

**POLSON CITY COMMISSION MEETING MINUTES  
CITY HALL – CITY COMMISSION CHAMBERS  
MONDAY, MARCH 1, 2010, 7:00 P.M.**

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

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

**APPROVAL OF THE PROPOSED AGENDA:** Commissioner Funke moved to approve the agenda as proposed, seconded by Commissioner Lies. The motion carried unanimously.

**CONSENT AGENDA:**

- A. CITY COMMISSION WORKSHOP MINUTES FEBRUARY 16, 2010**
- B. CITY COMMISSION MEETING MINUTES FEBRUARY 17, 2010**
- C. FEBRUARY 15-28 CLAIMS**

Commissioner Lies moved to approve the consent agenda items A-C, with grammatical corrections to items A & B. Commissioner Funke seconded the motion. Commissioner Duford inquired about alcoholic beverage purchases in the claims. Assistant City Clerk Kala Parker advised that Papa Don's had continued to have catered engagements at the facility until their contract expired at the end of February. The motion carried unanimously.

**MONTANA DEPARTMENT OF REVENUE – ON PREMISES CONSUMPTION BEER LICENSE NO. 15-860-3769-101 – HIGH PLAINS PIZZA, INC. (PIZZA HUT) – SHAREHOLDERS INCREASE OVER 10%: W. KENT COLVIN, MICHAEL L. COLVIN, GREGORY K. COLVIN:** Commissioner Lies moved to approve the on premises consumption beer license no. 15-860-3769-101 for High Plains Pizza, Inc. Commissioner Campbell seconded the motion. The motion carried unanimously.

**LIFESAVING AWARDS:** Police Chief Doug Chase informed the Commission he wished to acknowledge several officers from the City of Polson Police Department, the Tribal Police, and the Montana Highway Patrol for the outstanding efforts in recent weeks. Polson Police Officer Christopher Wright and Highway Patrol Officer Tim Proctor both responded to an ambulance call they were not summoned to, and due to their close proximity were able to begin giving CPR before paramedics arrived. Polson Ambulance Manager Eric Henslin had expressed his appreciation for their extraordinary efforts to help the victim. Northwest Detachment Commander Captain Clancey King and Montana Highway Patrol Sergeant Randy Owens presented Trooper Proctor with a Certificate of Commendation and thanked him for his service. Assistant Police Chief Stevens presented Officer Wright with a Certificate of Commendation and thanked him

for his service as well. Police Chief Chase went on to recount two incidents on the Armed Forces Memorial Bridge. The first incident had involved a young woman who had been standing on the outside of the railing of the bridge. Officers had blocked off the bridge, with Assistant Police Chief John Stevens and Officer Christopher Wright approaching her on each side. They were able to retrieve her and pull her back to safety without incident. City Manager Crossett presented both officers with a Certificate of Commendation and a Police Medal for life saving. Police Chief Doug Chase mentioned the Fire Department had also responded quickly and prepared for a water rescue if the woman had jumped. Ten days later a man had jumped from the bridge in 36-degree weather. Tribal Officers Orsino Walker and Police Sergeant Wade Nash had both waded in shoulder depth to pull the unconscious man from the water. Fire rescue Kraig Rubel had followed closely behind with ice rescue equipment to aid the officers. After the victim had been rescued from the frigid waters, Assistant Police Chief Stevens had begun CPR. Polson Ambulance then rushed the man to St. Joseph's where he began his recovery. Assistant Police Chief Stevens presented Sergeant Nash with a Certificate of Commendation and Police Medal for live saving. Tribal Police Chief Craige Couture and Captain Louie Fiddler presented Tribal Officer Walker with a Certificate of Commendation and Police Medal for life saving. Chief Couture accepted a Certificate of Commendation for assisting Sergeant Nash and Officer Walker with the rescue on behalf of Tribal Officer Tim McClure who was unable to attend. City Manager Crossett presented Assistant Police Chief Stevens with a Certificate of Commendation, a Police Medal for life saving, and a meritorious service bar. Police Chief Chase expressed great pride and explained that this was a prime example of the kind of emergency services in Lake County, where all departments worked hand in glove. He explained that the entire emergency services had come together, and he wished to thank all of them, as well as the Officers, their families, and the public for their support. Assistant Police Chief Stevens added that Police Chief Chase had also gone into the water that day, and they wished to thank him as well. City Manager Crossett presented Police Chief Chase with a Certificate of Merit and Meritorious Service Bar.

**ISSUES REGARDING THE GOLF COURSE AND THE GOLF BOARD:** Murat Kalinyaprak explained that he wished to prepare a package for the Commission and would like to hold one or more workshop to discuss and decide what action to take for the golf course and golf board. Mayor DeVries asked for clarification on what the workshop would be covering. She thought most of the issues in the items Mr. Kalinyaprak was presenting should be looked over by the Golf Board. Commissioner Duford expressed that she was in favor of a workshop, and felt it would be beneficial to discuss the number of things presented. She opined that it would be difficult to vote without a broader discussion. Mayor DeVries explained that there were many things happening and golf course issues were not necessarily the top priority for the Commission to devote to a work session. She felt the Commission should set a precedent for how they schedule work sessions, how often, and on what issues. She was not comfortable scheduling a golf course work session at this time. Commissioner Campbell felt the success of a workshop would depend on those are involved, and he felt the golf board should be involved in any golf course related issues. **Commissioner Duford moved to schedule a workshop to discuss issues regarding the golf course and golf**

**board, involving Mr. Kalinyaprak, the Golf Board, and the Commission. The motion died for lack of a second.**

**REPLACE ANY OR ALL OF THE CURRENT GOLF BOARD:** Murat Kalinyaprak informed the Commission that he had been attending Golf Board meetings since 2005, after which they became the first board to set a time limit on public comments. He felt that it quickly became apparent they did not like to hear the facts he was exposing. The Golf Board did not exist in its current state until 2008 when the PGA had dissolved. City Attorney Raymond explained the Polson Golf Association had dissolved and the Charter had covered the existence of the Golf Board. Murat Kalinyaprak felt that certain people were vying to retain and increase their power through actions of reappointment. There had been close to 23 different members in the last several years, and he felt that was an indicator of a dysfunctional board. He also felt that the golf board not scheduling meetings for several months throughout the winter was a violation of the Ordinance, which described the duties of the board. He added that some meetings had even been cancelled during peak season. He explained that he wished to find out why there were problems and what was wrong with the Golf Board. In the past the Council had acted on persons who had missed excessive meetings in the past. He felt that not scheduling the meetings was a way to undermine the ordinance and allow certain people to not fulfill their duties and attending regular meetings. He questioned who had the power to do what in regards to boards. He told the Commissioners at the last Golf Board meeting he had attended he had noticed a difference in the minutes provided prior to the meeting and those that were being approved. When he had pointed this out to the Golf Board they had told him he only could make comments during the public comment portion of the meeting and could not make changes to the minutes. He felt he had the right to say if they were not the same. He explained that he was asking the Commissioners to enforce the rule that limits missing board meetings to three times before being excused from their seat. He accused the Golf Board of existing for its own purposes, not the public's and alienated members that did wish to listen to the public. Mayor DeVries pointed out that the ordinance regarding the Golf Board did not require monthly meetings, and she did not see that they were in any violation of the ordinance. She added that she had met with several members of the Golf Board, including Dave Sheesley, and they had impressed her. City Manager Crossett informed the Commission that there were two vacancies on the Golf Board, which were currently being advertised. He had also attended the majority of Golf Board meetings since he taken the position as City Manager, and in his experience the public had been allowed to speak freely at Golf Board meetings. He also felt that the Golf Board ordinance had implied that after three unexcused absences a member could be dismissed. He agreed that the Golf Board needed help, as any board must be engaged and feel relevant. He felt that it was important to work on communication with the Golf Board and reengaging the members. He expressed that Dave Sheesly had been great to work with and he had been in contact with him at least once a week. He felt that there was an opportunity to have a very successful advisory board if they got on the right track, and he cautioned the Commission about dismissing the board or any of the members. He recommended the Commissioners appoint members to the vacant seats, and move forward and see where the Board is at the end of the summer and see if there is a problem remaining. Mayor DeVries agreed that if one of the

concerns were about the quick member turn over, dismissing the members would only make things worse. Commissioner Campbell noted that most of the boards only hold meetings when there is business to discuss, including the City County/Planning Board, which he serves on. He agreed the Golf Board could be fixed without eliminating the current members. Mayor DeVries agreed as well, adding that there was a great opportunity with the City now being responsible for running the golf course restaurant, especially now that they were under steady leadership by a permanent City Manager. Murat Kalinyaprak expressed that it was difficult to acknowledge the problems, and he wondered why the board vacancy since September had not been filled. He told the Commissioners that all he heard were excuses being made for people on that board doing the job they volunteered to do. He said there was a ghost board preventing other members of the public from volunteering their help, and he felt that was not right. He pointed out that all of the minutes were not readily available. City Manager Crossett advised that there had been some inconsistencies with minutes from the golf board, but he advised them that it was the board's responsibility to take minutes and they would need to appoint a secretary and provide those minutes. Mayor DeVries expressed that she would like all of the various boards minutes available on the website. **The issue died for lack of a motion.**

**QUESTION ROUNDS PLAYED STATISTICS AND PROPOSE MEASURES FOR ACCURATE ACCOUNTING AND STATISTICS:** Murat Kalinyaprak explained that at first glance, the numbers seemed fine. However, on closer inspection, the number of pass holders had been declining year by year, and according to Roger Wallace's numbers the rounds played by pass holders had remained at 7%. Mayor DeVries replied that those numbers did not surprise her; she guessed that in the current economy those pass holders who played very little had stopped buying them, while those that played more continued to purchase them. She pointed out that at a time where other golf courses are suffering losses, Polson's municipal golf course had continued to make a profit. He felt the percentage was distorted by the formula Roger Wallace was using to get his numbers from the sign in sheets on the course. He multiplied the number of pass holders signed in by 2, to cover people that forgot or just did not sign in. He did not feel that estimate was accurate. George Mahoney commented that sometimes members forget to sign in, they're human. And many times when the men's and women's leagues played, the members don't sign in. Mayor DeVries opined that the formula was Roger Wallace's best guess, and he had many years of experience at the Polson golf course. City Manager Crossett advised that estimating the numbers was necessary due to the nature of the course. Because of the golf course layout and hours, at least two starters would need to be employed for each of the two start locations at a cost of roughly \$7,000/month. He felt that the course would have to be losing great sums of money to justify the cost of those additional employees. He added that other courses have a similar practice, except those that were very large and those were membership dues were very expensive. Mayor DeVries noted that there was not a difference in the revenue regardless of the numbers, since pass holders could play as often as they wanted. She added that Polson's course was one of the lowest priced courses. Murat Kalinyaprak commented that the number of rounds played per year set up the budget for a course, and they also established the rating of the course. He felt they should be accurate. George Mahoney commented that people

don't care how many rounds are played per year at a course; they care about the quality of the course and being able to get in and play. Murat Kalinyaprak commented that the number of rounds played affected those eligible to apply for the golf pro position, and he felt that there was no way to know what the actual statistics for the course were with the current bookkeeping records. Mayor DeVries directed attention to Mr. Kalinyaprak's suggestion that there be a web cam in the pro shop, and advised that she would not support putting a web cam in the pro shop above the register. She thought security cameras were a possibility, but she didn't feel they were necessary. She pointed out the financial records were kept track of carefully and audited every year by an outside auditor. Adding that the City acted on any suggestions the auditor gave in regards to the course. City Manager Crossett felt that placing a web cam or security cameras would have a negative impact on the staff. He explained that if anyone had evidence of illegal activities the City would investigate it and take appropriate action. However, without something substantial to tell them there was a problem, he felt the cost of the cameras as well as the cost for an employee or outside contractor to view the tapes was a tremendous expense with no compelling evidence for it. Murat Kalinyaprak questioned how they would know if money was being taken from the drawer without the video. City Manager Crossett explained there was always risk. He felt the employees at the pro shop held sought after positions, and he didn't suspect them of putting their positions at risk for till money. He added that he couldn't know if they would, but he felt they couldn't justify the expense of investigating without causality first. Murat Kalinyaprak asked if they didn't care about ethics or ideals. He asked if there were no burglaries in a month, was the cost of the police department a waste. He requested the Commission have a meeting to see what has been accomplished on the project list that was put together in 2005 and also to examine the finances. **The issue died for lack of a motion.**

**AMMEND ORDINANCE #523 TO ALLOW 20 YEAR REBATE PERIOD (CURRENTLY 15 EYARS):** City Attorney James Raymond advised that this amendment would extend the period developers could be paid a rebate for additional hookups to lines they had paid to extend, and it would also make the developer responsible for informing the City when a property requires the rebate. **Commissioner Lies moved to approve the first reading of the amendment to Ordinance #523 to allow a 20 year rebate period, the responsibility of which would be up to the developers to police. Commissioner Funke seconded the motion. The motion carried with 4 in favor, Commissioner Campbell opposed.**

**URGENT/EMERGENCY MORATORIUM ON MEDICAL MARIJUANA ORDINANCE:** City Manager Todd Crossett and City Attorney James Raymond advised that because the voters approved the medical marijuana act, the City could not go against the law. However, the City had the authority to zone for the facilities. The moratorium on the facilities would be temporary so that the issue could be addressed and zoned properly in the Polson Development Code rewrite, which was currently underway. He added there would be a public hearing held at the next City Commission meeting and a vote would follow. Commissioner Campbell asked if there had been any issues or complaints with any existing facilities. City Attorney Raymond replied that the City had not received any applications for the facilities. Commissioner Campbell advised that he

had found four, but he wondered if there had been any problems related to them or robberies. He expressed that it was a very serious issue, and most facilities would be out of homes and were generally low profile. City Manager Crossett advised that he was not aware of issues related to medical marijuana within the City. Commissioner Campbell noted that the store type facilities could require a special use permit, which would bring them before the appropriate boards before they were approved. City Attorney Raymond noted that the other municipalities had dealt with it in different ways, but their primary concern was the interim issue before the PDC was approved to cover the facilities within the City. George Mahoney commented that his concern was in residential areas, as a neighbor he would not like a shop that could have people coming and going at all hours. Police Chief Doug Chase advised that there was statewide concern over the proliferation of the storefront shops. He was not concerned with the new law, but he was concerned about the locations and the contents on premises. Commissioner Campbell expressed concern for those with legal permits and legitimate health needs for the substance. He did not want to turn those who were following the law into criminals within the City. Commissioner Duford noted that within their literature there had been many positive aspects of the medical marijuana, and felt they needed a balanced law to cover it.

**CITY MANAGER COMMENTS:** City Manager Crossett informed the Commission that Water & Sewer Superintendent Porrazzo and himself had traveled to Manhattan, MT to observe another MBR wastewater treatment facility. He advised that it had been very helpful as the engineer who designed the system was also the currently the systems operator. He added that the facility was essentially what they were looking for. He told the Commission that the pro shops numbers were in for February, and they were looking very good. They were crediting the good weather to allow for an early season. The water line replacement on Main Street had begun earlier that day, beginning at the highway. They had hoped to coincide the streetscape project with the water line replacement, however the engineering had suffered setbacks and they would not meet the deadlines they had set for spring. They may not be able to begin that project until fall to avoid the time period the downtown businesses wished to avoid construction. He added they were proceeding as fast as they could. Commissioner Campbell asked if they would be paving over the waterline replacement. City Manager Crossett advised that they would be using compressed gravel and the de-icer magnesium chloride to stabilize the gravel. He explained that accurate asphalt costs for the season were not yet available, and that they wished to avoid the cost of paving the area twice. He advised that the Street Department would be keeping the street well swept to limit dust until the Streetscape project began. Commissioner Campbell agreed that using the compressed gravel rather than repaving was preferable.

City Manager Crossett advised that they were waiting for details on the TIGR Grant project distribution, and they would have 2 ½ years to commit the project funds. He explained that the Skyline project would be the priority and that it would be important to tie stormwater engineering for that project into the engineering for the City's new stormwater system.

There had been a Rural Fire Stake holder's meeting, he advised that, in order to accommodate the Rural Board, who all wanted to participate, that the meetings would be held under "Open Meeting Law", and that they City Clerk's would be keeping action

minutes of the meeting. He felt they were making real progress and would be meeting again March 24<sup>th</sup> at 7:00 p.m.

He directed attention to a survey of minute taking Assistant City Clerk Kala Parker had taken of other municipalities in Montana. There were no responding City's that took verbatim minutes, and Polson was right at the top for taking detailed minutes and keeping permanent recordings.

He advised that the clubhouse at the golf course would be entirely repainted on the outside, including the deck.

He informed the Commission Polson had received a \$20,000 recycling grant to put recycling bins in the City parks as well as City Hall. The County had also received the grant, and they would be partnering with the City, the School District, and the Chamber of Commerce. He advised that they would not be able to provide curbside service, but this was a good start. He was very encouraged by the level of commitment by the entities involved and their willingness to work together. He added that they were waiting to hear if they awarded the energy efficiency grant.

He advised the Commissioner that he had sent out the City's appropriation requests to our congressional representatives. He expressed gratitude for the effort Building Inspector Ron Melvin, Administrative Assistant Ardrene Sarracino, and Water & Sewer Superintendent Tony Porrazzo had put into putting the request together. Requests included funding for projects which include 4<sup>th</sup> Avenue, stormwater and the new wastewater treatment facility.

**PUBLIC COMMENT ON MATTERS OF SIGNIFICANT INTEREST TO THE PUBLIC NOT ON THE AGENDA:** Mayor DeVries noted that she had received compliments on the golf course offering payment plans for passes.

Murat Kalinyaprak asked if anyone had been enforcing the name of the golf course. He commented that he wished the Commissioners could have seen the domino affect the actions of the golf board had caused and the decline in membership. He commented that people had lost their feeling of belonging to the golf course. He expressed that things may get better, but he felt the Commission was sweeping things under the rug.

George Mahoney commented that there was a group of over 50 golfers called the Mulligans, which met monthly and also would like to give input for the golf course.

**The meeting adjourned at 9:05 p.m.**

---

**Mayor Pat DeVries**

---

**Attest: Assistant City Clerk Kala Parker**