

**POLSON CITY COMMISSION MEETING MINUTES
CITY HALL – CITY COMMISSION CHAMBERS
WEDNESDAY, JANUARY 20, 2010, 7:00 P.M.**

ATTENDANCE: City Commissioners Ron Boyce, John Campbell, Judy Preston, Mike Lies, Elsa Duford, Fred Funke, and Mayor Pat DeVries presiding. City Manager Todd Crossett and City Attorney James Raymond present.

CALL TO ORDER: Mayor DeVries called the meeting to order, and the Pledge of Allegiance was recited.

APPROVAL OF PROPOSED AGENDA: Commissioner Lies moved to approve the agenda as proposed with a typographical correction. Commissioner Funke seconded the motion. The motion carried unanimously.

CONSENT AGENDA:

A. CITY COMMISSION MEETING MINUTES – JANUARY 4, 2010

B. JANUARY 1-15 CLAIMS

Commissioner Preston moved to approve the Consent Agenda items A and B, seconded by Commissioner Boyce. The motion carried unanimously.

HEADWORKS/SEWER TREATMENT LOCATION PRESENTATION: Engineer Fred Phillips apprised the Commissioners of the condition of the Meridian building, including the HVAC improvements, and structural repairs to the floor to make it suitable for the treatment plant. There were no significant issues that would impede the use of the building for the sewer department. The electrical capacity was adequate, as well as the size of the building. A raw water lift station would be required for that site. Both the east and west side sites would need the geotechnical information prior to any construction. He added that he would be providing the Commission with a more comprehensive report to review before they vote on the site. The cost of the west shore site was estimated at \$1,710,000 and the east was estimated at \$1,630,000. He recommended the Commission consider construction in phases, making them eligible for new grants during each phase. City Manager Crossett noted that the treatment plant would be aesthetically pleasing, and would not have the smell or the view of the current treatment lagoons. Commissioner Campbell asked that loss of revenue from the Meridian building be included in the report as well as the cost of operating a lift station on the east side. Water and Sewer Superintendent Tony Porrazzo advised the Commission that despite the similar costs of either site, he would recommend the east side. This would centrally locate the stormwater collection, irrigation, and wastewater. It would also free up the valuable riverfront property on the west side to be reclaimed for parkland or other public uses. Commissioner Duford expressed concern over the cost to the ratepayers.

ORDINANCE #653 – SECOND READING – FORMALIZE APPROVAL TO USE TAX INCREMENT REVENUE AS SECURITY FOR BOND AS PORTION OF STREETScape URBAN RENEWAL PROJECT (MCA 7-15-4217): Commissioner Lies moved to approve the second reading of Ordinance #653, formalizing approval to use tax

increment revenue as security for a bond as a portion of the Streetscape urban renewal project. Commissioner Funke seconded the motion. The motion carried unanimously.

GOLF RESTAURANT MANAGEMENT OPTIONS: City Manager Crossett requested the item be table until the next meeting. **Commissioner Preston moved to table the golf restaurant management options until the February 1, 2010 Commission meeting, seconded by Commissioner Boyce. The motion to table carried unanimously.**

RESOLUTION #1006 – ADOPTING EXPECTATIONS TO CREATE AN ENVIRONMENT CONDUCTIVE TO THE CIVIL CONDUCT OF THE PUBLIC’S BUSINESS IN POLSON CITY COMMISSION MEETINGS: **Commissioner Campbell moved to approve resolution #1006 adopting expectations to create an environment conducive to the civil conduct of the public’s business in City Commission meetings, seconded by Commissioner Funke.** City Manager Crossett reported the City Commissioners and himself had held a productive leadership workshop to discuss how to work together, effectively engage the public and commission to tackle the issues facing Polson. Encouraging diversity with creative solutions that focus on issues, not people, while not tolerating abusive communication struck to the heart of what they felt would make the most effective leadership. Murat Kalinyaprak commented that the resolution was a good intention, but he didn’t know if a resolution was needed. He suggested the Commissioners use themselves to set an example, as they set the tone for the meeting. He questioned what was or wasn’t abusive, and using the word “tolerate” made him nervous. City Manager Crossett clarified that abusive communication, verbal or non-verbal, would cause appropriate action to be taken. The person would still be welcome at the public meeting, but they would be asked to refrain. He felt that having the agreement up front for public discourse created an expectation of positive conduct. Commissioner Boyce noted that he had observed in meetings before he was a Commission personalities clashing and overshadowing the issues. Mayor DeVries concurred, noting that they wished to encourage the public to participate. She felt that having their intent in resolution form would give them something to model themselves after and help to remind them of their intent. Commissioner Campbell added that their intent had been targeting how the Commission interacts, not necessarily the audience. Commissioner Duford felt that the word “tolerate” was very strong, adding that she had seen Commissioners interactions create animosity with the public. She expressed that the audience did not have to tolerate the Commission, and past Commission meetings had led many citizens to not attend meetings for fear of abuse from Commissioners. Rory Horning expressed concern that Robert’s Rules of Order were not being adhered to in past meetings, and felt that there was not a need for the resolution. He felt the retreat had included the Commission voting out of public view. Mayor DeVries replied that there was no vote taken at the retreat, which they had carefully made sure was a legal gathering for the Commission. Rory Horning commented that a quorum was gathered and a decision was made. He had a problem with the Commission not being open before the public, adding that he hoped they would not be like the last Commission. Murat Kalinyaprak commented that he hoped in the event the Commissioners had to side with an employee or a member of the public, they would side with the member of the public. Rick Smith urged the Commission to approve resolution 1006; he felt it was a great tool for encouraging diversity. He added that many of his friends in the business community did not attend Commission meetings because of the domination of some members of the public during the meetings, stifling dialogue. Don

McMillan echoed Mr. Smith's encouragement; he expressed appreciation to the Commission for what they were doing. Commissioner Duford felt there were valid points made in regards to openness, and she suggested they wait to vote so the public could be better informed of what the Commission had discussed. Tim McGinnis commented that he had been told the same as Mr. Smith, that many people avoid the Commission meetings due to the domination of a few members of the public. He also noted that the public becomes frustrated when issues get put off, he urged the Commission to approve the resolution. City Manager Crossett expressed that the leadership retreat had been outside of a public context to create a non-confrontation environment for the new Commissioners to learn how they work together and gain trust. There were no issues voted on, and the flip chart they had made notes on was available in his office if anyone wished to peruse it. Rory Horning commented that he hoped the Commissioner had trust in their neighbors. He noted the State Attorney General could be contacted for an opinion on any issue concerning City business. He hoped to get passed the "sue me attitude", but the public's frustration was getting to that point. He felt that people who participated in meetings should not be labeled as overbearing by those who do not participate. **The motion to approve Resolution #1006 carried 6-1, with Commissioner Duford opposed. Commissioners Boyce, Campbell, Preston, Lies, Funke and Mayor DeVries in favor.**

MONTANA DEPARTMENT OF REVENUE – ALL ALCOHOL BEVERAGE LICENCE #15-860-3791-001 TRANSFER OF OWNERSHIP FROM THE LAKE HOUSE TO SWANEE'S BAR & GRILL (FORMERLY RALEIGH'S): Commissioner Lies move to approve the transfer of ownership of the all alcohol beverage license from the Lake House to Swanee's Bar & Grill. Commissioner Campbell seconded the motion. The motion carried unanimously.

MONTANA DEPARTMENT OF REVENUE – ALL ALCOHOL BEVERAGE LICENSE #15-999-3790-303 NEW APPLICATION – CHANGE FROM POLSON TOWN PUMP PARTNERSHIP TO MAJOR ENTERPRISES INCORPORATED A CORPORATION WITH NEW SHAREHOLDERS – GAS STATION CONVENIENCE STORE ONLY: Commissioner Preston moved to approve the change from Polson Town Pump Partnership to Major Enterprises Incorporated, seconded by Commissioner Funke. The motion carried unanimously.

DECEMBER 2009 CASH REPORT: City Treasurer Bonnie Manicke advised the Commission that the first half of the annual tax collection and been received, and only \$7,966 were being held in the protested tax account. She did not anticipate any further protested taxes for the City. She was concerned about \$56,400 in delinquent real property taxes from 2008, which in previous years had only been \$6,000-12,000. There were two negative balances. The building code enforcement fund had continued to see no permits issued. And SID #38 sinking interest fund would return to the black once the December collection was receipted, which would be reflected in the January 2010 cash report. The total cash value of the City of Polson as of December 31, 2009 was \$6,134,734.63. **Commissioner Lies moved to approve the December 2009 cash report as presented, seconded by Commissioner Funke. The motion carried unanimously.**

NOMINATE AND VOTE FOR COUNCIL PRESIDENT – CURRENTLY MIKE LIES: Commissioner Funke moved to renominate Mike Lies as Council President, seconded by Commissioner Campbell. The motion carried with 6 in favor, Commissioner Lies abstained.

CITY MANAGER COMMENTS: City Manager Crossett mentioned that there would be a public stakeholders meeting regarding an operating agreement between the city fire station and the new rural fire station January 28, 2010 at 7:00 p.m. at City Hall. He would be acting as facilitator of the meeting, and there would be additional meetings once a month. He added that everyone is welcome to attend and participate.

He inquired about a scheduling a public workshop to discuss the Charter form of government in February; he asked that the Commissioners let him know when they would be available so a notice could be published in the newspaper ahead of time.

The contract between MDOT, the City, the County and the Tribe had been signed to commence the Highway 93 study. He added that this was a valuable opportunity to improve Polson portion of Highway 93, and it would coincide with the completion of the PDC rewrite.

PUBLIC COMMENT ON MATTERS OF SIGNIFICANT INTEREST TO THE PUBLIC NOT ON THE AGENDA: Rick Smith advised the Commission that the recent weather had made the area in front of Cherry Valley Elementary very dangerous. City Manager Crossett replied that the schools were one of the City's main priorities, and he would inform the street department of the problem.

Rory Horning commented that anyone paying rural fire taxes was a stakeholder in the rural fire department, and he would like to be included as stakeholder during the stakeholder meeting. He suggested that if they plan to use Robert's Rules of Order during meetings they establish a parliamentarian to observe the rules. He expressed that the three-minute rule was unnecessary, as some Commission meetings have lasted only 15 minutes.

Murat Kalinyaprak commented that he was not against resolution #1006, however it had the taste of a prenuptial agreement from the new Commissioners.

Commissioner Duford commented that she had attended a tax meeting at the Courthouse, and she had been pleased by the public speaking so freely. She noted that sometimes, especially in hard economic times, people need to vent their frustration, and she was not threatened or insulted by public that spoke out. She asked that the Commission aspire to not have too tight of rules on the public speaking.

The meeting adjourned at 9:15 p.m.

Mayor Pat DeVries

Attest: Kala Parker, Assistant City Clerk