

**POLSON CITY COUNCIL MEETING MINUTES  
CITY HALL COUNCIL CHAMBERS  
WEDNESDAY, JANUARY 4, 2006 7:00 P.M.**

**ATTENDANCE:** Council: Mark MacDonald, Jules Clavadetscher, Mike Maddy, Tom Corse, Dan Morrison present. Lou Marchello absent. Mayor Randy Ingram presiding. City Attorney James Raymond present. Others present: Fred Nelson, Jim White, Ken Siler, Tim McGinnis, Jack Cross, Doug Chase, Jan Agrella, Bruce Agrella, Fred Funke, Lee Manicke, Linn Carlson, Lita Fonda, Rod Hanson, Sharon Hanson, Margie Hendricks, Elsa Duford, Tony Porrazzo, Shad Scheidecker, Walter D. Morigeau, Karen Sargeant, Ric Smith, Robert LaJoie, Sam Williams, Greg Hertz, Rory Horning, Bonnie Manicke, Cindy Willis, Lucas Cross, Murat Kalinyaprak, Carol Jones.

**CITY COUNCIL MEETING MINUTES – DECEMBER 19, 2005:** Changes were requested by Councilman Morrison on page 2, to clarify that Councilman Maddy abstained from voting on the zone change to remove the RROD for Bayview and Bayshore Drive. Also page 3, Other Public Comments, he stated that the City employees are outstanding and committed people and the City is very lucky to have them, it was a pleasure to work with them. City Planning and Zoning Official, Joyce Weaver clarified that Council action to approve the Zone Change request by Tom Jones, to remove the RROD zoning, amending the Polson Development Code, was the first reading of Ordinance #615. She noted that the second reading will be on the January 18<sup>th</sup> agenda. **Motion made by Councilman Morrison, seconded by Councilman Corse, to approve the City Council Meeting Minutes of December 19, 2005 with the corrections that Councilman Maddy abstained from voting on the zone change to remove RROD from Bayview and Bayshore Drive; to add Councilman Morrison's comments about the City staff and to clarify that the Council voted to approve the first reading of Ordinance #615. Motion carried unanimously.**

**DECEMBER 2005 CLAIMS:** Motion made by Councilman MacDonald, seconded by Councilman Clavadetscher, to approve the December 2005 Claims # 90551 to #90818 for a total of \$148,303.84 as presented. Motion carried unanimously.

**SWEAR IN NEW COUNCIL:** Mayor Ingram administered the oath of office to the newly elected Councilmen for Ward I, Bruce Agrella; Ward II, Mike Lies; and Ward III, Fred Funke. Mayor Ingram stated that it was his honor to work with the outgoing Councilmen, Lou Marchello, Ward I since 2002 (absent), Mike Maddy, Ward II since 2002 and Dan Morrison, Ward III since 1994. They have been a great representation for the City of Polson. He thanked them and presented them with plaques of appreciation in recognition of their years of service. They vacated their seats and the newly elected Councilmen took their seats.

**CONSENT AGENDA:**

- A. Steven Kendly Taser School, January 15 to 17, 2006**
- B. Larry Newlin GCSAA trade show, February 6 to 11, 2006**
- C. Authorize Mayor to sign Standard Agreement with MDOT Highway Traffic Safety Office for a Grant for the Police Department**

**Motion made by Councilman Corse, seconded by Councilman MacDonald, to approve the consent agenda items A, B and C as presented. Motion carried unanimously.**

**UNREGULATED USE OF PUBLIC DISPLAY OF FIREWORKS WITHIN CITY LIMITS – Shad Scheidecker and Walter Morigeau:** Mayor Ingram suggested that a meeting be set up next week, between Shad Scheidecker and Walter Morigeau and other concerned citizens to meet with the Fire Chief, Chief of Police and himself, to develop something that would be mutually agreeable, possibly in the form of an ordinance, to present to the Council at the next meeting. Walter Morigeau said he would agree to that and would like an opportunity to discuss the related information he gathered. He would like it on record that there is a concern for abuse of fireworks in the City of Polson, mainly because currently there is no regulation against the use of fireworks and there is concern about the number of fireworks related accidents happening throughout the whole country. For the health, safety and welfare of our citizens, it should be addressed by the City of Polson. Mayor Ingram agreed and thought that it would be more efficient if they could bring their concerns along with another view by the Fire Chief and the Chief of Police, to develop an ordinance that the Council could vote on.

Walter Morigeau and Shad Scheidecker agreed to meet on Tuesday, January 10th at 3:00 p.m. at City Hall. Walter Morigeau mentioned that he has a relative who is terminally ill and for that reason he might not be able to attend and in that case he will notify City Hall.

Jack Cross noted that this gets to be a heated issue during the summer. He represents Wholesale Fireworks Stores, along with his sons Louis and Lucas Cross. They are a small tribally owned company that operates out of Polson, Montana and supports 25 families through a partnership across the State of Montana. They make decent money and help put their kids through school with the sales of fireworks. The letters to the editor complain about the fireworks and state that there are better things to spend money on than fireworks, however he would like the public to know that over a three year period, they have donated \$200,000 to the following charities. National Cancer Society, Rocky Mountain Elk Foundation, Ducks Unlimited, Pheasants Forever, Relay for Life, Polson Youth Baseball, Polson Youth Softball, the American Heart Association, City of Polson fireworks display and the City of Ronan Display, City of Charlo fireworks display, Close Up Youth Group, Shriners Hospital, Mason, youth group trips for wrestling, and youth group trips for choir, Mission Mountain Enterprises and Boys and Girls Club, Lake County Youth Home, Polson Fairgrounds, Hoopfest, Cruisin' by the Bay, Boys Scouts of America, Girls Scouts, Festival of Trees, Friends of the NRA for Hunter Safety Education, Toys for Tots, Finley Point Volunteer Fire Department, Montana State Highway Patrol, Lake County Search and Rescue, Junior Diabetes Relief Fund. They don't advertise their donations but feel it is quite an accomplishment.

Walter Morigeau clarified that he is not advocating against the sale of fireworks, but wants to express their concern for the use of fireworks.

Margie Hendricks stated she wrote a letter to the editor about the fireworks noted that she is sure that all the elderly folks that are kept awake until midnight with loud booms also give to charities, along with those folks who own animals that are terrified with the noise, also give to charity also.

**BOARD OF ADJUSTMENTS – NEW COUNCILPERSON APPOINTMENT:** Mayor Ingram asked that Council vote to appoint a replacement for Mike Maddy as Council representative on the Board of Adjustments. He recommended Councilman Lies be appointed since he is already a member on the board. **Motion made by Councilman Corse, seconded by Councilman Agrella, to appoint Councilman Lies to the Board of Adjustments as the City Council representative. Motion carried unanimously.**

**BOARD OF ADJUSTMENTS – MEMBER APPOINTMENT TO REPLACE MIKE MADDY:** Mayor Ingram referred to the letters of interest from Mark Evertz and Lou Marchello. **Motion made by Councilman Corse, seconded by Councilman Funke, to appoint Lou Marchello to the Board of Adjustments. Motion made by Councilman Agrella, seconded by Councilman Clavadetscher to appoint Lou Marchello and re-appoint Mike Maddy to the Board of Adjustments.** Murat Kalinyaprak asked Council to vote on appointing the person who has the highest votes as was proposed at the Golf Board meeting. Mayor Ingram clarified that after researching that manner of voting he found that it does not comply with Roberts Rules of Order. Councilman Corse clarified that his suggestion to the Golf Board was contradicting Roberts Rules of Order and based on his ignorance, which he was educated on today. **Motion carried unanimously.**

**CITY COUNTY PLANNING BOARD – NEW COUNCILPERSON APPOINTMENT REPLACING DAN MORRISON:** Councilman Agrella volunteered to be the Council representative on the City County Planning Board. **Motion made by Councilman Clavadetscher, seconded by Councilman MacDonald, to appoint Councilman Bruce Agrella as the City Council representative on the City County Planning Board. Motion carried unanimously.**

**Mayor Ingram removed himself from his chair and asked Councilman MacDonald to act as chairman for the next agenda item.**

**INVESTMENTS – CITY TREASURER BONNIE MANICKE:** City Treasurer Bonnie Manicke requested Council approval of a \$600,000 investment for six months at Glacier Bank at 4.5%. The other bids were 1<sup>st</sup> Citizens Bank at 4.38%; Community Bank at 3.85%; 1<sup>st</sup>

Interstate Bank at 3.71%. Comparison to a T- bill for six month was 4.10%. Agency of the U.S. Government was 4.50%. **Motion made by Councilman Corse, seconded by Councilman Clavadetscher, to approve the \$600,000 investment at Glacier Bank for a six-month period at 4.5% as presented by City Treasurer Bonnie Manicke. Motion carried unanimously.**

**REVIEW AND RESTRUCTURE POLSON CITY ORDINANCE #610 AND CODE OF ETHICS COMMITTEE – RORY HORNING:** Rory Horning questioned Council why they didn't use the committee when they confronted an elected official about a conflict of interest issue. He proposed that all five seats on the ethics committee be members of the community, thereby elected officials are not pitted against each other. Mayor Ingram asked if there is a motion. Rory Horning noted that Council will speak their intent by not voting or discussing this issue. No motion was made and no discussion followed.

**REPEAL OF POLSON CITY ORDINANCE #613 PUBLIC PARTICIPATION BEFORE POLSON CITY COUNCIL – RORY HORNING:** Rory Horning asked Council to keep in mind the same participants, the same incident, and that the Council was unable to present to a public forum their position in three minutes or less. Since the State Attorney General's office states that councils, boards and committees all fall into the same rules and regulations with regard to public participation. In fairness to the electorate, if the leadership has difficulty in expressing their views in three minutes or less, than in fairness the community should not have to be held under the same provisions. He suggested when Council approved Ordinance #613, that the three-minute rule doesn't have to be a law but could be a policy that is adjustable to the issue, which would be reasonable. He researched and could not find a City in Montana that actually has a law on the books that limits public participation by law. Roberts Rules are followed universally, not as the law of the land but the procedure of the land, which is understandable. He asked that Council consider his suggestion to re-think its position on having a law in place, because as they have set the example, it would be difficult to follow. He asked that Polson not be the lead in Montana to be the only municipality to have a law on the books that has this type of limitation. He urged that Council make a motion and second so the public can view how the Council has voted. Mayor Ingram asked if there is a motion. No motion was made.

Councilman Lies asked if he would like the three minutes to be extended. Rory Horning stated that he did not find out what incidences caused them to limit participation to three minutes. He has participated in this community for many years and has never seen the need to limit the constituency. If anything, he noticed that more participation should be encouraged to include more people and he doesn't think it should be a law. Councilman Lies suggested that they could remove the three-minute limitation and state that Council shall provide a reasonable time as determined by the Mayor or person in charge. He stated that Council should not have to sit and listen to someone ramble on for an hour.

Rory Horning agreed and said his objection doesn't come from his citizenship but from actual experience of being an elected official for ten years. They had a policy when a large group of people came to speak on an issue they realize the time would be limited per person. They handled rambling differently by remembering that although their constituents had differences of opinion they will still be neighbors when they go back to their homes after the meeting. He found that, if people who ramble are given the courtesy of being acknowledged that they have been heard, then they stop rambling. When there is a contentious issue and Council is not paying attention then people repeat themselves because they feel they are not being heard. He feels that Council has the respect of the community and could operate with a policy that is fair and just to all of its citizenry then it doesn't need a law. He noted that the VFW allows five minutes.

Mayor Ingram asked Council if there is a motion. Rory Horning asked and Mayor Ingram replied that a motion and second is required in order to engage in a discussion, other than under Other Public Comments Not on the Agenda. Mayor Ingram asked and City Attorney James Raymond replied on the question of a motion to engage in discussion. He stated that the Attorney General's opinion and the Montana Codes state that the public has every opportunity to make any remarks they want prior to a Council decision. If there is no motion, obviously there is no decision. They have the additional opportunity to make any comment they like in the Other Public Comments Not on the Agenda, portion of the meeting. Greg Hertz stated that he

feels the Chairman and the Council should have the right to decide if there should be public comment. Rory Horning mentioned that there was a lot of public comment when the Wal Mart issue was presented. Mayor Ingram asked if Council wishes to make a motion. No motion was made.

**REQUEST COUNCIL TO TREAT ALL CITIZENS WITH RESPECT AND TAKE THEIR CONCERNS SERIOUSLY – MURAT KALINYAPRAK:** Murat Kalinyaprak reminded Council that they laughed at him at the last Council Meeting when he asked if they knew where Bob Williams was and it sounded really ugly and offensive to him. He felt it was reasonable question and he was offended by that and there have been other instances, which is what caused him to run for office. At his initial presentation he was give one and a quarter hours to speak and it evolved to this point by actions on both sides. He hopes that with the new Council things will change and the future will be better and he and other people will not be laughed at when people try to contribute in the process. He apologized for any offensive behavior toward the Mayor and Council and asked that they apologize to him in turn for laughing at him at the last meeting and to others who were laughed at in the past. Mayor Ingram asked if there are any motions. Councilman MacDonald replied to Murat Kanlinaryaprak, saying that he didn't think they were laughing at him but they feel that Council members would be the last people that Bob Williams would call to let them know why he wasn't present at the meeting. He apologized for the Council if Murat felt they were laughing at him, they didn't mean to treat him with any disrespect. Mayor Ingram asked for a motion. No motion was made.

**UNRESOLVED ISSUES RELATED TO AND ARISEN FROM ATTEMPTED PURCHASE OF TRACT 2 EAST HILLSIDE ADDITION #3 – MURAT KALINYAPRAK:** Murat Kalinyaprak said since he didn't get clear answers to some questions he asked, he is asking the questions in writing. He was given the answers in writing at the December 19<sup>th</sup> Council Meeting and doesn't know who gave the answers and feels he was blind sighted. Mayor Ingram asked him why he can't come to City Hall during the regular work hours of 8:00 a.m. to 5:00 p.m. and speak to himself or to Tony Porrazzo about these issues, where they will try to answer them to the best of their ability. Murat Kalinyaprak replied that he doesn't want to communicate in private and prefers to ask the questions at the City Council Meeting. He will submit questions in writing and wants the answers in writing and also stated in public because he feels they are of interest to the general public. He questioned if the answer he received about the cast iron pipe relates to the lines that were previously referred to. In the past he recalls asking questions during Council Meetings from the City Attorney, City Engineer and Superintendents but during the past year he was prevented from asking questions. He asked if Council will apply the rules according to its mood and the person asking the question.

He noted that Roberts Rules allows an exception to making a negative motion when the governing body is asked to take action on a request and they wish to create a record as to why the denial is justified. He asked if Council would make a motion that the City Water Department does not want to buy the lot in Hillside Addition #3. He recalled that a reason given to purchase the property was that the pipe could burst and could wash away the lot, which was considered a source of liability. Several times he asked for the location of the pipe, which could not be located on the City maps, and he would like to know the location of that pipe. It was acknowledged by one council member that the appraisal had some comparables of property values that were not appropriate. Also the last sale price was not included on the appraisal and he found out that the lots were purchased a year ago for a very low price for certain reasons, possibly because of the pipes. He asked that Council be more careful whose services they will use for future appraisals. He asked Council to vote on the decision not to buy the lot, as Councilman Clavadetscher attempted to do at a previous meeting. Mayor Ingram said that business has been taken care of. He asked for a motion from Council. No motion was made.

**OTHER PUBLIC COMMENTS NOT ON THE AGENDA:** Murat Kalinyaprak said he was late for this Council Meeting and missed the vote on the \$102,000 golf pro contract which he felt was squeezed into the consent agenda and was passed without public comment. He asked if there is a way to undo the approval and have public comment on that contract. He hopes that in the future this current council would allow public comment on significant items on the agenda. Councilman Corse replied that Murat had the agenda and knew what time the meeting started and if he wanted to make comments, he should have been present.

Rory Horning said he discussed with another public official in the area, that contention developed here because discussions have become personal by questioning ethics. If an offense has been caused because people feel that their ethics have been questioned then he would personally like to apologize. He was raised under a different standard and is a businessman in Polson, and feels that his ethics are questioned each day with every business deal. His ethics allow clients to decide if they will or will not take his services. He has seen that people get upset about the question of ethics, and for that he apologizes. It is like someone investigating someone. If he does offend the Mayor and Council while discussing ethics, he wants them to understand that it isn't personal, it is just the process. If they can deal with it through that process then they can bring some of the issues out at the council meetings instead of somewhere else in the community.

Ric Smith welcomed the new Council members and expressed his appreciation for their public service and their willingness to step up to the plate and participate in the big decisions that have to be made as the City grows. He isn't sure whether the three-minute rule should be a law or a policy, but it makes sense to him. Obviously if someone is giving a presentation the Council at their discretion, can give them more time. His view is that three minutes allows for more public opportunity to comment. If there are one or two people who monopolize the entire discussion others might be discouraged to comment. Three minutes is more time than they might think and allows for more people to be involved in the discussion. He wished the Council good luck in the coming year.

Joyce Weaver noted that on December 5, 2005 the Council approved a Resolution #913 Intent to Annex the Wilkins and Jensen properties adjacent to Skyline #3 Subdivision. Certain steps have to be taken in that process within a maximum of between thirty and sixty days. A public hearing was originally set for January 18<sup>th</sup> but the process requires that she prepare and present the plan to the Council, fourteen days prior to the public hearing. There is not enough time for her to do that by January 18<sup>th</sup>. The advertisement has been corrected and she is asking Council approval to meet on Wednesday, February 1, at 5:15 for a public hearing and to vote on the plan. She will give the plan to Council on January 18<sup>th</sup> for approval, and it will be available to the public on Thursday, January 19<sup>th</sup>. Mayor Ingram asked and Council agreed that a special Council Meeting will be held on February 1, 2006 at 5:15 p.m.

Councilman Lies recommended, after reading the water report, and reviewing the impact fees, to put a moratorium on all annexations until we get the impact fees and water situation straightened out. City Attorney James Raymond noted that the past legislature substantially changed the statutes having to do with impact fees. The current status is that the Council has taken steps toward totally revising the City's impact fee structure. Mayor Ingram confirmed that the process has been started. Councilman Clavadetscher noted that the Council approved a study to be conducted by consultants Tischler and Bise, to present to the City with revised impact fees that are consistent with the current state law.

Rory Horning asked Council if the City could go to digital recordings for the benefit of the employees and the general public access. He found that they are easy to use and would record everything that is said and is relatively inexpensive. Councilman Corse said he had planned to look into that.

The meeting was adjourned at 8:05 p.m.

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Randy Ingram, Mayor

ATTEST: \_\_\_\_\_  
Aggi G. Loeser, City Clerk