

**POLSON CITY COMMISSION MEETING MINUTES
CITY HALL – CITY COMMISSION CHAMBERS
MONDAY, MAY 6, 2013**

ATTENDANCE: City Commissioners: Todd Erickson, John Campbell, Stephen Turner, Mike Lies, Dan Morrison, Fred Funke and Mayor Pat DeVries presiding. Interim City Manager TBD, City Attorney James Raymond, Human Resource Director Ardrene Sarracino, City Treasurer Bonnie Manicke, Building Inspector Mike Howke, Water & Sewer Superintendent Tony Porrazzo, City Engineer Shari Johnson, Street Superintendent Terry Gembala. Others present (signed in) Rory Horning, Dr. John Peregoy, Jack Hane, Michael Brant, Jill Southerland, Andrew Speer, Elsa Duford, Gil Mangels, Carol Daniels, Pete Daniels, Meile Peirce, David Venters, Darinda Huntley, Heather Knutson and Diane Speer; (not signed in) Dorene Parise, Ken Avison, Margie Hendricks, Murat Kalinyaprak, Lee Manicke, David Beners.

Mayor Pat DeVries called the meeting to order (01:19.97). The pledge of allegiance was recited.

APPROVAL OF PROPOSED AGENDA: (01:49.91) Commissioner Funke moved to accept the proposed agenda, seconded by Commissioner Morrison. Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

CONSENT AGENDA:

A. APRIL 11 – April 30 CLAIMS

Commissioner Campbell moved to approve the consent agenda for April 11-30 claims, seconded by Commissioner Lies. (02:13.08) Commission discussion: None. Public discussion: Bob Fulton asks a question regarding the total taxpayer exposure pertains to the Todd Crossett lawsuit; Mayor DeVries defers to Attorney Raymond, then proceeds to answer. Mr. Fulton proceeds with another question regarding the total of the lawsuit; Attorney Raymond stated the settlement would become public information as soon as the particulars are discussed with the Commission. Mayor DeVries states the settlement statement will become public after the discussion is had. **Motion carried unanimously.**

COMMISSION MEETING MINUTES APRIL 15, 2013: (04:20.62) Commissioner Lies states he has read the minutes and did not find any mistakes. **Commissioner Lies moves to approve the commission meeting minutes of April 15, 2012, seconded by Commissioner Funke.** Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

NOTE FROM MAYOR: (04:48.49) City Clerk Dooley and Deputy Clerk Pritt are currently in Billings at school for the entire week.

ANNOUNCEMENT OF CLEAN-UP GREEN-UP DAY EVENT MAY 18, 2013: (05:07.69) Dorene Parise is with the Envision Polson Beautification Committee. Miss Parise states that the cleanup will coincide with the City of Polson cleanup and will start at 9am, with a volunteer welcoming committee and a check in and out roster. Community “Hot Spots” will have a heavy concentration of cleanup and the City Commission is challenged to have a team of supporters for their Ward, with the winning award Commissioner listed on the plaque hung in the Chambers. Miss Parise states that Commissioner Campbell has won this award two consecutive years and challenges the Commission to change this. All registered volunteers will be entered in a drawing for prizes from local businesses, it was also expressed that everyone’s involvement in the event

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is greatly appreciated. Question from Commissioner Erickson regarding having a large waste disposal bin. The answer is yes there will be a bin and coffee and cookies will also be available. Mayor DeVries thanks Miss Parise for organizing this event and prays for sunny skies.

APPROVE WAIVER OF OPEN CONTAINER LAW AND EXTEND CURFEW FOR FESTIVALS ON THE FLATHEAD BLUES FESTIVAL ON AUGUST 16, 17, AND 18, 2013: (08:13.86) David Venter passes a flyer around with the new logo and mentioned that the festival has been moved to August, because of the unpredictable weather and other family functions in July. The objective is to bring more people into town to help build tourism in the summer months. This year the festival will be after the Car Show and after other similar festivals in Billings and Libby; Mr. Venter is hoping to capitalize on the RV and camping tourists from the preceding events. The event has also been expanded to two days and has been shown to be successful in Libby, because most people enjoy camping for more than one night. Mr. Venter asks for approval for the event; to start setting up on Thursday afternoon; extend the end time an hour, to midnight for a jam session on Saturday; and he also requests to have some praise and worship music on Sunday in the morning before they completely shut down. Mr. Venter also mentioned the Triathlon taking place on Saturday and expects the participants will like a venue to go to after their event; the festival will be providing discount tickets to these folks with proof of participation. The ~~Lenses~~ Lentz's will be providing their land south of Riverside Park for camping during this event, this will provide a close walking distance to the venue. Terracing of the hill is on hold until the Salish Point Committee works on other priorities; this will more likely happen when the road project starts. Question from Commissioner Campbell regarding fire works and lighting them. Mr. Venter stated the Festival Committee does not plan on setting off any fireworks at this event. Vendors will also be handled differently, no more vendor fees; they will just have to buy a festival pass. There will be food and craft vendors and eight bands, with some being local. One of the most important things Mr. Venter wanted to state is the sponsoring of an instrument raffle giveaway as part of the festival for the high schools in the area, with three instruments already donated and maybe a fourth to come. The band teachers will be asked to nominate or select a student who needs an instrument. Commissioner Erickson asks Parks Director Sargeant if letting the festival setup on Thursday afternoon is a problem, she states that this it is not a problem. Mr. Venter mentioned that volunteers, not vendors, would sell beer and wine this year. Mr. Venter asked for the use of park tables, the grassy area on the east side of the venue spot for volunteer parking and that this area be closed to the public; as well as Kootenai Avenue being closed again. Question from Commissioner Erickson regarding traffic control and parking, Mr. Venter stated that he did not think it would be necessary because of the downtown location; he also stated that port-a-potties will be on site. **Commissioner Morrison moved to approve the waiver of the open container law and extend the curfew, seconded by Commissioner Funke.** Commission discussion: See above. Public discussion: None. **Motion carried unanimously.**

APPROVAL OF PLEDGED SECURITIES FOR PUBLIC FUNDS DEPOSITS IN EXCESS OF \$250,000 FDIC INSURANCE: (19:36.39) Treasurer Bonnie Manicke stated that this is a house keeping item. The City has pledge monies from Glacier Bank and 1st Citizens Bank. Pledging is in compliance with the MCA deposit security, with a copy for the Commissions review provided. **Commissioner Lies moved to approve the pledged securities,**

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seconded by Commissioner Campbell. Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

APPROVAL OF PUBLIC FUNDS INVESTMENT: \$1,000,000; TERM: APPROX. 18 MONTHS; .65% APY; FIRST CITIZENS BANK (Comparative rates: State of Montana Investment Pool (STIP) .2972%; 1 year US Treasury Bill .12%; 2 year Treasury Bill .24%; Glacier Bank Repurchase Agreement .30%; Out of State CD .55%): (23:24.39) Treasurer Bonnie Manicke received bids for settlement on April 18, 2013, with a maturity date of October 22, 2014. Bidding is close for the two financial institutions and Treasurer Manicke has compared out of state CD's as well. FDIC investments have been looked into and the City is doing the best that is can in these economic times. Commissioner Campbell asked Treasurer Manicke if she feels that the City is investing too heavy at one Bank, Treasurer Manicke stated that the City is heavy at Glacier Bank because there are no other financial institutions that are willing to take the public funds. Treasurer Manicke stated that the treasury bonds are real low. **Commissioner Lies moved to approve the public funds investment, seconded by Commissioner Campbell.** Commission discussion: See above. Public discussion: None. **Motion carried unanimously.**

INFORMATION ON DIVERSITY TRAINING CLASS ON MAY 22, 2013: (29:26.07) Dr. John Peregoy a volunteer with the Polson Heart and Soul Project and has secured funding for Diversity training at the KwaTaqNuk Resort Casino, from the Horton Foundation. There are thirty slots and Dr. Peregoy is offering eight to the City, in the hopes to have four Commissioners and four City employees attend. Professor Brian McNeil from the University of Washington will be conducting the training with the assistance of Dr. Peregoy. There is no cost to the City, just their time and registration, due by May 14. Citizen Jack Hanes' made a statement regarding diversity training and how it changes people's ideas.

APPROVAL RESOLUTION NO. 1044 ADOPTING BY REFERENCE THE MONTANA LOCAL GOVERNMENT RECORDS RETENTION SCHEDULE: (33:46.97) Attorney James Raymond states that record retention is really an administrative issue with some legal regarding personnel. Essentially the City is basically adopting the Montana retention schedules and guidelines. Attorney Raymond recommends an amendment after Exhibit A, which would read similar to '...as the same may now exist or may later be amended'. Question from Karen Sargeant asking if these are the first steps in getting rid of some of the old documents stored upstairs at City Hall. The answer from Attorney Raymond was yes. Question from Commissioner Erickson regarding electronic storage and if it is included in the Montana schedule. Attorney Raymond reads the definition from the schedule stating that these devices are included. Statement from Rory Horning, he is hoping that all the old documents will be saved electronically for history's sake. Question from Elsa Duford asking if there will be a committee to determine what will be disposed of or donated. Answer from Parks Director Sargeant and Mayor DeVries, stating that the state of Montana has determined what should be kept or destroyed and for how long; the next step will be to determine who will undertake the responsibility of this endeavor. Statement from Treasurer Manicke regarding the archival books, she states that these books should be given to the museums and not destroyed; she also mentioned the fire truck bonds that she believes should go to Fire Chief Fairchild for the museum. Mayor DeVries agreed that some of the books should be preserved and donated to the museum, put on display at City Hall or the Library. Commissioner Campbell reminds everyone

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of the time he confiscated the first ledgers from a dump truck that was on its way to the dump and are now on display at the museum. Parks Director Sargeant also agrees that an organized effort is important, to preserve as well as discard old documents. Jack Hanes' made a statement regarding the importance of history. Statement from Gil Mangels, challenging the Commission to visit the museum, he also reads from an old Montana document and made statements regarding his political views. Margie Hendrick stated that she agrees with Elsa Dufords' suggestion regarding a committee and thinks it should be considered. Murat Kalinyaprak stated that he is interested in any of the documents and that none of the documents should be thrown away. Superintendent Porrizzo reiterates the statement that Director Sargeant made regarding condensing documents not destroying them. Commissioner Campbell stated that there is a weight load issue where the documents are currently stored. Attorney Raymond stated according to the retention schedule, just because the documents can be destroyed does not mean it has to be; also approvals have to be sought for some items before they can even be considered for destruction. **Commissioner Morrison moved to approve the records retention schedule with Attorney Raymonds' recommendations, seconded by Commissioner Turner.** Commission discussion: See above. Public discussion: See above. **Motion carried unanimously.**

AWARD PHASE I CONTRACT (LIMITED SCOPE) FOR REMOVAL OF EXISTING CRIB PRIOR TO HIGH WATER ON WEST PIER REHAB PROJECT TO MCCRUMB CONSTRUCTION BASED ON RECOMMEDATION FROM THE POLSON REDEVELOPMENT AGENCY (PRA): (54:00) Chairman Ken Avison thanks the Commissioners for their support and states that this project is a design build project. The Committee is in negotiations with the contractor and the next meeting is 1pm this coming Wednesday; this evening is mainly to ask for the award of Phase I to McCrumb Construction. This phase will be the removal of cribbing of the west pier before high water sets in. Mayor DeVries states that monies for this project are coming from funds that have already been collected from the TIF district; the sum of \$125,000.00 has already been collected. Engineer Shari Johnson states that this phase is to start with the removal of the cribs, then test pilings and buoys will be installed for safety. These pilings will help with the assessment of the soil conditions and what the bearing for the pilings will be; which will affect Phase II. The phased approach is important in order to properly learn what needs to be done at each phase and what obstacles will need to be dealt with as they appear. Commissioner Turner asked that the removal process be described. Engineer Johnson states that the removal will occur below the high water mark about two to three feet, the Tribe will gradually remove sections in the future to allow water to flow through. Some of the crib structure beneath the water is in good condition, the parts that are in bad condition need to be taken care of before high water occurs or there will be a major debris issue. Commissioner Campbell asked if they plan on removing some areas after the dock is finished. Engineer Johnson states yes they are. Director Sargeant clarifies that the Committee has spoken to Shoreline Protection and they have asked and required that there be a pass-through where the water can flow. Commissioner Erickson asks if erosion will be a factor with the removal of the crib structure and if a soil analysis has been done, because of the high clay content in the area. Engineer Johnson states that erosion will be an issue, but all the pertinent groups have been contacted and are being worked with; the soil analysis was done for piling and bearing; but Engineer Johnson was not involved with any of the soil erosion analysis. Director Sargeant states that the beach area at the west pier was placed there purposely because of potential erosion issues, the east does have erosion issues but the design was changed to

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compensate for this situation; this is part of the experiment as well as the flow through design, this was demanded by Shoreline Protection. Question from Gil Mangels asking how the City will handle cost over runs, if there are any guarantees and will there be bids. Engineer Johnson states she is aware of the potential of cost over runs and that there will be bids to help to determine that the project is within a relative amount and is within budget; the only risk she sees at this point is the \$15,000 to get this phase completed. There will be a point when the final design will be completed and the amount will be fixed and locked in. **Commissioner Morrison moved to approve Phase I, seconded by Commissioner Funke.** Commission discussion: See above. Public discussion: See above. **Motion carried unanimously.**

AUTHORIZE TRANSFER OF \$15,000 FROM THE TAX INCREMENT FINANCE FUND TO THE WEST PIER REHAB PROJECT CONSTRUCTION FUND FOR PHASE I CONTRACT PER RECOMMENDATION FROM THE PRA: (1:03:29.46) Commissioner Campbell states for the last one hundred years the name has been the Polson City Dock and asks why the name is not the same. Attorney Raymond states the name was only to distinguish between the east and west docks and that the Salish Committee can be approached to confirm that the name will remain the same. Murat Kalinyaprak states that he wishes that a conversation was had, similar to what is happening now, before the bridge was named the 'Armed Forces Memorial Bridge'. **Commissioner Morrison moved to approve the transfer of funds, seconded by Commissioner Campbell.** Commission discussion: See above. Public discussion: See above. **Motion carried unanimously.**

APPROVE APPOINTMENT OF ACTING CITY MANAGER OR SET TIMETABLE FOR APPROVAL OF APPOINTMENT: (1:06:49.96) Mayor DeVries states that there are three applicants for the Interim City Manager position; Dale Gallespie, Ron Melvin and Karen Sargeant. Mayor DeVries states that the decision regarding the next steps to be taken are wide open for discussion and asks for comments. Commissioner Campbell asks Karen Sargeant if she is willing to relieve or give up some of her obligations if she takes this position. Mrs. Sargeant states that anything is negotiable and there are job duties that can be handed over without a problem. Fire Chief Fairchild states, the department is busier this year than last and if he was asked if he can do without Mrs. Sargeant, his answer would be, no! Chief Fairchild did say the department would make due and that it is difficult to replace a critical position such as an engineer. Mrs. Sargeant comments that she put her letter of interest in because this is a critical time with many projects underway, budget pending as well as the search for a city manager; she also states that it is very important to keep the momentum going. Mrs. Sargeant has the utmost confidence in the staff as well as department heads. Commissioner Campbell restates the fact that the job will be Mrs. Sargeant number one priority for the next ninety days. Mrs. Sargeant concurs. Superintendent Porrazzo gives his support for Mrs. Sargeant and speaks on behalf of other department heads with full support. Commissioner Campbell states his support for Mrs. Sargeant in this position. Commissioner Lies states, he believes Dale Gallespie is more qualified for this position. Commissioner Campbell states that Mrs. Sargeant is already familiar with the inner working of the City, is familiar with existing employees and does not need to be caught up to speed on most projects. Superintendent Porrazzo suggests that the commission pitch in and help in any way possible to make this a successful transition. Andrew Speers adds that the advertisement was limited to the City boundaries only, which limited the applicant pool; he also states that he believed Mrs. Sargeant has too heavy a workload. Murat Kalinyaprak questions the

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pay for this interim position and whether it is legal to hire someone to do two full time jobs. Bob Fulton asks what ‘incompatibility of the job’ means. Mayor DeVries was not aware of the meaning. Murat Kalinyaprak suggests the City Attorney answer the question. Attorney Raymond states, ‘It is not wise for you to instruct me to answer questions on the record.’ Murat Kalinyaprak suggests the answer be given off the record. Bob Fulton suggests that the Commission is working with an Ordinance that is not understood. Elsa Duford suggests more time is needed to appoint an Interim City Manager and more collaboration is needed. Ken Avison states that there is a need for leadership and the sooner this is done the better the organization will be. Commissioner Lies suggests setting the salary before a vote is taken. Commissioner Campbell states that multiple jobs are the norm for a small town and are doable; he believes that this scenario is the Cities best bet. Mayor DeVries states, if there is no City Manager the only way a decision can be made is by emergency meetings for every situation that requires a decision. Micheale Brant asked if the meeting to discuss the merits of all the applicants has happened. Mayor DeVries states that she believes all the Commissioners know the applicants well enough to make an educated decision. Elsa Duford asks if the applicant’s letters are available for public viewing. Mayor DeVries states that she imagines they are. Mayor DeVries states, the deadline was very tight, because it is important to know where the City is headed, it is important to act on the situation as soon as possible and that the request for letters of interest was advertised as soon as it was learned that the position was vacant. Terry Gembala asks if the other two applicants were present. The other two applicants were not present. Gil Mangels states that the applicants had to live in City limits and he pays taxes in the City and lives in the County, he is not sure that is fair. Mr. Mangels states that he would do the job for free and wonders if Mrs. Sargeant would do the same. Elsa Duford states that the salary information has not been shared. Mayor DeVries comments that the salary will be negotiated. Murat Kalinyaprak reminds the Commission of the \$1.00 wage Attorney Raymond took for doing the job in years past and suggests that the negotiations take place in public. After the final vote Attorney Raymond asked to be excused. **Commissioner Morrison moved to approve the appointment of acting city manager, seconded by Commissioner Turner.** Commission discussion: See above. Public discussion: See above. **Motion carried, five in favor with Commissioner Lies voting against, stating Gallespie is more qualified.**

PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA: (1:01:42.88) Lee Manicke thanks the Street Department for the work done in the alley the previous week as well as the trailers the Police Department has started to clean up. Mayor DeVries states, if anyone knows of any trailers parked illegally, please let the Police Department know; if there are any problems, concerns or complaints about this ordinance they should come to a Commission meeting. Superintendent Terry Gembala informs the Commission that on Skyline between Claffey and JB Drive there is a sixty-foot easement, this will become a temporary road for through traffic, because of the closed road. Superintendent Gembala states that he has spoke to as many residence as he could to let them know of this situation and if there are problems or questions to please contact him. Commissioner Campbell acknowledged Bill Smith for his initiative in taking training from Doug Morigeau, who volunteered his time and knowledge to help better Mr. Smiths’ skills. David Berners asked about the footpath timeline under the bridge. Engineer Johnson states that the timeline is part of the design process and that the City has requested that it be completed as soon as possible for utilization; at this time it is scheduled to start in October and will start sooner if possible. Commissioner Campbell asks

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about the warranty work for Main Street and the timeline. Engineer Johnson is not happy with the contractors and has called them regarding the needed fixes; she states there is a letter of commitment and the City has held retainage money. Commissioner Campbell suggests a deadline date be placed on the completion of the needed fixes. Engineer Johnson agrees.

RECESSED: 9:05 P.M.

EXECUTIVE SESSION

CLOSED SESSION – LITIGATION & PERSONNEL: Mayor DeVries brought the executive session to order. Matters of litigation and personnel were discussed. Mayor DeVries re-opened the meeting and their being no further business; the meeting was adjourned.

ADJOURN:

Mayor Pat DeVries

Attest: Ardrene Sarracino, Human Resource Director

Attest: James Raymond, Raymond Law Offices, PLLC, City Attorney