that her discussion of the culvert is for later time. Murat asked to talk about golf pros contract. Mayor Ingram asked that he bring that up at the end of the meeting under items not on the agenda.

POLICE DISPATCH CONTRACT \$30,000 FISCAL YEAR 2005-2006: Mayor Ingram asked Council to address item E of the Consent Agenda, \$30,000 Police Dispatch Contract for Fiscal Year 2005-2006. Council member Corse spoke of his concern about the City paying \$30,000 extra, since county citizens are already paying taxes and questioned if we are being charged double. Mayor Ingram replied that the City of Ronan pays the same. Bob Williams thought the City should investigate the issue and possibly get the cost reduced. Mayor Ingram agreed. **Motion made by Councilman Corse to approve the \$30,000 contract with Lake County for Police Dispatch Services for Fiscal Year 2005-2006. Councilman Marchello seconded the motion.** Bob Williams asked why council moved for approval when they recognize that there is or maybe a problem they should hold back monies pending further review. Councilman MacDonald noted that they can't shut dispatch down. Bob Williams asked how they know that. Mayor Ingram replied that they said they would unless the contract is signed for the up coming year and they can't just turn dispatch off. Bob Williams said there should be a contingency upon further review. Mayor Ingram replied that the City has two choices; pay the bill or do our own dispatching, which will probably cost a couple hundred thousand dollars a year. Councilman Maddy stated they have to consider the cost. Councilman Morrison clarified that the high cost of dispatch services paid to the County has come up every year for the past twelve years when the contract renewal comes up. Mayor Ingram noted Bob Williams being a county and city resident, could ask the County for a detailed billing and get the same answers that they got. Mayor Ingram asked City Attorney James Raymond if he had reviewed the Supreme Court decision from Cascade County. He replied that the litigation between the county vs. city for dispatch was a loss. The question is whether the tax dollars the county collects for 911 dispatch services is required to do all dispatch services, and it is not, but he doesn't know if the \$30,000 is the amount required for the services provided.

Lake County Emergency Services Coordinator, Steve Stanley, stated that 911 bill is for equipment and maintenance only and not used for wages or facilities. Dispatch is there 365 days a year, 24 hours a day and seven days a week. Our community is growing and it is only going to get busier. It costs a horrendous amount of money to operate. Citizens are asking for a higher amount of services, that cost dollars and at this time the Sheriff is scrapping to keep the dispatch center staffed, up and running. If anyone would like to come over to the county, they would be happy to show them their budget etc. **Motion carried unanimously.**

BASEMENT FLOODING ISSUE AT 1ST AMERICAN TITLE & CO.: Cathy Loucks stated that every time it rains their basement floods. They are looking to temporarily pump into the City's storm sewer drainage system, until they complete their construction. Terry Forrest, DJ&A engineer, stated that they are working on a design but it will take a couple of months to complete. The plan is to have the construction done this year. The Mayor asked how much water they are talking about at any one time. Cathy replied they have had three thousand gallons pumped out of there in a week! Councilman Maddy asked if six months is a reasonable amount of time to complete the project. Terry Forrest agreed it would be. Councilman Jules Clavadetscher asked what type of construction they are talking about. Terry Forrest replied that they will be using jackhammers and trenching on the east side of sewer line for about a block and a half on city right of way, a PVC pipe, bedding it, back filling it and put asphalt back on top. Council Maddy asked if the pipe should be bigger for future planning because it doesn't seem right to put in a pipe for one person, one at a time, if others need to be upgraded in the future. Terry Forrest replied that he is not aware of others in that area having problems. The Whitefish Credit Union has not had a problem comparable to what First American Title has had. Councilman Maddy asked and Terry Forrest agreed that they would be willing to work with Tony Porrazzo and Bob Fulton on the project. He noted that they were looking at a two inch service line but they could put in a larger line if the City wishes. Mayor Ingram asked if Tony Porrazzo, Water & Sewer Superintendent, what the problem is there. He replied that the problem is the way the storm drainage system is set up in town and it is already too small and will not flow and it would have to be pumped. The whole system is too small and it is an old system turned in to the storm drainage system. It is all six inch pipe and when we get a big rain it over flows until it can catch up. The whole system should be moved down Third towards the park and catch up with the bigger system. Councilman Maddy asked Tony Porrazzo if there are monies for that project. He replied that there are no funds budgeted in the Storm Drain Fund at all. Terry Forrest clarified that the line they are going to tie into is only three feet deep. Councilman Clavadetscher asked if there is a cost to the City of Polson for this. Tony Porrazzo replied that right now there is none and the idea just came up to help them out because they really did their part when constructing the building. The design was to have all the water move to the back and so the drainage is from the roof, parking and storm drains. He stated that he was ok with this proposal because this time of year there isn't a lot of rain. Mayor Ingram asked and Terry Forrest confirmed that they will be done by the first of the year. **Councilman Maddy motioned to approve allowing the City sewer lines to divert the storm water from the First American Title property for a six month period, subject to approval of plans by City Engineer Bob Fulton and Water and Sewer Superintendent Tony Porrazzo. Lou Marchello seconded.** Mayor Ingram asked if there was any other discussion. Margie Hendricks asked if during the heavy rains in the month of June was there any overflow. Tony Porrazzo replied no. Mayor Ingram again asked if there was any further discussion and there was none. He clarified that the motion included provisions that First American Title, would be finished with construction by January 1 2006, and the plans would be approved by Tony Porrazzo and City Engineer Bob Fulton.. **Motion was carried unanimously.**

ORDINANCE #610 – ADOPT CODE OF ETHICS: Mayor asked Council to vote on the first reading of ordinance #610, which is very similar to Missoula with one correction on second page, 2.88.040 A. The last sentence doesn't apply. **Councilman Clavadetscher moved to adopt Ordinance #610 with the addition of page two; paragraph three; end of second sentence, that Gifts etc. be changed to "in excess of \$50.00". Motion was seconded by Councilman Marchello.** More discussion; Murat Kalinyaprak asked council to stop charging for copies. He was told by Councilman Maddy the matter should be in the later discussion. Rory Horning said he is disappointed that he never heard any feed back from the city; he says that this code is from a different form of government than that of Polson and the section numbers do not work for the city and that this code carries no weight and asked why go through the motion with something that has no teeth. Rory Horning thanked the council for their time. Bob Williams asked to have a chance to review some of the things in the code. He stated that he is running for City Council and is a member of the Polson Citizens for Better Government. He

reviewed both the claims that they filed against the council and the allegation they have made concerning their conduct, lack of disclosures, and like Rory said this code of ethics ordinance has no teeth at all. Their disclosure statements will not be available to the public. Mayor Ingram replied that his are available but this code of ethics does not mandate it. Bob Williams replied that he understands that and it is a great disappointment because people won't have the opportunity to come see him individually if they have conflicts. In addition there are no teeth to this code. Mayor Ingram replied that it is the same as Missoula's Code of ethics. Bob Williams replied that it mandates that they take care of things in house. Everything in the document says that it's in house. Conflicts of interest are all within the house. This was not the intent. This Code of Ethics is a joke and as well as their conduct in adopting or trying to modifying this.

Rick Smith thanked the council and stated his support for the proposed code of ethics. He told the council that he has talks with the business people throughout the day every day and he always hears positive feedback about the council. People are pleased with the positive direction the city has been going in. The relationship that the council has formed with the Tribe is great. It hasn't been that long since we were fighting with this tribe about everything and it was ridiculous. So that is one of many things that they have done as a council. As a business person, he appreciates their efforts and thanked them.

Councilman Corse addressed Rory Horning, stating that since trust is a two way street he researched the Montana Code Annotated and looked up the code of ethics. He found that they copied that version and throughout the document replaced reference to the state with Polson. After reading the entire code it is pretty clear to him that the City officials are already subject to the Montana Code Annotated. Since the City officials are already covered by Montana Code Annotated, it seems ridiculously redundant to just change the state name to Polson. Therefore, he agrees with Bob Williams that they would be passing an unnecessary ordinance since they are already covered. He disagreed that there is teeth in the document because if there is proof of conflict of interest, or misconduct among the elected officials of the City, they can go to the county attorney and present their case and he is duty bound to pursue it; that is what the Montana Code Annotated says. If they think an official is corrupt, they can take their concerns elsewhere which he believes is the Commissioner of Political Activities. He did read over that ordinance that Rory presented to them and considered writing him but decided it would be a waste of time because they are already covered by the Montana Code of ethics.

Sam Williams stated that he feels the same as Rick Smith and appreciated his comments. Also a Business owner in Polson, he talks with multiple other business owners and they commend the Council's efforts as well and thanked them.

Dale Gillespie asked if he presented a proposal to develop property, and knowing that some of the councilmembers were competing against him, what would happen under the proposed code of ethics. Mayor Ingram replied that under this code he personally doesn't see a conflict. If anyone has an issue relating to conflict of interest, they should bring it before them and it would be referred to the Ethics Advisory Committee and they will make a recommendation. Elsa Duford asked how the committee would be chosen since the Mayor had put together Mayor, Chief of Police, City Attorney and one member of the public and she felt this was pretty much an overlay of in house members. She also asked about the codes and James Raymond City Attorney replied that the city has their own municipal codes that would apply. He noted that in addition, they are in the process of rewriting the personnel manual and the code of ethics will be incorporated into that. It was mentioned at a citizens group meeting in November that Council stated that the state codes didn't apply to them. It was clarified that the City officials were not required to make disclosure statements. Councilman Corse stated that if you have evidence then the state calls for priority, if disclosure isn't there.

Tracy Williams stated that adopting the Code of Ethics is really a great thing, the problem she feels is that the disclosure statements could lead to an invasion of privacy. As a business owner she would not want everybody to know what she made or owned. It is not anybody's right to someone else's privacy. Murat Kalinyaprak said if you don't like the way things are done, you can elect people without knowing all the facts. Then when they are in office they change and that is not good. You are not able to do as you please once you are in office. A part time mayor after 18 months into office, gets a raise. Rick Smith noted that he would hope that the council would not have to do financial disclosures, even a State Senator or State Representative doesn't have to do financial disclosures. He just doesn't think it is necessary for this City Council. Councilman Corse stated that he doesn't think financial disclosures have to be amounts. It is supposed to be

stating their relationship to various companies and institutions, which he thinks is appropriate for elected Officials. However, for the City's volunteers who make up a lot of the boards, it is completely unnecessary. We would lose a lot of people if you start applying this disclosure requirement to volunteer board members.

Rory Horning stated that you can't legislate ethics you either have them or not, and the point is; no one really cares how much money or properties you have. The public does have a right to know if shifting budgets or gifting contracts that they will personally be benefiting from that. He stated that in the past he has been involved in City Government and he understands how it works. He was a member of the City Council in Honolulu, a City of 43,000 people and served for 10 years as Chairman, which was an elected position. He dealt with City, State, Federal, Military and Foreign Affairs and knows all forms of government.

Robert Lajoie stated that in regard to getting more of the public involved in any Ethics Committee, you are going to get a lot of rumors out there from those public individuals rather than the 3 in house members because they are impartial anyway. Rick Smith questioned where you would draw the line. This City has come a long way! He remembers a time there was a city building inspector who would inspect buildings and pass out his construction business cards and asked where you draw this conflict line. Mayor Ingram was asked how they define ethics and he replied that it means a lot of different things to different people. This Ordinance outlines what is expected behavior from people and it sets a standard.

Dale Gillespie asked what the public disclosures are that they would want. Mayor Ingram replied that it would be real estate holdings, if they are an officer or director of any corporation, or if they hold stock over \$1,000 in any corporation and sources of income. Concern was expressed if Missoula's code of ethics is adopted then public information would not be public. Concern was also expressed about needing an extra public citizen so a dead lock is not an issue. City Attorney James Raymond noted that the sentence concluding with the appointed by the Mayor should have additional clause stating, with the advice and consent of the City Council. Councilman Clavadetscher agreed and added that two residents and registered voters of the City of Polson, along with the three in house members, should comprise the advisory committee members. Tracy Williams expressed her concern about rumors with the extra public members on the committee. It was clarified that there is a confidentiality clause in place for that concern. Elsa Duford asked about fines for violating the code of ethics. It was clarified that the state law as specified in the Montana Codes Annotated would be followed and cases would be presented before the County Attorney. **Councilman Clavadetscher amended his motion to include the additional changes regarding 2.88 120, the Ethics Advisory Committee, the second sentence, to read that the Ethics Advisory Committee shall consist of the Mayor, Chief of Police, City Attorney and two residents who are registered voters in the City of Polson, appointed by the Mayor with the consent of the City Council. Motion seconded by Councilman Marchello. Motion carried unanimously.** Mayor Ingram noted that the second reading of Ordinance #610 will be voted on at the next meeting.

WATER PROJECT PRIORITIZATION: Councilman Jules Clavadetscher announced that the Water/Sewer Board approved a recommendation to Council to approve the following eight projects listed in chronological order and order of priority. It includes Project, Start Date, Cost, and Sources of funds. This will be a plan to engage in as a city and a living document, which will be updated on a regular basis when new information becomes available. Their proposal is to proceed with each of these as individual projects. **Councilman Clavadetscher motioned to approve the water department's project listing which establishes the chronology of projects to be engaged in by the City of Polson. Councilman Maddy seconded the motion.** Councilman Maddy asked how many of the projects is budgeted for in the current year and how many is for the next year. Water and Sewer Superintendent Tony Porrazzo replied that \$30,000 was put in this year's budget and what is left over will roll over into next year's budget. The budget line for replacing defective meters has rolled over from last year's budget and is an ongoing project. Councilman Clavadetscher read the list of projects as follows, 1. Obtain rights, drill new water well, 2. Obtain rate increase 3. Proceed with discussion regarding 4. Replace defective water meters 5. Adjust PRV valves 6. Install iron filter for wells 6&7. 7. Build second skyline reservoir and repair current reservoir 8. Repair Hillcrest reservoir. Bob Williams said he has a real problem with the order of the list. He and others from the Polson Citizens for Better Government attended the meeting but were not allowed to participate in meeting. When it was open to public comment about all the water board members walked out and the meeting last week was canceled. That meeting is not open to public. We have