

POLSON CITY COMMISSION MEETING MINUTES  
CITY HALL – CITY COMMISSION CHAMBERS  
MONDAY, FEBRUARY 6, 2012

**ATTENDANCE:** City Commissioners: Todd Erickson, John Campbell, Stephen Turner, Mike Lies, Dan Morrison, Fred Funke and Mayor Pat DeVries presiding. City Attorney James Raymond, City Treasurer Bonnie Manicke, City Clerk Cindy Dooley, Police Chief Wade Nash, Building & Planning Official Joyce Weaver, Water/Sewer Superintendent Tony Porrazzo and Street Superintendent Terry Gembala present. City Manager Todd Crossett absent. Others present (that signed in): Chuck Jarecki, Penny Jarecki, Bill Olson, Sharon Fulton, Agnes Rinehart, Ken Siler, Andrew Speer, Michael Gale, Mauri Morin, Joslyn C Shackelford, Mark Shackelford, State Representative Janna Taylor, Rob Ricketts, Elsa Duford, John Cowan, Paul London, Liz Marchi, State Senator Carmine Mowbray, Carol Daniels, Peter Daniels, Mark Evertz, Daniel P Smith, Darlis J Smith, Cheryl Wolfe, Dennis Duty, Carol Jones and Rick Breckenridge.

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

Mayor DeVries thanked the Street Department staff for painting the City Council Chambers, getting the pictures up and getting the microphones running.

**APPROVAL OF PROPOSED AGENDA:** Commissioner Lies moved to accept the agenda as printed, seconded by Commissioner Funke. Commission discussion: None. Public discussion: Bob Fulton commented that he took objection to the lack of discussion on the prior meeting's Consent Agenda, including the claims. **Motion carried unanimously.**

**CONSENT AGENDA:**

**A. JANUARY 16 - 31 CLAIMS**

Mayor DeVries commented that even though the agenda says no discussion, the Commission has allowed the public to ask questions in the past and she feels that should continue. Commissioner Erickson inquired as to the status of the Whistleblower Policy that the staff had been tasked with creating. City Attorney Raymond responded that it is being worked on. The City's insurance carrier MMIA reviews the personnel policy every three years to make sure it is in compliance with what the insurance company wants. That review has recently been completed and City Attorney Raymond received the recommended changes last week. The Whistleblower Policy will be an Ordinance and the language from the Ordinance will be incorporated into the personnel policy along with the other changes that MMIA requested. **Commissioner Campbell moved to approve the consent agenda for January 16 - 31 claims, seconded by Commissioner Lies.** Commission discussion: None. Public discussion: Elsa Duford expressed her concern about no discussion on the claims at the last meeting. **The motion carried unanimously.**

**COMMISSION SPECIAL MEETING MINUTES JANUARY 13, 2012:** Commissioner Funke moved to approve the special meeting minutes of January 13, 2012, seconded by Commissioner Turner. Commission discussion: None. Public discussion: None. **The motion carried unanimously.**

**COMMISSION MEETING MINUTES JANUARY 18, 2012:** Commissioner Campbell moved to approve the commission meeting minutes of January 18, 2012, seconded by Commissioner Erickson. Commission discussion: None. Public discussion: Elsa Duford wanted to know the Ordinance number

for snow removal that was discussed by City Manager Crossett. Mayor DeVries responded that the staff would look that up and post it on the website. (Clerk note - The Ordinance number is 592). **The motion carried unanimously.**

**CITY MANAGER COMMENTS:** Mayor DeVries commented that City Manager Crossett was unable to attend the meeting due to a dental emergency. City Attorney Raymond did not receive any instructions on comments to make in his absence.

## NEW BUSINESS

### **CITY COUNTY PLANNING BOARD (CCPB) APPOINTMENT OF TWO OFFICIAL MEMBERS:**

Mayor DeVries commented that there were four candidates for the two appointments and asked if each individual would introduce themselves and say a few words. Bob Fulton introduced himself. He has been chairman of the CCPB for approximately 5 years. Mike Lies then introduced himself. He is also currently a member of the CCPB. Joslyn Shackelford introduced herself as someone who would be new to the CCPB. Joslyn has been serving on the Development Review committee since January 2011 that is currently re-writing the Polson Development Code. She has been serving as a volunteer on various committees such as the Streetscape project, Envision Polson! and Lake County Community Development. She also owns and operates Alpine Landscape & Design. Commissioner Raymond noted that the final candidate David Rensvold, had a conflicting appointment that would prevent him from attending the commission meeting. Building and Planning Official Joyce Weaver drew attention to the copy of the MCA (Montana Code Annotated) § 76-1-201(b) in the agenda packet regarding the two city members of the CCPB. The official city members must reside within the city limits, may at the discretion of the city commission be employed by or hold public office in the city and must be appointed by the city council. Mayor DeVries recommended that the candidates each be voted on in separate motions and that the first two candidates approved would then end the appointment process. **Commissioner Morrison moved to recommend that David Rensvold be appointed to the City County Planning Board, seconded by Stephen Turner.** Commission discussion: None. Public discussion: Tim McGinnis spoke as a member of the CCPB from the County doughnut area. He commented in favor of removing City Commission members from the CCPB because, even though it is allowed by the MCA, the purpose of the CCPB is to advise the elected council and would be more autonomous if the membership was separate. Mayor DeVries pointed out that one of the city commissioners is on the CCPB as a result of his membership on the conservation district board which the City Commissioners have no control over. Ric Smith commented that while there had been a need to have the same people serving on the same boards because of lack of volunteers in the past that now there appeared to be renewed interest for new people to volunteer. He spoke in favor of appointing Joslyn Shackelford and David Rensvold. Lee Manicke commented that he has worked with Bob Fulton while being on the Planning Board and that Bob Fulton looked at things in an in-depth manner. He spoke in favor of appointing Bob Fulton. Lita Fonda commented that she supports Bob Fulton for his depth of knowledge and logical thinking and Joslyn Shackelford for new blood and diversity on the Board. Cheryl Wolfe expressed her support for Bob Fulton because he consistently shows up and does his homework. Carol Jones spoke in support of Bob Fulton because of his experience. Peter Daniels spoke in favor of Bob Fulton. Elsa Duford also spoke on behalf of Bob Fulton, stating that he is conscientious, does his homework, and has experience. Johna Morrison commented that she feels vision and new blood is needed on the board. She commented that David Rensvold is involved in the community, has volunteered a lot, and understands "the pulse" of Polson. Mayor DeVries then asked for any additional comments and clarified that if anyone wanted to speak on behalf of any of the other candidates that this would be an appropriate time. Dennis Duty commented that Joslyn Shackelford has done a great job in our community and spoke in favor of

appointing both her and David Rensvold. He agreed with other comments that this would be a great opportunity for new blood on the board, with no offense to Bob Fulton and Commissioner Lies who have done a great job and served our community well. **Motion tied 3-3. Commissioners Morrison, Turner and Erickson voted aye. Commissioners Funke, Lies and Campbell voted nay. Mayor DeVries voted aye to break the tie in favor of passage of the motion.** Mayor DeVries then asked for a second motion to nominate another candidate. **Commissioner Campbell moved to nominate Bob Fulton to the City County Planning Board, seconded by Commissioner Funke.** Commission discussion: None. Public discussion: None. **Motion passed 4-2. Commissioners Erickson, Campbell, Lies and Funke voted aye. Commissioners Turner and Morrison voted nay.**

**BOARD OF ADJUSTMENTS APPOINTMENT OF THREE VACANCIES:** Mayor DeVries commented that there were only two applicants for the three vacant positions and asked the candidates to say a few words. Don McMillan introduced himself. He has been in Polson for the last ten years as a retiree and this would be his second term on the Board of Adjustments which he has enjoyed serving on. Ken Siler then introduced himself. This would also be his second term. He has enjoyed working on the board and tries to keep an open mind and do the things that should be done. **Commissioner Lies moved to appoint both candidates to the Board of Adjustments, seconded by Commissioner Funke.** Mayor DeVries asked for a point of clarification with Building and Planning Official Joyce Weaver regarding the third vacancy, and how the Commission goes about filling that vacancy. Building and Planning Official Weaver deferred to City Attorney Raymond regarding whether she must re-advertise the vacancy. Mayor DeVries expressed to the audience in attendance that if anyone is interested in serving on the Board to submit a letter to Building and Planning Official Weaver, even if the City must re-advertise the vacancy. Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

**DISCUSSION REGARDING ADOPTION OF ORDINANCE 660 PROHIBITING THE USE OF HAND HELD ELECTRONIC COMMUNICATION DEVICES WHILE OPERATING A MOTOR VEHICLE:** In the absence of City Manager Crossett, City Attorney Raymond provided a basic explanation of the Ordinance. The Ordinance will require two readings, but this meeting is just for discussion of the Ordinance. Hand-held electronic communication devices would be prohibited on Polson streets. There would be exceptions as stated in the Ordinance; among them would be the use of the device in an emergency, use of a two-way radio as part of someone's livelihood - mainly common sense things. Hands-free devices would be allowed. Texting while driving is the primary issue, because the device must be held to view or write messages. Mayor DeVries explained that there would be a public hearing on February 22, 2012 at 6:00 pm followed by the first reading at the Commission meeting later that evening. Commission discussion: Commissioner Campbell was in Missoula where they already have adopted a similar Ordinance and he noticed that it did not appear to be working. Commissioner Lies commented that if the Ordinance saves one life, it will be worth it. Several Commissioners agreed with his comment. Public discussion: John Swenson disagreed with the language in Section 10.06.02(A) which does not allow a person to have an electronic communication device in their immediate physical possession. City Attorney Raymond commented that the next Section 10.06.02(B) clarifies that "immediate physical possession" means physically holding the device in one's hand or up to one's ear. Police Chief Nash supports the concept of the Ordinance but feels that it may be difficult to enforce and possibly unfair because not all individuals could be cited, only non-tribal citizens. His recommendation is that the Tribe be contacted to see if they would consider adoption of a similar ordinance. He commented that the Tribe is already working with the City on the adoption of a law which would prohibit alcohol in the city parks by tribal citizens that would parallel the City's law and maybe they could work on this at the same time. Police Chief Nash pointed out that the language in Section 10.06.02 regarding "public highway" would need to be changed, as the only public highway in Polson is Highway

93. He further commented that the safety aspect of the Ordinance is important. Commissioner Campbell asked Police Chief Nash if he would communicate his sentiments to the Tribal Police Chief prior to the next City Commission meeting to see if they would be willing to adopt the proposed Ordinance. Police Chief Nash commented that he would talk to the Tribal Police Chief. Commissioner Morrison asked Police Chief Nash if cell phone usage has been a problem in the City and if it is causing accidents. Police Chief Nash responded that the police department does not have any statistics for Polson regarding this, and that statistics aside; this is a preventative measure that may avoid unwanted statistics. He also commented that technology today provides individuals with many different ways to communicate on their cell phone without actually holding the cell phone. Commissioner Campbell commented that in his opinion this is more about being distracted –not concentrating on driving – than anything else. Police Chief Nash concluded his remarks by saying that he feels this is a controversial Ordinance and that he hopes the commission and public will keep an open mind. Mayor DeVries commented that she will contact Joe Durglo (Clerk note - Tribal Council Chairman) to discuss the Ordinance with him. Mayor DeVries clarified with Police Chief Nash that the ban on alcohol in the parks is not yet an Ordinance. Andrew Speer commented that he has numerous problems with the Ordinance and the statistics on cell phone usage and accidents. He feels it is an infringement on liberties and that a lot of citizens do not want this. Rick Breckenridge took his own poll coming into town and noted three cell phone users – one City police officer and two Lake County sheriff’s deputies in the area between the bridge and City Hall. Elsa Duford asked for clarification on the public hearing notice on the website which reads that the first reading is after the public hearing. Commissioner Lies responded that this is only discussion this evening and the first reading is after the public hearing. She also thought that the first offense would only be a warning, but the Ordinance indicates that the first offense has a fine. Johna Morrison commented that she had found a list on the internet of the ten most frequent causes of accidents and that cell phone usage was number ten. She also asked if electronic communication devices include GPS units and OnStar© and whether people “on call” would be exempt. She asked the Commission not to adopt the ordinance. Mike Gale asked for clarification on the number of public hearings that will be conducted. Mayor DeVries responded that we are actually overdoing this Ordinance and clarified that there would be a hearing on February 22<sup>nd</sup> at 6:00 pm. At the Commission meeting following the public hearing, the Ordinance will have the first reading and vote. Mike Gale further commented that the Ordinance appears to be predicated on one person’s near accident and said he did not believe there were statistics on cell phone accidents in Lake County. Chris Tucker commented that he feels enforcement could be nearly impossible and he is against it. Lita Fonda commented that as a frequent pedestrian she sees many people who are not paying attention when they are on their cell phones and that people could opt to pull over to talk on their phones. Mark Evertz commented that he had been a resident of Phoenix and did not believe that city’s cell phone ordinance had worked. He is against the ordinance.

**AUTHORIZE MAYOR AND CITY MANAGER TO SIGN PARTNERSHIP AGREEMENT WITH GREATER POLSON COMMUNITY FOUNDATION AND ORTON FAMILY TRUST:** Mayor DeVries stated that she visited with City Manager Crossett earlier in the day about this partnership agreement. His main comment was that this partnership will help the City of Polson facilitate public involvement. Both she and the City Manager met with the Executive Board of the Greater Polson Community Foundation and attorney John Mercer who also is part of that organization, to review the contract. City Attorney Raymond commented that he has approved the contract as to form, noting paragraphs 2, 7 and 9. Paragraph 2 (Clerk note - on page 6) states that the parties have no power or authority to act for, represent, or bind the other Partners. Paragraph 7 (Clerk note - on page 8) talks about termination, but City Attorney Raymond pointed out that it addresses the need to pay all financial obligations in an orderly and fair manner – making sure that any contracts are paid off at the time of termination. City Attorney Raymond commented that the agreement is approved as to form but perhaps a bit “mucky”.

Mayor DeVries ceded the floor to Penny Jarecki, President of the Greater Polson Community Foundation (GPCF) for her comments on the partnership agreement. The GPCF was organized in 2008 to build a permanent endowment. The earnings from the endowment are to be used to benefit the community of Polson. At the end of 2010, the third year of offering grants, the GPCF asked themselves if the grants were truly making a difference – bringing about positive change and whether the grants were addressing what the community thought was important. The GPCF researched the Orton Heart and Soul project which seemed to address their questions. This project has successfully worked with other small communities that expressed a desire to move forward and make change for the better. The project plan is a grass-roots effort and not a “top-down” approach which was appealing to the GPCF. The project provides a road map on how to reach out to all of the stakeholders to collaborate on the goals that are held in common. The Heart and Soul community planning grant provides up to \$100,000.00 over two years for a community to engage in an inclusive process to identify the unique community values which are held in common and to use those common values to develop a vibrant economic future. The Orton Family has lived in Vermont for seven generations and owns and operates the Vermont Country Store, a mail order retailer which has been in business for over 65 years. Penny Jarecki read a letter from the Orton Family Foundation addressed to the Polson citizens. The Orton Family Foundation is honored to be working with the citizens of Polson over the next two years to learn what matters most to the community; in order for the community to guide its own local growth and change. The Orton Family Foundation is an independent, non-profit organization funded entirely by Lyman Orton, proprietor of the Vermont Country Store. Lyman Orton, as stated in the letter, believes that the people who live and work in a town, not self-appointed experts, hold the answer to its challenges and its most successful future. Penny Jarecki urged the Commission to vote in favor of accepting the partnership. **Commissioner Lies moved that the Commission approve the partnership agreement, seconded by Commissioner Erickson.** Commission discussion: Commissioner Lies asked for clarification on the \$40,000 of in-kind contribution. Mayor DeVries responded that this is not a cash contribution; it is the contribution of time by city employees and others like herself while working on the project. Mayor DeVries expressed City Manager Crossett’s comments that the City would probably very easily meet this amount. Public discussion: Terry Backs applauded the efforts of the GPCF in obtaining the grant but commented that she believes acceptance of the grant will create more problems than it solves and will not help anyone. She commented that she had researched the environmental movement and believed that it used commonly agreed upon principles as a means of limiting individual and property rights. She commented that a number of buzz words such as “sustainable development” were associated with this movement that she said came from an initiative of the United Nations called Sustainable Development Agenda 21 - a set of goals issued by the United Nations and signed by world leaders including George H.W. Bush in 1992 for the United States and has been implemented by executive order by each U.S. President since that time. Terry Backs disagrees with what she characterizes as the ultimate goal of Agenda 21. She urged the commission to study the issue before signing the contract. Peter Daniels commented that he saw had no concrete reasons why the partnership agreement should be rejected. Darlis Smith, a member of the Board of Directors of the GPCF and the individual who wrote the grant proposal, commented that she has read over the Orton Family Foundation website and has participated in conference call discussions with former recipients of the Heart and Soul grant and she feels the focus is preserving small town character while providing for growth. She commented that from her research, the Orton Family Foundation is not affiliated with Agenda 21 or ICLEI (International Council for Local Environmental Initiatives). The grant was appealing because the Orton Family Trust stresses that there are no preconceived notions about the outcome of the project – it is whatever the town makes of it. Darlis Smith further commented that the heart and soul grant project encourages a democratic process with representation, listening and understanding, equal voice and respect for differences of opinion. She commented that the project encourages storytelling that will help shape the values that are desired before action is taken. Liz Marchi,

who is a member of the GPCF commented that while applying for the grant the GPCF realized that Polson has about 44 distinctive neighborhoods – some with their own clubhouses which makes Polson a very diverse community. As an economic development professional she believes the opportunity for the private sector to partner with a public entity is an effective public private partnership for sustaining private investment. She commented that the GPCF has exceeded many goals in raising private money now; and for citizens that want to leave money for the betterment of Polson in the future this project could help the citizens come together and decide what that future should be. She urged the approval of the partnership agreement. Elsa Duford commented that she has many questions about the partnership. She would like to see more public input. She is concerned about dealing with private funds and public money. She wanted more information on what in-kind contributions entailed. She noted that attachments B and C which are part of the partnership agreement were not included in the agenda packet. She asked that the Commission not make a decision this evening. She noted that the partnership agreement shows a starting date of January 1, 2012 and wondered if this is the start date of the grant. Mayor DeVries deferred to Penny Jarecki who stated that the grant is for two years starting on January 1, 2012 and going through December 31, 2013. John Swenson feels that private corporations such as the Lake County Community Development Corporation and now the Orton Family Foundation are taking over the planning process in Lake County and the City as he believes most of the planning money comes through these corporations. Based on his research, he believes the Orton Family Foundation, a private corporation, is affiliated with ICLEI. He commented that ICLEI is about “smart growth” which he characterized as controlling population density by concentrating growth in municipal centers. He feels that the Orton grant plan is designed to bring consensus to the community for a future movement of no development in the outer ring and total development in the inner ring. Daniel Smith, a volunteer with the GPCF commented about the project plans which include storytelling activities and social events throughout the community to learn about the values and aspirations of Polson residents over the next two years. He stated that a project goal is to strengthen community members’ ability to work together, have productive relationships and improve mutual trust and understanding. There will be neighborhood events to provide broad input and inclusiveness. He commented that the GPCF, through the heart and soul project, hopes to build a vision for the future based on the common values. He asked the Commission to approve the City’s participation as a partner. Nancy Glueckert commented that she feels the interpretation of the proposal for the partnership has been too narrow by those who are opposed to it. She feels that this is not just a planning or environmental document – it is a philosophy developed out of listening sessions with various leaders of the community that covered youth, health, tourism and year-round recreation among others and that the citizens had the control. Hearing no further comments, Mayor DeVries called for the previous question. **The motion carried unanimously.**

**APPROVE REVIEW COMMITTEE RECOMMENDATION OF RE-DETERMINATION OF IMPACT FEES:** Mayor DeVries reported that she and Commissioner Campbell served on the committee to review this re-determination, along with Water/ Sewer Superintendant Tony Porrazzo, Building Inspector Ron Melvin and City Manager Crossett. Roger Sampson paid impact fees for a storage building he intends to build on a lot purchased from the City and the Methodist Church located near the Golf Course. The storage building will have an office and single restroom. The original impact fee was \$5,256.00. The committee used the impact fee re-determination used for the KOA condominium lots to recommend an impact fee of \$2,039.00. Commissioner Campbell commented that the impact fees for the KOA lots were based on six months use and this is based on twelve months use. Mayor DeVries commented that the information contained in the agenda packet shows that Mr. Sampson requested no impact fees. The committee’s calculation is also included. The department heads viewed the request and were not in favor of zero impact fees. Commissioner Lies asked for clarification on the location of the lot. Mayor DeVries responded that it is across from the Golf Course clubhouse. **Commissioner Campbell moved to approve**

**the recommendation from the review committee for a total of \$2,039.00 for impact fees for Roger Sampson's storage units, seconded by Commissioner Funke.** Commission discussion: None. Public discussion: Cheryl Wolfe asked if there is an opportunity for the public to be involved in the impact fee review committee and what is the public benefit that is received in exchange for foregoing the impact fees on this project. Mayor DeVries responded that the committee's meetings are not public meetings. City Attorney Raymond clarified that this is not a standing committee – it is appointed as necessary by the City Manager. Commissioner Campbell commented that Ordinance 624 requires two Commissioners and a member of the original committee that developed the impact fee ordinance to be on the committee. City Attorney Raymond responded that the Ordinance was later amended (Clerk note - Ordinance 643) to not be a standing committee because it turned out to be too “klunky”. Commissioner Campbell responded that his understanding is that the City Manager can put the committee together and they decided to include department heads this time. Bob Fulton commented that he too understands that the City Manager can put the committee together, but he feels that in the interest of public transparency that the meetings should be noticed. He noted that he could not find the information on the website, but City Clerk Dooley indicated it was on the website. Mayor DeVries responded that it was on the website and further commented that the original impact fee seemed too high for this property as there would be very little water and sewer use. The committee referred to what had been done with the KOA condominium lots which is based on six months usage and then doubled that amount for twelve months usage. Commissioner Campbell commented that this is exactly the process that Ordinance 624 calls for – and he feels that this is what people want to have happen. The Ordinance was designed mainly for single family housing so a review process was established to review these types of exceptions. Water/Sewer Superintendant Tony Porrazzo commented that he feels the committee needs to include city employees because they have all the background information and statistics needed to make a decision. Mayor DeVries commented that the public still gets an opportunity to comment on the re-determination because the approval or denial of the re-determination happens at the City Commission meeting. Bob Fulton commented that there was an original study done by an accounting firm to determine the dollar amount of impact fees that should be charged to cover new buildings and equipment needed due to the larger impact; excluding properties from impact fees for various reasons lowers that pool and the Commission may have to have a new study done to determine what the impact fees should be based on the reduced pool of properties. Elsa Duford is questioning whether it is okay to not advertise these committee meetings. Her understanding is that the public has the right to be noticed on these meetings and attend, even though they may not be able to comment at the meetings. Bob Fulton commented that Ordinance 632 states that all meetings are public and must be open to the public. (Clerk note - This Ordinance only applies to meetings of the City Commission). Mayor DeVries commented that if the meetings need to be open – they will be open, but her understanding from the City Attorney is that they do not need to be open. City Attorney Raymond clarified that what he meant to say was that the review committee meetings are not subject to the Montana Open Meeting laws which means that they do not have to be noticed. The public can still attend the meetings. Commissioner Lies called for the previous question. **The motion carried unanimously.**

**AUTHORIZE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MDOT FOR RESURFACING OF SECONDARY STATE ROUTE:** Mayor DeVries deferred to City Attorney Raymond to discuss this in the City Manager's absence. City Attorney Raymond commented that starting from the intersection of Main Street and 7<sup>th</sup> Avenue going west that road, which becomes the Kerr Dam Road, is a state secondary highway, so the MDOT is in charge of repairs and maintenance of that route. City Manager Crossett's concern is that the four-way stop not be removed at the intersection of Main Street and 7<sup>th</sup> Avenue. According to the current agreement that the City has with MDOT they could remove those stop signs. City Attorney Raymond commented that due to rapport that has been

gained with MDOT while working on the Skyline project, City Manager Crossett feels that the contract can be negotiated or we can at least receive assurances that the stop signs will not be removed. Commissioner Campbell asked if work done after the resurfacing is the City's cost or MDOT's cost. City Attorney Raymond responded that post-maintenance work is the City's expense including the adjoining sidewalks. Commissioner Campbell then asked if the Commission would need to approve the contract after it is negotiated. City Attorney Raymond commented that he did not think there would be any cost to the City on this negotiated item involving the stop signs so it would not be necessary for the Commission to approve it. Water/Sewer Superintendent Porrazzo commented that MDOT will be doing everything on the resurfacing. He commented that water/sewer will be paying approximately \$94.00 to raise some valves and some other work for a total of about \$200.00. MDOT will also fix the handicap access to bring it up to the new style. **Commissioner Campbell moved to authorize the City Manager to negotiate and execute an agreement with the Montana Department of Transportation (MDOT) for resurfacing secondary route 7<sup>th</sup> Avenue, west of Main Street to 6<sup>th</sup> Street, seconded by Commissioner Lies.** Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

**PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC:** Mayor DeVries commented that she received an e-mail from Dr. Gayle Siemers who suggested that it may be productive for the Commission to hold some town hall type meetings to help get public input into the City. She responded to him and said that possibly it could be done by Ward. Mayor DeVries then reminded the public that the comment period is three minutes per person and each person can speak only one time. Also, the Commission will take no action on any comments presented.

Rick Breckenridge commented on an item that had been brought before the previous Commission regarding Certificate of Survey (COS) #6224. He asked that the new Commissioners look at COS #6224 which was filed in July, 2011. It was an 8 lot boundary line adjustment. He stated his belief that COS #6224 is in violation of the subdivision planning act.

Ken Siler complimented Mayor DeVries on her wired microphone, and realized that it might not be possible for the entire Commission to have wired microphones, but asked that the Commissioners please speak more directly into their microphones so those with hearing impairments can hear their comments.

Sharon Fulton claimed that the City Attorney did not pay impact fees and asked why Roger Sampson is paying impact fees.

Bob Fulton commented that he was asked by a Commissioner following the last Commission meeting why the square footage of the mansion property is different than what seems logical by looking at the property. Bob Fulton commented that he called the local (Clerk note – Department of Revenue) appraisal office and found out that the building was appraised by Wes from that office on July 1, 2011. He said the appraisal showed that the building contains 18,800 square feet of finished area that the property tax is being based on which is more than the 6,617 sq. ft which was to trigger the additional impact fees. Commissioner Campbell asked for clarification on the square footage. Bob Fulton said there is 12,376 sq. ft. of finished office space and 6,424 sq. ft. of multi-use storage. Bob Fulton further expressed disagreement with the handling of a check for impact fees from the applicant.

**Mayor DeVries closed the public meeting.**

**CLOSED SESSION – LITIGATION:** Mayor DeVries brought the executive session to order. City Attorney Raymond discussed litigation options with the Commission and gave instructions. Mayor DeVries re-opened the meeting and adjourned.

The meeting adjourned at 9:25 p.m.

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Mayor Pat DeVries

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Attest: Cindy Dooley, City Clerk